



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Council

15 July 2021

Report of: Councillor Linda Wootten

Cabinet Member for Corporate
Governance



Removal of allocation and use of named substitutes

This report proposes the removal of the allocation and use of named substitutes to enable political groups greater flexibility in being represented on the Council's Committees.

Report Author

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Corporate Priority:	Decision type:	Wards:
Administrative	Administrative	All Wards

Reviewed by:	Shahin Ismail, Monitoring Officer	29 June 2021
Approved by:	Alan Robinson, Deputy Chief Executive	29 June 2021
Signed off by:	Councillor Linda Wootten, Cabinet Member for Corporate Governance	29 June 2021

Recommendation (s) to the decision maker (s)

1. That Council approves the proposal to remove the allocation and use of named substitutes for Committees and that the appointment of named substitutes made at the meeting of Council on 20 May 2021 be rescinded.

1 The Background to the Report

- 1.1 The Council's Constitution, under Article 4, Paragraph 4.2(iv), states that only Council may exercise the following functions:

"Agreeing and/or amending the terms of reference for Committees (including overview and scrutiny committees), deciding on their composition and making appointments to them including the appointments of Chairman and Vice-Chairman if not determined by the annual meeting and that no member be appointed in breach of the Constitution."
- 1.2 In agreeing membership of Committees, the Council specifically lists named substitutes who are able to act on that particular Committee in the event that an ordinary member of the Committee is unable to attend.
- 1.3 Article 9, paragraph 9.1.2, of the Constitution in relation to substitutions makes it clear in sub-section ii)a):

"That substitute members may attend meetings in that capacity only "to take the place of the ordinary member for whom they are a designated substitute".
- 1.4 As it is only Council which is able to make appointments to Committees, by also agreeing a list of named substitutes it formally designates those substitutes. This means that it is only those members designated as named substitutes by Council who are able to act as substitutes on each respective Committee.
- 1.5 In consultation with political group leaders, this does place an element of restriction on political groups when, due to unforeseen circumstances, an ordinary member and all named substitutes are unable to attend a specific meeting of a Committee. Rather than being able to call upon the wider membership of their political group, there have been occasions where the Council's Committees have had no choice but to meet with a reduced membership solely due to a political group leader not having the flexibility to appoint a member of their group as a substitute due to them having not been designated as a named substitute.
- 1.6 Reputationally for the Council it would be much more constructive to remove this limitation in order that a Committee's membership is at its fullest possible complement whenever it meets.
- 1.7 It is therefore proposed that the provision and allocation of named substitutes be removed, meaning that political group leaders have the flexibility to allocate any member of their political group as a substitute to replace an ordinary member at a meeting of a Committee, subject to mandatory training having taken place in respect of the Licensing Committee and Planning Committee.
- 1.8 No Constitutional amendments as a result of this proposition are required, it is solely the practice of political groups allocating named substitutes at the Council's Annual General Meeting as part of making appointments to Committees which would need to cease.
- 1.9 It is acknowledged that substitute members should be used by exception only and that any necessary paperwork or additional information in relation to a particular meeting should be passed on by the ordinary member unable to attend the meeting.

2 Consultation and Feedback Received, Including Overview and Scrutiny

2.1 Political Group Leaders have been consulted and are in support of the proposition.

3 Available Options Considered

3.1 Option 1 - To remove the allocation and use of named substitutes, as set out in the report.

3.2 Option 2 - To maintain the use of named substitutes.

4 Preferred Option

4.1 Option 1 - To remove the allocation and use of named substitutes.

5 Reasons for the Recommendation (s)

5.1 The proposition, as set out in the report, provides political groups with greater flexibility to maintain their allocation on Committees and ensure that meetings have better representation.

6 Next Steps – Communication and Implementation of the Decision

6.1 This decision will be effective immediately, meaning that political group leaders will no longer have to adhere to the list of named substitutes previously agreed at Council and have the freedom to appoint any member from within their group to act as a substitute, subject to the relevant training having been undertaken for the Licensing Committee and Planning Committee.

7 Financial Implications

7.1 There are no financial implications arising from this report.

Financial Implications reviewed by: Richard Wyles, Section 151 Officer

8 Legal and Governance Implications

8.1 Legal and governance implications are set out in the body of the report.

Legal Implications reviewed by: Shahin Ismail, Monitoring Officer

9 Equality and Safeguarding Implications

9.1 There are no equality or safeguarding implications arising from this report.

10 Risk and Mitigation

10.1 There is a risk of legal challenge should a member act as a substitute at a meeting having not been appointed as a named substitute by Council. The removal of the allocation and use of named substitutes removes this risk.

11 Community Safety Implications

11.1 Not applicable.

12 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?

Not applicable.