

**Constitutional Reporting – General Substitute Scheme**

**FULL COUNCIL**



<b>DATE</b>	<b>24/01/2024</b>
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**PURPOSE**

1. To consider a scheme to allow the appointment of substitute members to Committees other than the Executive.

**RECOMMENDATION**

2. To consider approval of a scheme to allow the appointment of substitute members to Committees other than the Executive, as set out in Appendix 1.
3. Subject to approval of 2. above, to approve the additions to the Constitution required, as set out in Appendix 2.

**REASONS FOR RECOMMENDATION**

4. To respond to a request from the Green Group members of the Executive to consider appointing substitute members to committees in order to maximise politically balanced attendance at meetings wherever possible.

**SUMMARY OF KEY POINTS**

5. In the course of the 2022/23 Municipal Year the Member Structures and Support Working Group (MSSWG) considered whether or not Full Council should be recommended to approve a substitute scheme to allow the appointment of substitute members to committees. Officers conducted research into arrangements in other local authorities and brought back a number of recommendations for consideration. MSSWG duly gave due consideration to the principle of using substitute members but concluded that it did not wish to progress the suggestion of a scheme any further at that time.
6. Members will recall that, following a request from the Green Group, Full Council approved the introduction of a limited substitution scheme related to disability at its meeting on 27 September 2023.

7. Following recent changes in membership of the Executive, a further request has come forward to consider the introduction of a substitute scheme in order to maximise politically balanced attendance at committee meetings wherever possible. Such a scheme would allow for substitute members on the Audit and Standards, Development Control, Licensing (including sub-committees) and Scrutiny Committees. Members are reminded that the Local Government Act 2000 does not allow substitutes on the Executive.
8. Officers researched arrangements that are in place in a number of other local authorities in order to identify the main factors for consideration in the preparation of a proposed draft scheme.
9. All Lancashire Councils were contacted directly about their arrangements. Of those that replied, two do not allow substitutes, two allow them by specified appointments at Appointments Council annually, and four allow more reactive substitutes on an ad hoc basis to be appointed by Groups.
10. A desktop review of arrangements at a number of randomly selected local authorities from elsewhere in the country also identified a variation in approach, reflecting the unique nature of each Local Authority.
11. In devising the proposed draft scheme officers considered a number of factors:

*a. Should approval of any substitution be by Full Council or by delegation elsewhere?*

Our research shows that some local authorities allow the appointed committee member or group to appoint substitutes, whereas a number of others agree committee substitutes at full Council at the start of the municipal year. This would align with Burnley's current arrangements for nominating and approving annual appointments and in-year changes to committee membership at Full Council.

In the proposed draft scheme Full Council is the only body which appoints committee substitutes at the Annual Meeting and any proposed in-year changes to the agreed substitutes must also be brought to Full Council for approval.

*b. Would a reason for the individual substitution be required?*

Under current arrangements, members who are unable to attend a meeting are currently expected to submit their apologies in advance. There is a general acceptance that they do so in good faith and there is no requirement for them to provide a specific reason, although they very often do so, whether it be to their Group Leader, to a fellow member and/or to Democracy.

From our research it appears that most local authorities do not require a reason to be given when a substantive member asks for a substitute member to attend on their behalf. We do not consider that this is helpful if arrangements are to be monitored and an assessment made of their fitness for purpose.

In the proposed draft scheme Full Council, where a substantive arranges for a substitute member to attend a meeting on their behalf, the substantive member should inform the Democracy team why they have done so. Attendance would continue to be recorded and there is provision on the Modern.Gov committee management system to record a member as 'present as substitute'. The additional

provision of a reason (not for publication) would allow the substitution arrangements to be monitored and any issues or patterns of concern to be raised with Group Leaders.

*c. What would be the notice period for a substitution?*

Under current arrangements, apologies for absence can be submitted by the member concerned up to any point before the start of the meeting or by a third party on their behalf at the meeting itself.

Research has shown a wide variety in approach in other authorities, ranging from notice of substitution required by 9:00am on the 4<sup>th</sup> working day before the meeting to no notice being required at all. In order for the substitute member to be able to contribute to informed and robust decision making, it would be important for them to have as much notice as possible so as to be able to prepare properly for their role at the meeting. The fact that substitute members will have access to meeting papers at the same time as substantive members should help in this regard. Early notification to Democracy would also help to reduce any last minute meeting preparation for officers such as accessibility arrangements, councillor name cards and named voting sheets.

The proposed draft scheme makes it clear that the substantive member would be responsible for arranging for the substitute member to attend a meeting and for notifying the Democracy Team and the Committee Chair, by 3:30pm on the day of the meeting, that the substitute member has agreed to attend so that the substitute member has sufficient time to prepare and that last minute meeting preparation for officers is minimised.

*d. What would be the appropriate number of substitutes for Burnley?*

Research has shown varying complexity in the approach in other authorities, including one substitute per member of each committee, the number of substitutes being proportionate to group size, and two substitutes per group appointed to each committee. It is rare for there to be more than two absences from any one group at any meeting in Burnley.

The proposed draft scheme adopts an approach that would be relatively simple to implement and maintain, less onerous for members and officers alike and provides for the nomination of two substitute members per group to each committee.

*e. Member training*

Our research has shown that the local authorities with substitution policies in place all require training of substitutes to the same level as appointed members. We consider that this should be a requirement of any scheme in Burnley.

The proposed draft scheme makes it clear that all substitute members must attend training to the same level as substantive committee members as part of the annual induction and ongoing member development programme. This includes in-year committee appropriate training sessions. This will enable them to play a full part in meetings and also contribute to succession planning for the future.

12. Officers consider that the proposed draft scheme contained in Appendix 1, which aligns closely with the recently approved scheme for members with a disability, could work successfully in Burnley and would be relatively simple to implement, administer and maintain, albeit that any scheme will inevitably have some impact on the workload of members and officers.

13. At the Member Structures and Support Working Group meeting on 11<sup>th</sup> January 2024 it was agreed that the proposed draft scheme should be presented to Full Council for Consideration on 24<sup>th</sup> January 2024.

#### 14. NEXT STEPS

Subject to approval of the recommendations in this report, the draft scheme and any other consequential changes will be incorporated into the Constitution. Use of the scheme will be monitored on an ongoing basis by the Member Structures and Support Working Group and any issues of concern will be communicated to Group Leaders. Once the new scheme has become embedded, specific consideration will be given to whether there is a need for the General and Disability substitute schemes to operate concurrently.

### **FINANCIAL IMPLICATIONS AND BUDGET PROVISION**

15. Whilst the recommendations above give the substantive member responsibility for arranging for the substitute to attend a meeting on their behalf, operation of the arrangements will inevitably create some additional workload for Democracy Officers. Additionally, the substitute member may have queries in the run up to the meeting that they wish to discuss with officers from other service areas. However, as mentioned previously above, the proposed draft scheme is designed to be relatively easily managed with minimal impact on members and officers alike.

### **POLICY IMPLICATIONS**

16. Subject to members agreeing to introduce substitution arrangements, changes will be required to Part 4.1 CPR, and Part 2 of the constitution.

### **DETAILS OF CONSULTATION**

17. Member Structures Officer Group.  
Member Structures Working Group.

### **BACKGROUND PAPERS**

18. The findings of our research of substitute arrangements in other local authorities in Lancashire and elsewhere is available upon request.

### **FURTHER INFORMATION**

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