

STANDARDS COMMITTEE

9 October 2003

APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

Purpose of Report

1. To advise the County Council on the steps to be taken in the light of the referral of the amendment of the leader of the Independent Group from the Council meeting on 15 July 2003.

Background

2. Members will recall that at the last meeting of the Standards Committee the Solicitor to the Council and the Monitoring Officer reported that:

" The Independent Group on the County Council has expressed concerns about the County Council's Substitution Scheme to both the Solicitor to the Council and to the Council's Chief Executive. Both the Solicitor to the Council and the Council's Chief Executive have been in correspondence with the leader of the Independent Group regarding his concerns.

In the event, neither the Solicitor to the Council nor the Council's Chief Executive have been able to fully allay the concerns of the leader of the Independent Group with regard to the Council's Substitution Scheme. At the County Council meeting on the 15 July 2003, when the Review of Wiltshire County Council's Constitution was considered, Mr Newbury, the leader of the Independent Group, moved an amendment, which was seconded by Mr Allnatt, another member of the Independent Group, which read as follows:

"To delete the section (on page 44 of the Constitution) headed "Appointment of substitute members of Committees and Sub-Committees" on the grounds that the County Council has no power in law to allocate seats for substitute members nor to constrain the right of political groups to notify any changes they wish to places allocated to them".

The leader of the Council asked that the matter be referred to the Standards Committee with a view to them reporting back to the Council in November. On that basis Mr Newbury withdrew his amendment."

3. The Solicitor to the Council set out his understanding of the background and the legal circumstances.

4. Shortly before the meeting the leader of the Independent Group submitted a paper setting out his position. The Standards Committee adjourned consideration of the matter.

Developments Since the Last Meeting

5. The Solicitor to the Council and the Chief Executive have, since the last meeting of the Standards Committee, had an opportunity to meet with the leader of the Independent Group. That proved to be a very helpful and constructive meeting. The leader of the Independent Group was able to explain that one of his significant concerns was the difficulty his Group had in arranging substitutions because of their small size.
6. The County Council's scheme for the appointment of substitute members of Committees and Sub-Committees is annexed as Appendix 1 to this Report. It will be seen that as currently drafted, groups can appoint up to three substitute members, subject to the number of substitutes being no more than the number of Committee members for that group. For larger groups this does not normally pose a problem because they are able to appoint more than one member due to the rules of political proportionality. The difficulty faced by the Independent Group is that being small, they normally only have an allocation of one member to a Committee, therefore can only appoint one substitute. That can make it difficult to find a substitute at short notice. It is therefore suggested that the requirement that the number of substitutes should be no more than the number of members on the Committee should be removed. The only restriction would then be a maximum of three substitutes.
7. It should be noted that the leader of the Independent Group remains of the view, for the reasons set out in his note submitted to the Committee last time, that the Solicitor to the Council and Monitoring Officer is wrong in his view of the law. However, if this practical solution is adopted, that difference of opinion will, it is hoped, remain of academic interest only.

Recommendation

8. It is recommended that the Standards Committee recommend to the Council the amendment to the substitution scheme set out above, in order to avoid small political groups being disadvantaged in the exercise of the substitution scheme.

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No unpublished documents were relied upon in the preparation of this report.

Appendix 1

Appointment of Substitute Members of Committees and Sub-Committees

Allocation

6. As well as allocating seats on committees and sub-committees, the Council will allocate

seats in the same manner for substitute members.

Number

7. For each committee or sub-committee, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee, up to a maximum of 3.

Powers and duties

8. Substitute members will have all the powers and duties of any ordinary member of the

committee but will not be able to exercise any special powers or duties exercisable by the

person they are substituting.

Substitution

9. Substitute members may attend meetings in that capacity only:

9.1 to take the place of the ordinary member for whom they are the designated substitute

9.2 where the ordinary member will be absent for the whole of the meeting and

9.3 after notifying the Director of Corporate Services at least one hour before the meeting of the intended substitution.