

Overview and Scrutiny Substitutions Protocol

Purpose	For Decision
Classification	Public
Executive Summary	<p>This report sets out proposals for the implementation of new procedures that will allow for political groups to authorise the substitution of up to two Members on each of the Council’s Overview and Scrutiny Panels, should a Member or Members not be able to attend a particular meeting.</p> <p>Where a Member of a political group appointed to an Overview and Scrutiny Panel is unable to attend a meeting, in giving their apologies, they may wish to approach one of the named substitutes from within their political group. The formal appointment of a substitute Member must then be authorised by the relevant Group Leader.</p> <p>This report seeks authorisation to amend the Council’s Standing Orders to make provision for these substitutions, and Appendix 1 sets out the proposed procedure in full.</p>
Recommendation	<p>That the Council:-</p> <ol style="list-style-type: none">1. approves the amendment to the Standing Orders for Meetings at paragraph 4 of this report, to make provision for a Substitutions Protocol; and2. adopts the Substitutions Protocol at Appendix 1.
Reasons for recommendation	<ol style="list-style-type: none">1. To ensure at a basic level that the Overview and Scrutiny Panels can achieve a functioning quorum of members in order to transact their business.2. To preserve the political proportionality of an individual Panel, which in turn is a reflection of the political proportionality of the authority as a whole.

	3. To support the engagement of a wider of cohort of councillors in the work of Overview and Scrutiny.
Wards	All
Portfolio Holder	Councillor Jill Cleary – Leader
Strategic Director	Alan Bethune – Corporate Resources and Transformation (S151)
Officer Contact	<p>Matt Wisdom Service Manager – Democratic and Support Services 023 8028 5072 Matt.wisdom@nfdc.gov.uk</p> <p>Tanya Coulter Assistant Director – Governance (Monitoring Officer) 023 8028 5532 Tanya.coulter@nfdc.gov.uk</p>

Introduction and background

1. This report presents a proposal to introduce the provision for Substitute Members on the Council’s three Overview and Scrutiny Panels. The necessary amendment to the Council’s Standing Orders for Meetings is set out at paragraph 4, alongside a Protocol for the working use of these substitutions at Appendix 1.
2. The proposals promote that, at a basic level, the Panels can continue to operate with a working quorum in the event of absences, and that the political balance of the Council is maintained through the work of these Panels. The provision for the substitutions being named also promotes the engagement of a wider but consistent cohort of councillors in the business of the Panels and supports training and development.
3. By approving the recommendations and adopting a Substitutions Protocol, in the event that up to two Panel Members from each political group have to give their apologies for a particular meeting, there will be the mechanism for maintaining the Council’s appointed levels of representation at these meetings. This replaces the current scenario where the meeting would be held with fewer

Members in attendance, or unable to transact business in the event that a basic quorum was not in attendance.

The proposals

4. There is currently no provision in the Council's Constitution for substitutions on the Overview and Scrutiny Panels. To enable this, the following amendment is proposed to the Council's Standing Orders for Meetings, inserting a new paragraph 4.14 under the section 'Appointment of Group Leaders, Committees and Panels':-

"4.14 – The Council may adopt a Protocol which identifies arrangements for Substitute Members on Overview and Scrutiny Panels"

5. Subject to the Council agreeing to this amendment, a Substitutions Protocol is presented for adoption at Appendix 1. In summary, the number of Substitute Members permitted shall be up to 2 for each political group or grouping with representation on the Panel concerned.
6. By making the appointments alongside the ordinary voting Members of the Panels at the Council's annual review, or on the recommendation of Group Leaders at subsequent Ordinary Council meetings, the appointment process is streamlined with existing procedures.

Practical arrangements and rationale

7. The arrangements for substitutions on Overview and Scrutiny Panels are a local choice for councils. Many choose to adopt a procedure for the reasons identified in this report. Appendix 1 sets out the proposed procedure for this Council in full and is self-explanatory.
8. By making it the responsibility of the Member who cannot attend the relevant meeting to put in place the arrangements, it ensures that ownership for attendance is managed by the primary appointed voting Members. The final authorisation of the substitutions by the Group Leader in turn supports good governance within the political groups.
9. The deadline for implementing any proposed substitutions at a Panel meeting is proposed at one hour prior to the start time. Benchmarking indicates that this is on the generous end of the scale, with some councils opting for a clear day's notice of any substitutions. One hour will provide for optimal flexibility, whilst providing the Chairman of the meeting with adequate notice of the voting Members who will be in attendance at any given meeting. It

also allows for the necessary administrative arrangements to take place to implement the substitution.

10. By identifying the named substitute Members on agendas and the notice of meetings, there is clarity around the wider pool of Members engaged with the work of each Panel, and it serves as a quick reference for Members seeking to arrange a substitution.
11. It should be noted that any substitute Members are entitled to speak and vote in their own capacity and are not constrained by the views of the Member for whom they are substitute.

Corporate plan priorities

12. The recommendations are primarily in support of the Future New Forest objectives, by pursuing efficient and resilient arrangements for the Council. They assist in the maintained delivery of an effective Overview and Scrutiny function which has a key role in holding to account the delivery of all corporate plan priorities.

Options appraisal

13. The Council could choose not to implement the provision for substitute Members at this time. For the reasons outlined throughout the report, it is recommended that they are introduced. As identified in the risk section of this report, it is likely that there is more risk in not introducing a protocol of this nature.
14. The working arrangements of the protocol are designed to make the process as efficient as possible, whilst maintaining good governance.

Consultation undertaken

15. Consultation has been undertaken with the Council's Statutory Officer Group, members of the Executive Management Team, the Leader of the Council and other Group Leaders in the preparation of this report. The principle of introducing a procedure to support substitutions at Panel meetings has been supported.

Financial and resource implications

16. Whilst Substitute Members shall be entitled to travelling and subsistence allowances in accordance with the Council's Scheme of Members' Allowances, this is unlikely to result in any additional expenditure incurred.

Legal implications

17. The use of Substitute Members on certain committees and panels are a matter of local choice for councils. Overview and Scrutiny

Panels are not precluded from having such arrangements. As the Council's Constitution does not currently include a mechanism for the appointment of Substitute Members on these Panels, the recommendations in this report provide the necessary authorisation for the required changes to the Constitution.

Risk assessment

18. A formal risk assessment has not been completed in respect of this report. There are more risks associated with not pursuing the recommendations, such as the prospect of meetings becoming inquorate where apologies are received and there is no mechanism in place to allow for the Member sending apologies to be substituted.

Environmental / Climate and nature implications

19. There are none arising directly from this report.

Equalities implications

20. There are none arising directly from this report.

Crime and disorder implications

21. Crime and disorder implications have not been considered in the production of this procedural report.

Data protection / Information governance / ICT implications

22. There are none arising directly from this report.

Appendices

Appendix 1 – Substitutions Protocol

Background Papers:

Council Constitution