

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**

DATE: **WEDNESDAY, 26 MARCH 2014**

REPORT BY: **HEAD OF LEGAL & DEMOCRATIC SERVICES**

SUBJECT: **COUNCIL PROCEDURE RULE 25 - SUBSTITUTIONS**

1.00 **PURPOSE OF REPORT**

1.01 To consider amendments to Council Procedure Rule 25 relating to Member substitutions.

2.00 **BACKGROUND**

2.01 The Local Government & Housing Act 1989 requires Flintshire and other principal authorities to allocate places on committees and sub committees in accordance with the rules in the Act to replicate the proportionate strengths of the different political groups on the Council. These political balance calculations are undertaken at each annual meeting and on other occasions if the respective strengths of the political groups alters as a result of an event specified in the Local Government (Committees and Political Groups) Regulations 1990.

2.02 The regulations provide that the wishes of political groups are to be those expressed by the Leader of the group or by the person who is authorised to act in the place of the Leader as notified to the Council's Proper Officer. The regulations provide that such wishes can be communicated either orally or in writing.

2.03 In Flintshire the use of substitutions is governed by Council Procedure Rule 25, the current wording of which is set out in Appendix 1. This differs from the provisions in the regulations in requiring notice to be given in writing but not by e-mail and that it be signed.

3.00 **CONSIDERATIONS**

3.01 The current Procedure Rule strengthens the provisions in the regulations by requiring written notice rather than wishes being communicated orally. This is presumably to avoid dispute as to the wishes of the group when either the Leader or the person authorised to act in the Leader's place are not available. The Committee can, if it so wishes, remove the requirement for written notice and permit oral communication.

- 3.02 If the Committee consider there is a need to retain written notice there appears to be no good reason for preventing such notification being given by e-mail or for requiring it to be signed. Representations have recently been received from a number of Group Leaders to permit notification by e-mail.
- 3.03 Whilst the current wording expressly refers to the Planning & Development Control Committee, there is also the Audit Committee that has restrictions on the use of substitutions. There may also be other specific restrictions on the use of substitutions that in future are agreed. It is therefore believed that Council Procedure Rule 25 should be less specific as to the restrictions on the use of substitutions contained in the Constitution.
- 3.04 Attached at Appendix 2 is a suggested rewording of Procedure Rule 25 for consideration by the Committee. Any change agreed at this meeting to the existing wording would be subject to consultation with all Group Leaders and any of them could require the change to be considered by County Council before coming into effect.

4.00 RECOMMENDATIONS

- 4.01 For the Committee to consider amending Council Procedure Rule 25 to that indicated in Appendix 2.

5.00 FINANCIAL IMPLICATIONS

- 5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 With political Group Leaders.

11.00 CONSULTATION UNDERTAKEN

11.01 With political Group Leaders.

12.00 APPENDICES

12.01 Appendix 1 – Council Procedure Rule 25
Appendix 2 – Amended Council Procedure Rule 25

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

None

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