

**FALKIRK COUNCIL**

**Subject:           SUBSTITUTE MEMBERS ON SCRUTINY COMMITTEES**  
**Meeting:         FALKIRK COUNCIL**  
**Date:             20 June 2012**  
**Author:          CHIEF GOVERNANCE OFFICER**

**1.     INTRODUCTION**

- 1.1     At the Statutory Meeting of Falkirk Council held on 18 May 2012, Council determined that I should bring a report to this meeting “with suggested amendments to the Standing Orders to enable substitutes to be named for scrutiny committee meetings”.

**2.     BACKGROUND**

- 2.1     At present the Standing Orders of Council do not allow for substitute members. If a member is unable to attend a meeting apologies may be submitted and recorded but providing the required number of members attends to reach a quorum, the meeting will proceed.
- 2.2     Members may, however, be familiar with the substitutions of members from experience with the Joint Boards. The Amalgamation Schemes for each of the 3 Boards allow for constituent authorities to appoint substitute members. These provisions are replicated in the Boards’ Standing Orders. In practice, it involves the Council appointing a pool of named members from which a member unable to attend a meeting may select someone to attend in his or her place.
- 2.3     An alternative model would be for the pool from which a member unable to attend could nominate to be all of the remaining members of the Council. If this model were adopted for Scrutiny Committees, it would require to be subject to the exception that a member of the Policy and Resources Committee would not be capable of being nominated as a substitute to preserve the distinctive roles of the Policy and Resources Committee on the one hand and the Scrutiny Committees on the other.
- 2.4     If Council does proceed to introduce substitution for Scrutiny Committees, it is suggested that the second model would be more appropriate. This would avoid the necessity of nominating a pool of substitutes linked to each of the Scrutiny Committees and would create maximum flexibility.

### **3. FURTHER CONSIDERATIONS**

#### **3.1 Political proportionality.**

The question arises of whether the provision in the Standing Orders applying the principles of the Local Government and Housing Act 1989 in relation to political proportionality requires that the substitute member be chosen from the same political group as the member unable to attend. It is considered that there is no such requirement. The requirement of the Standing Orders is met by the allocation of places to political groups in the membership of the Committee. If, having been appointed to the Committee, a member chooses to be substituted by a member of another political group, this does not give rise to a breach of the principles of the 1989 Act. It would be open to the Council in introducing substitution to the Standing Orders to introduce a requirement that the substitution must be from the same political group but there is no requirement arising from the principles of the 1989 Act to do so and the proposed amendment to the Standing Orders proceeds on the basis that no such requirement will be included.

#### **3.2 Notification procedures**

The introduction of substitution into the Standing Orders would require to include a process by which the substitution is made known to the Council. The suggested way of dealing with this would be for the member who is unable to attend the Committee notifying the Chief Governance Officer in advance of the commencement of the meeting. It would then be open for the apologies of the member unable to attend to be noted at the meeting along with the substitution, both of which would be recorded in the minutes.

#### **3.3 Change to Standing Orders**

If Council is minded to proceed with substitution of members on the basis set out above, the following change to Standing Orders would be required.

Insert at the end of Standing Order 34.3:-

“Where a member of a Scrutiny Committee is unable to attend a meeting of that Committee, that member may nominate another member of the Council (other than a member of Policy and Resources Committee) to attend the meeting as a substitute. The nomination of the substitute should be intimated to the Chief Governance Officer by the standing member in advance of the meeting. The substitute member will have the same responsibilities and decision making powers as a standing member of the Committee but only for the purposes of the meeting to which the nomination relates.”

Insert after apologies in Standing Order 36.1:- “and substitutions”.

#### **4. RECOMMENDATIONS**

4.1 It is recommended that Council:-

- (i) considers whether substitution should be allowed for Scrutiny Committees; and
- (ii) if it agrees to do so, to approve the changes to the Standing Orders set out in paragraph 3.3 in this report.

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**Chief Governance Officer**  
**Date: 6 June 2012**

**Contact Officer: Colin Moodie, Depute Chief Governance Officer, 01324 506097**

#### **LIST OF BACKGROUND PAPERS**

NIL