

COUNCIL

24 JULY 2014

SCRUTINY TASK GROUPS – SUBSTITUTE MEMBERS

Report from: Neil Davies, Chief Executive

Author: Julie Keith, Head of Democratic Services

Summary

This report sets out a proposal moved by Councillor Shaw as an amendment to a report on the Establishment Committees at the Council meeting on 24 April 2014. The proposal would have the effect of amending the Council's Constitution, in respect of provision for named substitutes for Members of all Scrutiny Task Groups.

1. Budget and Policy Framework

- 1.1 Paragraph 16.2 (Amendment to Council Rules) of part 1, chapter 4 of the Constitution states that any motion to add to, change or withdraw these Council rules will, when proposed and seconded, be taken forward without discussion to the next ordinary meeting of the Council.
- 1.2 Paragraph 14.3 (Changes to the Constitution) of Article 14 of the Constitution states that changes to the Constitution are a matter for Council (except for minor changes where the Monitoring Officer has delegated authority with a copy of such changes being supplied to all Group Leaders and Whips within 14 days).

2. Background

- 2.1 On 24 April 2014 the Council considered a report on the Establishment of Committees, Appointments and Schedule of Meetings 2014/2015.
- 2.2 During debate on this item, Councillor Shaw, supported by Councillor Murray, proposed the following amendment:
 - 2.3.1 That the Council resolves:
 - i) To agree there should be provision for named substitutes for Members of all Scrutiny Task Groups and;

- ii) That Council Rule 18 should be changed to include an additional clause as follows:

18.10 – In the case of Scrutiny Task Groups (which are not formal Committees or Sub Committees of the Council), substitutes are permitted to the extent there may be one named substitute for each Task Group Member who must be appointed when the Task Group is established.

- 2.4 The Monitoring Officer advised that Council Rule 16.2 (Amendment to council rules) applied in this case and this amendment would be taken forward without discussion to the next ordinary meeting of the Council.
- 2.5 The Council agreed to consider the amendment regarding named substitutes on Scrutiny Task Groups at its next ordinary meeting in accordance with Rule 16.2 of the Council Rules.

3. Advice and analysis

- 3.1 It is a matter for Members whether or not to agree the proposal.
- 3.2 Councillor Shaw will be invited to move the proposal and may speak for up to five minutes, as set out in Council Rule 11 (Rules of the debate). All other speakers (including Councillor Murray, the supporter of the motion), may speak for up to three minutes.

4. Financial, legal and risk management implications

- 4.1 There are no financial or risk management implications arising directly from this proposal.
- 4.2 In common with many other local authorities Medway has provision in its Constitution for the attendance at a Committee or a Sub Committee meeting of a substitute Member whenever a regularly appointed Committee Member cannot be present. This does not apply to meetings of the Cabinet where substitutes are prohibited under the Local Government Act 2000.
- 4.3 Overview and Scrutiny Task Groups are not formal Committees or Sub Committees of the Council. The establishment of Task Groups, their membership and working arrangements are determined by the relevant parent Overview and Scrutiny Committee. It is a matter for the Council to decide whether or not to include provision for substitutes on Overview and Scrutiny Task Groups and the consequential changes to Council Rule 18 as set in paragraph 2.3.1 above.
- 4.4 If carried, the proposal will have the effect of amending the constitution with immediate effect.

5. Recommendation

5.1 The Council is asked to debate the following proposal:

- To agree there should be provision for named substitutes for Members of all Scrutiny Task Groups and;
- That Council Rule 18 should be changed to include an additional clause as follows:

18.10 – In the case of Scrutiny Task Groups (which are not formal Committees or Sub Committees of the Council), substitutes are permitted to the extent there may be one named substitute for each Task Group Member who must be appointed when the Task Group is established.

Background papers

Medway Council's Constitution:

<http://www.medway.gov.uk/thecouncilanddemocracy/council/constitution.aspx>

Establishment of Committees, Appointments and Schedule of Meetings 2014/2015 – Report and Minutes, Council 24 April 2014:

<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=122&MId=2779&Ver=4>

Lead officer contact:

Julie Keith, Head of Democratic Services

Telephone: 01634 332760

Email: julie.keith@medway.gov.uk