

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 27 FEBRUARY 2023

SUBSTITUTE MEMBERS AT SCRUTINY MEETINGS

Summary

1. The Board added this item to its work programme in November 2022, following discussion about the varying member attendance at some Panel meetings. The Board asked for a report to set out the current constitutional requirements for attendance at Overview and Scrutiny meetings.

Background

2. The Council's Constitution includes the ability for members to appoint a substitute to attend meetings in their place. This does not include members on the Overview and Scrutiny Performance Board nor on the various Scrutiny Panels.
3. Paragraph 3.6 of the Overview and Scrutiny Procedure Rules say that 'There shall be no substitution on the Overview and Scrutiny Performance Board, the Health Overview and Scrutiny Committee, an Overview and Scrutiny Panel or any Scrutiny Task Group'.
4. The Constitution also sets out that membership of the OSPB is composed specifically of the Chairs of the Scrutiny Panels, so is a 'set' membership and like all the formal scrutiny bodies is required to be politically balanced.
5. The current substitution scheme which applies to other non-scrutiny Council meetings says:

'6.2.1any member of a Committee, Panel or other member body may, subject to any restrictions, nominate a Councillor who is not a member of that Committee, Panels or other member body (as the case may be) to attend in his/her place any particular meeting of such Committee, Panels or other member body.

6.2.2 Any such nominated member shall thereupon become a member of such Committee, Panel or other member body in place of the nominating member for the duration of that meeting provided that:-

- (a) the name of the nominating member and the nominated member and
- (b) the meeting to which the nomination relates

are communicated in writing (which may be electronic) to the Assistant Director for Legal and Governance by either the nominating or nominated Member before the commencement of the meeting in question.'

6. When asking for a report, members of the Board discussed circumstances where members were unable to attend meetings. Examples included inability to have time off from paid employment and date clashes with other commitments.
7. The advantages of enabling substitutes at meetings include:
 - it maximises the potential for full attendance and engagement;
 - if attendees feedback to the appointed member, then continuity of knowledge about a Panel's work can be maintained;
 - when members are unable to scrutinise an issue because, for example, they have been involved with it previously, scrutiny of that item can continue with a full Panel.
8. The disadvantages of enabling substitutes include:
 - Lack of continuity in attendance and the opportunity to build knowledge and expertise in a specific area. This would be very difficult to manage in a task group which will produce an evidence-based report at the end of its work;
 - Members of the public would expect the Councillors they see listed on the Council's website are those to approach about scrutiny matters. Use of substitutes can cause confusion about members' roles;
 - Ensuring that all members who take up a place on a scrutiny body have appropriate training. This is a requirement for Planning and regulatory functions, less obvious to insist on this for Overview and Scrutiny.
 - If substitution occurs regularly there is a risk of inconsistent approaches to scrutiny exercises because of different backgrounds and interests of the councillors who attend.
9. Any proposed change to the constitution is a Council decision and OSPB would have to recommend Council considers it.

Purpose of the Meeting

10. Following discussion of the information provided, the Board is asked to consider whether it wishes to recommend that the constitution is changed to enable the use of substitute members at some or all of the Overview and Scrutiny bodies.

Contact Points

Sheena Jones, Democratic Governance and Scrutiny Manager, Tel: 01905 846011
Email: scrutiny@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Democratic Governance and Scrutiny Manager) there are no background papers relating to the subject matter of this report.