

WELWYN HATFIELD BOROUGH COUNCIL  
ANNUAL COUNCIL – 22 MAY 2023  
REPORT OF THE ASSISTANT DIRECTOR (LEGAL AND GOVERNANCE)

APPOINTMENT OF COMMITTEES AND AMENDMENT TO SUBSTITUTION PROCEDURES

**1 Executive Summary**

- 1.1 The purpose of this report is for Annual Council to consider and agree Member appointments to Committees, as put forward by political party group leaders, as required in line with the Councils constitution.

**2 Recommendation**

- 2.1 That the appointment of committees be considered.
- 2.2 That the constitution be amended, as set out in paragraph 3.4 of this report.

**3 Explanation**

- 3.1 It is a requirement of the constitution for Annual Council to consider and agree, the Member appointments to committees.
- 3.2 Group leaders have been consulted, and nominations to committees (including the proposed chair and vice chair) is attached in appendix A for consideration.
- 3.3 Under Section 9P of the Local Government Act 2000 (LGA 2000) the Council is under a duty to prepare and keep up to date a Constitution. One of the aspects which needs refining is substitutes for quasi-judicial committees including Development Management Committee, Licensing Committee, Licensing and Regulated Entertainment Committee and Hackney Carriage Committee.
- 3.4 It is recommended that Council authorises a clarification to the wording of the constitution regarding substitutions, which are currently required by the constitution to be agreed at Annual Council. In practice, for many years Groups have agreed to nominate substitutions up to 2 hours prior to a relevant committee meeting, with any member that has completed the requisite training eligible to be named.
- 3.5 The clarifications to the wording will ensure that this process can continue to operate as it has done historically and would regularise the practice which has been adopted for many years. It is recommended that points 22.1 to 22.4, of section 2, part 4 of the constitution be replaced with the following:

*22.1. Substitutions are not permitted for meetings of the Cabinet, Standards Committee and Scrutiny Sub-Committees.*

*22.2. For all other Committees, Group Leaders or their nominated representatives must notify the Governance Services Manager in writing or by electronic mail, the appointment of any substitute Members to council meetings at least 2 hours before the scheduled start of the meeting. All substitutes must have attended all relevant training for that committee.*

## **Implications**

### **4 Legal Implication(s)**

4.1 Under Section 9P of the Local Government Act 2000 (LGA 2000) the Council is under a duty to prepare and keep up to date a Constitution. As set out in the report the practice of Group Leaders making substitute nominations needs to be regularised by a minor amendment to the Constitution. The recommendation brings the wording of the Constitution in line with the practice which the Council has adopted.

### **5 Financial Implication(s)**

5.1 None

### **6 Risk Management Implications**

6.1 None

### **7 Security and Terrorism Implication(s)**

7.1 None

### **8 Procurement Implication(s)**

8.1 None

### **9 Climate Change Implication(s)**

9.1 None

### **10 Human Resources Implication(s)**

10.1 None

### **11 Health and Wellbeing Implication(s)**

11.1 None

### **12 Communication and Engagement Implication(s)**

12.1 None.

### **13 Link to Corporate Priorities**

13.1 None.

### **14 Equality and Diversity**

14.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report.

Name of author	Saleem Chughtai
Title	Assistant Director (Legal and Governance)
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