

## **4.2: MEMBERS' SUBSTITUTE SCHEME PROCEDURE RULES**

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### **1. INTRODUCTION**

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- 1.1** The Council recognises that the purpose of the Local Government (Committees and Political Groups) Regulations is to ensure that, in the decision-making process, the political balance of and representation on committees and sub-committees of the Council is maintained. This Scheme for the use of substitutes has been adopted to ensure this principle is maintained.

### **2. APPLICATION**

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- 2.1** The scheme will apply to all committees, sub-committees and working groups of the Council except:
- 2.1.1 the Cabinet and any sub-committee established by the Cabinet;
  - 2.1.2 the Audit and Governance Committee and any sub-committee established by the Audit and Governance Committee;
  - 2.1.3 Licensing Sub-Committees and Taxi Licensing Sub-Committee

### **3. NOMINATION AND APPOINTMENT**

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- 3.1** The Council, when establishing appointments to committees and working groups of the Council, will also appoint substitutes for elected Members to those bodies on the nomination of the political group leaders. Substitutes to other working groups will be appointed by the establishing body, as appropriate. The substitutes themselves must also be elected members.
- 3.2** The number of substitutes appointed will relate to the number of seats that each political group or grouping has on the body concerned as follows:
- 3.1.1 more than 5 seats - 3 substitutes
  - 3.1.2 2 to 5 seats - 2 substitutes
  - 3.1.3 1 seat - 1 substitute.
- 3.3** On appointment, it shall be the responsibility of a substitute member to keep up to date with the business of the body to which he or she has been appointed to ensure effective decision making.
- 3.4** Cabinet Members may not substitute for Scrutiny Committee Members.

## 4. ATTENDANCE

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- 4.1** It is the responsibility of the member who cannot attend the relevant meeting or take part in the relevant part of the Planning Committee [“the appointor”] to arrange for an appointed substitute to attend when he or she is unable to do so, and inform their party group leader, chair and officers of the substitute members and date of the meeting.
- 4.2** Only the appointed substitute members of a body may serve as a member of that body.
- 4.3** A member who is acting as a substitute for a usual member who is the chairman or vice-chairman of the committee will not, by virtue of that substitution, be entitled to act in that capacity.
- 4.4** A substitute may only serve as a member at any meeting at which the appointor has nominated them, and (with the exception of the Planning Committee) where the appointor intends to be absent for the entire meeting. A substitute may not be appointed for specific items and no substitutions may be made during the course of the meeting, except at Planning Committee.
- 4.5** In the case of Boards, Committees and Sub-Committees, written notice of the substitution must be received by the Democratic and Support Services Team Manager no later than 5pm before the last clear working day before the meeting. (For example, if a meeting is held on a Thursday, notice must be given by 5pm on Tuesday, thus allowing one clear day between.) In the case of other bodies, e.g. working groups, similar notice is helpful but not obligatory. A form is available from Democratic Services for this purpose.
- 4.6** In the event of illness or other circumstances beyond the member’s control, he or she may appoint a substitute at short notice at the discretion of the Chairman of the relevant Committee. It is the responsibility of the appointing member to seek the Chairman’s approval in such an instance.
- 4.7** Notice of the substitution must include the name of the appointer, the substitute, details of the meeting and, where the substitution is only occurring for specific items at Planning Committee, details of those items.
- 4.8** Where there is sufficient time, a copy of the agenda and papers for the meeting concerned, and details of any pre-briefs and site visit arrangements, will be sent to the substitute member upon receipt of the notice, otherwise they will be passed over on the day of the meeting. Members are reminded that where they are able to pass on their own papers to the substitute, it is preferable to do so in the case of short notice.
- 4.9** At the commencement of a meeting, the relevant item at Planning Committee or, if appropriate, on his or her arrival if the meeting has started, the appointed

substitute will advise the Chairman and those present that he or she is attending as a substitute member.

- 4.10** If the appointor attends a meeting after arranging for a substitute member to attend, the substitute member will continue as the voting member of the committee. If a substitute, however, has not arrived by the commencement of the meeting and the original appointed member is present, then the appointed member will continue as the voting member of the committee unless otherwise prohibited from taking part in a meeting or an item at Planning Committee. Both parties must not vote at the same meeting.
- 4.11** Where a substitute member has attended a meeting which is adjourned to a subsequent date, the appointor may attend the reconvened meeting as the voting member, provided that
- 4.11.1** the meeting is not part way through the consideration of an item or issue; and
  - 4.11.2** The appointor is not otherwise prohibited from taking part in the meeting or an item at Planning Committee.
- 4.12** Any member attending as the appointed substitute will be entitled to travelling and subsistence allowance in accordance with the scheme approved by the Council.
- 4.13** When a member attends a meeting as a substitute for a usual member, the minutes and any report of that meeting will include the name of the substitute, in alphabetical order, amongst those attending the meeting, followed by “(substitute for .....)” indicating the name of the usual member

## **5. VOTING**

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- 5.1** The substitute member will be entitled to speak and vote in his or her own capacity, and is not constrained by the views of the member for whom he or she is substituting.
- 5.2** No substitute member for the Licensing Committee, Planning Committee or the Appeals Committee may vote unless he or she has been present for the entire consideration of the item under discussion at that meeting.
- 5.3** The substitute members of the Licensing Committee and Planning Committee must comply with the Local Licensing and Planning codes of conduct and the substitute members of these Committees must have had the necessary training before first acting as a substitute.