

Appendix 3 - Guidance Note for Members – Substitution Arrangements

Note: This guidance document has been prepared in consultation with Group Leaders to assist members in operating the procedures in relation to the council's substitution arrangements. This document does not form part of the council's constitution.

1. The rules on substitution of members on committees are contained at paragraph 7 of Part 4 of the Constitution (Council Rules of Procedure) as detailed below.

7. Appointment of Substitute Members of Committees and Sub-Committees

Allocation

- 7.1. *As well as allocating seats on Committees, the Council will allocate seats in the same manner for substitute Members.*

Number

- 7.2. *For each committee, the Council will appoint a maximum of four substitutes for each political group which holds seats on that committee.*

Powers and duties

- 7.3. *Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.*

Substitution

- 7.4. *Substitute Members may attend meetings in that capacity only:*

- 7.4.1. *to take the place of the ordinary Member for whom they are the designated substitute;*
- 7.4.2. *where the ordinary Member will be absent for the whole of the meeting; and*
- 7.4.3. *where notification of the intended substitution has been given in writing to the Proper Officer before the start of the meeting by the member who is to be substituted, or by their group leader. Exceptionally, in cases of urgency, such notification may be made verbally in person or by telephone to the Proper Officer and confirmed subsequently in writing.*
- 7.4.4. *The Proper Officer for these purposes is the Democratic Services Officer supporting the meeting*

2. Paragraph 7.1 provides that substitutes can only be allocated by Full Council, as is the case for the appointment of committee members in general. No group or committee chairman may under the council's arrangements appoint as substitute any member who has not been assigned as such by Full Council.
3. Paragraph 7.2 provides that each political group may nominate for appointment by Full Council up to four substitutes for any committee to which they have been allocated a committee place.
4. A Group Leader may nominate a member from another political group or an ungrouped member for appointment as a substitute. Full Council would, however, need to be satisfied that the appointment would meet the requirements of political proportionality.
5. Where a member appointed as a designated substitute for one political group leaves that group, they remain as a substitute for that group until the appointment is reviewed by Full Council at its next meeting.
6. Paragraph 7.3 provides that substitutes on committees have the same powers, and duties, including voting rights, of an ordinary member of the committee. The substitute member does not, however, take on any special powers or duties exercisable by the member they are replacing. For example, a member substituting for the chairman of a committee will not take on any of the powers or duties of the chairman.
7. Paragraph 7.4 sets out the requirements under which substitutes can be arranged for specific meetings, the duration of that substitution, and the procedure to be followed in order to give effect to the substitution.
8. Paragraph 7.4.1 provides that substitutes may only take up a place if they are a designated substitute for that committee appointed as such by Full Council.
9. Paragraph 7.4.2 provides that a substitution must operate for the whole of the meeting. A member cannot therefore arrange a substitute for a single item or multiple items, and then reclaim their position as an ordinary member of the committee.
10. However, a member may arrange a substitute and remain in the meeting in a different capacity, for example, where they have a disclosable interest and wish to participate as a member of the public, depending on the nature of the interest. They may wish to substitute themselves so that they may address the committee in another capacity, such as a political group leader, cabinet member, portfolio holder or local member. Members wishing to participate in these circumstances are advised to make it clear to

the meeting the capacity in which they are present and ask for this to be recorded in the minutes.

11. Paragraph 7.4.3 details the procedure by which a member communicates their wish to be substituted.
12. A member of a committee is responsible for arranging a substitute if they are unable to attend a meeting. For the avoidance of doubt officers and chairmen of committees do not have power to organise a substitute where the committee member is unable to attend.
13. Notice must be received **in writing** from the member who is to be substituted, or from their group leader, **before the start of the meeting**. A member cannot therefore be substituted without their knowledge or consent.
14. Exceptionally in cases of urgency notification of an intended substitution may be communicated verbally by the member of the group leader either in person or by telephone to the Proper Officer and confirmed in writing as soon as reasonably practicable.
15. Notice must be received by the Proper Officer, who for these purposes is defined in paragraph 7.4.4 as the Democratic Services Officer supporting the meeting as a designated representative of the Director of Legal and Democratic Services.
16. Any queries on the arrangements for substitution should be directed in the first instance to the Democratic Services Officer for a particular meeting, or otherwise Paul Kelly, Head of Democracy [paul.kelly@wiltshire.gov.uk] or Frank Cain, Head of Legal Services and Deputy Monitoring Officer [frank.cain@wiltshire.gov.uk].

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