

APPENDIX 2

The Constitution Review Group has recommended the following amendments to the Substitution Rules. Proposed additions are shown as bolded text with proposed deletions shown with strikethrough text.

Committee Procedure Rules

9. Substitutes
Powers and Duties
- 9.1 Once a substitute has been declared, they will have the ordinary status of a Member present in their own right and will not be the delegate of the original Member. They will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting. Any disqualification of the original Member to speak or vote, however, is not transferred to the substitute. Conversely, if a substitute Member is disqualified to speak or vote on a particular item, they must declare it.
- 9.2 If an original Member arrives at a meeting at which a substitute has already been declared, the substitute will remain the Member entitled to speak and vote. Once a substitution has been declared, the original Member will not be entitled to attend the meeting, either as a Member of the Committee or Sub-Committee or 'by invitation' (this is because if a substitution is declared it is on the pre-supposition that the original Member has declared themselves unable to attend the meeting).
- 9.3 The procedure for the appointment of temporary substitutes will be in accordance with the Council Procedure Rules as set out in Part 4 of this Constitution.

Substitution Rules

- 9.4 At the commencement of each meeting of a Committee or Sub-Committee (or upon arrival, if arriving late) each Member substituting for another Member will declare the said substitution.
- 9.5 Once a substitute has been declared as present in place of a Member for a meeting of that Committee or Sub-Committee, that substitute will take the place of the Member and will be able to speak and vote (subject to the declaration of any interests, as is usual practice).
- 9.6 Once a substitute has declared that they are substituting for another Member, the original Member will not be able to replace the substitute Member during the course of the meeting. If the substitute Member leaves the meeting during the course of the meeting, the original Member will not be allowed to attend and vote in place of the substitute.
- 9.7 If, at the commencement of the meeting, the original Member is present, then a substitution cannot take place.

- 9.8 Any original Member of a Committee may seek a substitute ~~from any of those on the appointed list of substitutes~~ for that Committee or Sub-Committee, provided that they are from the same political group to maintain political balance **and the substitute has received training to sit on that Committee or Sub-Committee (if required) within the preceding six months.**
- 9.9 No substitute Member has the automatic right to substitute for another Member who is not present. It is for the original Member to select a substitute in accordance with paragraph 9.8 above. However, where the original Member is incapacitated, due to sickness or hospitalisation and is, therefore, unable to appoint a substitute Member themselves, then their Group Leader will be asked to nominate a Member from the same political group to substitute for the original Member.
- 9.10 Substitute Members cannot be appointed to attend meetings for a Member who ceases to be a member of the Council (ie by way of resignation, disqualification or death in service). Instead, the relevant seat shall be carried as a vacancy on the Committee until an alternative appointment is made.

Council Procedure Rules

4. Appointment of substitute members of committees and sub-committees
- 4.1 As well as allocating seats on Committees, the Council may allocate seats in the same manner for substitute Members. In the case of Sub-Committees, the appointing Committees will determine the number of substitutes ~~and appoint them~~. Substitute Members must be from the same political group as the absent Member. ~~If a substitute Member cannot be found from the list of prescribed substitutes, a temporary substitute may be appointed by the Monitoring Officer on receipt of the prescribed form authorised by the relevant Group Leader. In the case of the full Member not being in a group, the full Member seeking a substitute will authorise the form.~~ Substitutes cannot be appointed for the Cabinet.
- 4.2 When the Council (or a Committee) wishes to appoint substitutes to a Committee (or Sub-Committee) it will adhere to the rules of political proportionality, subject to the total number of substitutes being no more than half of the total number of Members of the Committee (or Sub-Committee).
- 4.3 The powers and duties of substitutes are set out in the Committee Procedure Rules.
- 4.4 Any substitute, ~~whether standing or temporary,~~ must comply with any applicable training requirements for the committee prior to sitting on the Committee meeting.