

PART 4
RULES OF PROCEDURE
Council Procedure Rules

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Council Procedure Rules

1 Annual Meeting of the Council

1.1 Timing and Business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Chair of the Council is not present;
- (ii) elect the Chair of the Council;
- (iii) appoint the Vice Chair of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chair and/or head of the paid service;
- (vi) elect the leader;
- (vii) appoint at least one Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution); and
- (viii) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats (and substitutes) to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

2 Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. Ordinary meetings will:

- (i) elect a person to preside if the Chair and Vice-Chair are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chair, Leader, members of the Cabinet or the head of paid service;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vi) receive petitions from councillors or members of the public;
- (vii) receive written questions from councillors;
- (viii) receive ward issues which councillors wish to raise;
- (ix) receive reports from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
- (x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xi) consider motions; and
- (xii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committee or its Panels for debate.

3 Extraordinary Meetings

3.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Chair of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the Chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4 Substitute Members

4.1 The Council may, from time to time, approve a list of members of the Council who are appointed to act as substitute members at meetings of committees and other bodies, the list being referred to as "the approved list" in this Procedure Rule.

4.2 A Councillor on the Cabinet or the Standards Committee is not entitled to appoint a substitute. A Councillor on the Cabinet may not be appointed to act as a substitute on the Scrutiny Committee or the Audit Committee.

No councillor on the approved list shall sit on or act as substitute on the Licensing Committee or the Planning Applications Committee unless they have undertaken appropriate training and a list of those Councillors who have been trained will be maintained by the Head of Democratic Services.

A councillor appointed to serve on a Sub-Committee of the Cabinet shall be permitted to appoint a substitute, who must also be a member of the Cabinet and of the same political group as the member unable to attend the meeting.

- 4.3 The substitute member shall be the member ascertained as follows, namely, the substitute member:
- (a) will be on the approved list;
 - (b) with the exception of the Audit, Employment, Licensing, and Planning Applications Committees will be of the same political group as the member unable to attend the meeting;
 - (c) will be the first person able to attend the meeting who is contacted by the member unable to attend and who has not already agreed to act as substitute for another member, and
 - (d) will not already be a member of the committee or other body on which he/she is intending to serve as substitute.
- 4.4 The agenda for each meeting of the committee or other body shall contain as its first item "Declaration of Substitute Members" and as the first business of the meeting the Chair of the meeting shall ask if any member present is substituting for another member and, if so, to declare his/her name as substitute member and the name of the absent member.
- 4.5 If a member intending to act as a substitute joins a meeting after consideration by the meeting of the "Declaration etc" item the member shall forthwith be required to make the declaration and, if necessary, the Chair shall interrupt the proceedings of the meeting for that purpose.
- 4.6 Subject to compliance with the foregoing and any statutory or other requirements, a substitute member may attend, speak and vote as a member of the committee or other body at the meeting for which he/she is a substitute member, including any adjournment thereof. The member who is unable to attend the meeting shall not be a member of the committee or other body concerned for the meeting, or an adjournment of that meeting.
- 4.7 A member who is unable to attend a meeting shall notify that fact and the name of the substitute member to the Head of Democratic

Services, who will arrange for agenda papers to be sent to the substitute member if time permits or for the papers to be available for the substitute member at the meeting.

5 Time and Place of Meetings

The time and place of meetings will be determined by the Corporate Head - Legal and Democratic Services and notified in the summons.

6 Notice of and Summons to Meetings

6.1 Notice and Summons

The Corporate Head - Legal and Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Corporate Head - Legal and Democratic Services will send a summons signed by the Proper Officer by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6.2 Numbering

The Minutes of the Cabinet or other committee which require confirmation by the Council, shall be circulated with the Council Summons and (so far as is practicable) in date and consecutive number order.

6.3 Items for Confirmation

Only such items of the proceedings of the Cabinet or other Committee which require confirmation by the Council shall be circulated with the Council Summons.

6.4 Items for Information

The Minutes of the Cabinet, other Committees and other bodies shall be circulated to members of the Council who have notified the Corporate Head - Legal and Democratic Services that they wish to receive them as soon as practicable following such meetings.

6.5 Call-Over

- (a) Before the Council receives and considers the proceedings of the Cabinet or other committee the Corporate Head - Legal and Democratic Services shall call over item by item the recommendations which appear on the agenda of the Council meeting. A member wishing to speak on or vote against any such

recommendation may, immediately the number of the item has been called by the Corporate Head - Legal and Democratic Services, reserve it for debate.

- (b) After the Corporate Head - Legal and Democratic Services shall have called over all the items as aforesaid, the Chair shall move a motion that the recommendations of the Cabinet or other committee, with the exception of those items which have been reserved, be received and adopted.
- (c) The Chair of the Cabinet or other committee shall separately move each item on the proceedings of his/her committee which has been reserved.

7 Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings, references to the Chair also include the Chairs of committees and sub-committees.

8 Quorum

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting. One quarter of 41 members is 11.

9 Duration of Meeting

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 4½ hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10 Questions by the Public

10.1 General

Questions at Council

A period of up to 30 minutes will be allowed at ordinary meetings of the Council during which members of the public may ask questions of members of the Cabinet.

Questions at Cabinet

A period of up to 30 minutes will be allowed at meetings of the Cabinet during which members of the public may ask questions.

10.2 **Order of Questions**

Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.

10.3 **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Democratic Services no later than midday three working days before the day of the meeting. Each question must give the name and address of the questioner and the name of the organisation they represent (if applicable) and must name the member of the Cabinet to whom it is to be put.

10.4 **Number of Questions**

At any one meeting no person may submit more than three questions and no more than three such questions may be asked on behalf of one organisation.

10.5 **Scope of Questions**

The Corporate Head - Legal and Democratic Services may reject a question if:

- in respect of a question at Council, it is not about a matter for which the local authority has a responsibility or which affects the district; or in respect of a question at Cabinet, it is not about a matter which is relevant to the powers, duties and responsibilities of the Cabinet; or
- it is defamatory, frivolous or offensive; or
- it is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- it requires the disclosure of confidential or exempt information; or
- it is a statement rather than an enquiry to obtain information.

10.6 **Record of Questions**

The Head of Democratic Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members at the meeting and will be made available to the public attending the meeting.

10.7 Asking the Question at the Meeting

The Chair will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Supplemental Question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 10.5 above. Unless the Chair decides otherwise, no discussion will take place on any question.

10.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer. (Minutes of the meeting will record the fact that a question has been asked and by whom and indicate briefly the subject but will not give details of the question or of the answer).

10.10 Reference of a Question Asked at Council, to the Cabinet or a Committee

Any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

11 Questions By Members

11.1 On Reports of the Cabinet or Committees

A member of the Council may ask the Leader, a Lead Councillor on the Cabinet or the Chair of a committee or sub-committee any question without notice upon an item of the report of the Cabinet or a committee or sub-committee when that item is being received or under consideration by the Council.

11.2 **Written Questions from Councillors at Full Council**

Subject to Rule 11.4, a member of the Council may ask:

- the Chair;
- the Leader;
- a Lead Councillor on the Cabinet;
- the Chair of any committee or sub-committee; or
- a member of the Council appointed by the Council to any external body or joint authority

a question on any matter in relation to which the Council has powers or duties or which affects the district.

11.3 **Written Questions from Councillors at Committees and Sub-Committees**

Subject to Rule 11.4, a member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or sub-committee.

11.4 **Notice of Questions**

A member may only ask a question under Rule 11.2 or 11.3 if either:

- (a) they have given notice of the question to the Head of Democratic Services in writing or by electronic mail not later than close of business on the fourth working day before the meeting at which the question is to be asked; or
- (b) the question relates to an urgent matter, they have the consent of the Chair, Leader, Lead Councillor on the Cabinet or the Chair of the committee or sub-committee to whom the question is to be put and the content of the question is given to the Head of Democratic Services by 10.00am on the day of the meeting.

11.5 **Response**

An answer may take the form of:

- (a) a direct oral answer from the person to whom it is addressed or by a person on his/her behalf;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

11.6 **Supplementary Question**

A member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

- 11.7 The questioner shall have a period of two minutes to put the initial question and one minute to put the supplementary question. The respondent shall have a period of three minutes for the initial reply and two minutes for the supplementary.

11.8 **Ward Issues**

A period of up to 15 minutes shall be allowed at meetings of the Council for councillors to raise ward issues. At the request of the Chair, the Council may by vote, without any debate, allow a further period of 15 minutes.

A councillor who intends to raise a ward issue shall notify the Chair in advance of the meeting of his/her intention and briefly state the nature of the issue to be raised. A ward issue shall mean an issue in a ward of the district that needs to be resolved and in respect of which the Council can take action or exercise influence.

When speaking to a ward issue a councillor shall:

- (a) Explain the facts relating to the issue concisely;
- (b) Close his/her speech with the comment: "The action I would like the Council to take is as follows...*(and state the action)*"
- (c) Conclude his/her speech within three minutes

When the Councillor raising the ward issue has finished speaking on that issue, the Chair of the Council shall have discretion to allow a modest amount of discussion relevant to the issue.

A report containing a summary of each ward issue raised shall be reported to the next meeting of the Cabinet with a comment from the relevant Chief Officer(s) on the action that the Council might take.

12 **Receipt of Petitions**

- (a) The Chair may at the appropriate time in the order of business agree to receive from an elected member or member of the public, a petition on any matter relating to the work of the

Council, but the person submitting the petition may only refer briefly (in an address not exceeding five minutes) to the subject matter of the petition and the number of signatures. The ward councillor(s) and a maximum of two other councillors may also address Council on the subject matter of the petition (each address shall not exceed five minutes). The petition will be referred to the Cabinet or any other committee for consideration and the presenter of the petition shall be permitted to address the Cabinet or other committee when the petition is discussed.

- (b) If the petition is relevant to a matter which appears on the agenda of that meeting of the Council, members may refer to the petition when that item is considered by the Council.
- (c) Planning Applications Committee

Petitions may be presented at the Planning Applications Committee subject to the following conditions:

- (i) the petition must be signed by at least 50 signatories (this may include more than one signatory from any one address), subject to the Director of Planning and Environmental Services being authorised, in consultation with the Chair, to accept petitions with less than 50 signatories in circumstances where the issue is substantial in its effect on a small community which could not be expected to provide 50 signatories;
- (ii) all signatories to the petition must state their addresses on the petition;
- (iii) petitions must be in original form, and any sheets accompanying the petition containing signatures must also contain the full wording of the petition;
- (iv) petitions must be delivered to the Director of Planning and Environmental Services three clear working days before the meeting;
- (v) petitioners may either read or summarise the petition, and state the number of petitioners together with any additional information about the petitioners such as their interests in the proposal which is the subject of the petition;
- (vi) prior to the petition being read, the Chair may give notice that the petition may not be read but summarised;

- (vii) petitioners may not make any statements to the Committee not included in the petition;
- (viii) there will be no requirement for the Chair of the Committee to give any response to the petitioners other than that the petition will be taken into account in determining the appropriate matter, and
- (ix) the Chair shall retain absolute discretion to terminate the reading of a petition or a summary of a petition if he/she considers that it is appropriate to do so in the interests of the Committee.

13 Motions on Notice

13.1 Notice

Except for motions which can be moved without notice under Rule 14, notice of every motion must be delivered to the Head of Democratic Services either in writing, signed by the member or members giving notice, or by electronic mail provided it is sent from the member's Lewes District Council or other recognised e-mail address, not later than 15 clear days before the date of the meeting. These will be entered in a book open to public inspection. Every such motion must be seconded before it is debated.

13.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

13.3 Scope

Every motion and discussion thread shall be relevant to some matter in relation to which the Council has statutory powers, duties, functions or influence.

14. Motions without Notice

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;

- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Cabinet, committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 4½ hours in duration;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4;
- (q) to give the consent of the Council where its consent is required by this Constitution;
- (r) to extend the time limit for speeches;
- (s) to record names on a vote;
- (t) proposal that a vote be by ballot.

15 Rules of Debate

15.1 No Speeches until Motion Seconded

No motion or amendment shall be debated unless it has been seconded.

15.2 Right to Require Motion in Writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

15.3 Seconder's Speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

15.4 **Content**

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

15.5 **Length of Speeches**

- (a) At the meeting of the Council which considers the General Fund Revenue Budget of the Council for the following financial year, the leader of the Council (or another member of the Cabinet) may, in moving the Revenue Budget (together with the requirement on the Collection Fund), speak for a period not exceeding 20 minutes.
- (b) No other speech at any meeting of the Council shall exceed five minutes except by consent of the Council which shall be given or refused without debate. A member may continue his/her speech for one further period not exceeding five minutes as the Council may allow without a debate.
- (c) When one minute of the permitted time of a speech remains a warning (amber) light shall be shown and a second warning (red) light shall be shown at the end of the allotted time. (In either case an audible signal may also be given for the assistance of the member speaking.) The member shall then cease speaking and will sit down unless the Council has given its consent to the speech continuing as provided above.

15.6 **When a Member May Speak Again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

However, a member may speak again during the debate on a motion or amendment provided that any other member who wishes to speak on that motion or amendment has done so. If a member has spoken twice on a motion or amendment he/she shall make no further speech on that motion or amendment except by consent of the Council which shall be given or refused without debate.

15.7 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add wordsas long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.8 Alteration of Motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

15.9 **Withdrawal of Motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.10 **Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of an amendment shall have a right of reply immediately before the mover of the original motion replies.
- (d) At the end of the debate on any policy matter before the Council, the Leader shall have a right of reply.

15.11 **Motions which May be Moved During Debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 4½ hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

15.12 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

15.13 Point of Order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

15.14 Personal Explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

16 Previous Decisions and Motions

16.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five members unless there has been a significant change of circumstance.

16.2 Motion Similar to one Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 5 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17 Voting

17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting for or against (which must be at least equal to the quorum) and present in the room at the time the question was put. If no such majority is achieved then debate on the motion shall continue to try and obtain such a majority. If the required majority cannot be obtained then the motion will fail.

17.2 Chair's Casting Vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

17.3 Show of Hands

Unless a ballot or recorded vote is demanded under Rules 17.4 and 17.5, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Ballots

The vote will take place by ballot if five members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

17.5 Recorded Vote

If five members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

17.6 Right to Require Individual Vote to be Recorded

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.7 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

18 Minutes

18.1 Signing the Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

18.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. The language is constrained by that permitted in the regulations.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

18.3 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

19 Record of Attendance

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

20 Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

21 Members' Conduct

21.1 Standing to Speak

When a member speaks at full Council they must stand and address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

21.2 Chair Standing

When the Chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

21.3 Member Not to be Heard Further

If a member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

21.4 Member to Leave the Meeting

If the member continues to behave improperly after such a motion is carried, the Chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

21.5 General Disturbance

If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary.

22 Disturbance by Public

22.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

22.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

23 Use of Recorders, Cameras etc

With the knowledge of the Council, tape or video recorders, transmitters, microphones, cameras or similar equipment shall be permitted at meetings of the Council unless the Chair decides otherwise.

24 Suspension and Amendment of Council Procedure Rules

24.1 Suspension

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

24.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

25 Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 5, 6.1, 7, 8 (except where a different quorum has been agreed), 9, 11, 14-22 (but not Rule 21.1) and 24 apply to meetings of committees and sub-committees.

26 Interpretation

26.1 In these Procedure Rules, unless the context otherwise requires, the following expressions have the meaning assigned to them:

“Council” means the Lewes District Council;

“Cabinet” means a formal meeting of the Cabinet, convened in accordance with the access to information provisions of the Local Government Act 1972 and the Access to Information Procedure Rules contained in the Constitution;

“Committee” includes Committees, Panels and Sub-Committees;

“Chair of a Committee” includes the Vice-Chair of the Committee where appropriate or any other member of the Committee appointed by the Committee to act in the absence of the Chair or Vice-Chair;

“Chair” means the Chair of the District Council, or the person presiding at a meeting of the District Council;

“Other body” means any working party or other group including members which is constituted to review or advise on a specific topic or issue;

“Member” means an elected member of the Council;

“Lead Councillor” means a councillor on the Cabinet who has a particular area of responsibility; and

“Clear days” means that time is to be reckoned exclusive, both of the day on which the notice is given, and of the day of the meeting. A Sunday or bank holiday will be counted as a clear day except that if the day on which an action is required or permitted to be done or the last day on which it could be done falls on a Sunday or bank holiday, that day will be disregarded and it will be assumed that the next following day was the appropriate day for the action.

- 26.2 The ruling of the Chair as to the construction or application of any of the Procedure Rules included in Part 4 or as to the procedure of the Council, including points of order or the admissibility of a personal explanation or question of conduct shall be conclusive and shall not be challenged at any meeting of the Council, nor open to discussion.

Appendix

Procedures for Appointments

1 Election of Chair and Appointment of Vice-Chair of the Council

1.1 In Non-Election Years

Nominations for Chair and Vice-Chair of the Council shall be delivered to the Head of Democratic Services before 12 noon on the seventh day before the Annual Meeting of the Council.

1.2 In Election Years

Nominations from members for the offices of Chair and Vice-Chair of the Council for the ensuing municipal year shall be delivered to the Head of Democratic Services by 12 noon on the Monday following the day of the District Council elections.

1.3 Provision for Nominations

In all cases, nominations shall be in writing, signed by the member making the nomination and stating that the approval of the person nominated has been obtained.

2 Chairs of Committees or Other Bodies

2.1 The Council shall, at its Annual Meeting or at such other meeting as shall be appropriate, consider the Report of the Corporate Head - Legal and Democratic Services as to any nominations received for the appointment of Chairs of committees, or other bodies and then proceed to make those appointments from its members. Whenever practical, the Head of Democratic Services shall notify all members of nominations received prior to such meeting. Casual vacancies in the office of Chairs of committees or other bodies and Vice-Chair of the Planning Applications Committee shall be considered at the first meeting of the appropriate committee or other body following the vacancy occurring.

2.2 The Vice-Chair of the Planning Applications Committee shall be elected by that Committee.

2.3 In the absence of the Chair from a meeting, a Chair for that meeting shall be appointed.

2.4 The Chair of the Audit Committee shall not be a member of the Group or Groups forming the Administration and shall not be Chair of the Scrutiny Committee or any of its Panels.

2.5 The Chair of the Scrutiny Committee shall not be a member of the Group or Groups forming the Administration.

3. Membership of the Cabinet, Committees, or Other Bodies

3.1 Non-Election Years

3.1.1 In a year when no ordinary District Council elections are to be held, the Head of Democratic Services shall, on or before the first day of April, ask each member whether he/she wishes any change to be made to his/her existing membership of any committee or other body.

3.1.2 Members shall notify the Head of Democratic Services of any changes requested before 12 noon on the twenty first day before the Annual Meeting of the Council.

3.1.3 The Head of Democratic Services shall summarise the replies received and submit details to the Leader of the Council and the Leader of the Minority Group who shall, in consultation with such other members as they may think fit, make recommendations to the Annual Meeting of the Council as to the membership of any committee or other body for the ensuing year.

3.2 Election Years

3.2.1 In a year when ordinary District Council elections are to be held, the Head of Democratic Services shall send to all duly nominated candidates, a notice requesting to be informed of the committees and other bodies of the Council on which the candidate, if elected, would wish to serve during the ensuing municipal year.

3.2.2 The Head of Democratic Services shall send a summary of the replies to the Leader elect of the Council and the Leader of the Minority Group who shall, in consultation with such other members as they may think fit, make recommendations to the ensuing Annual Meeting of the Council as to the membership of any committee or other body for the ensuing year.

3.3 As far as is practicable, the membership of committees or other bodies shall reflect the political composition of the Council.

3.4 Arrangements for Filling Casual Vacancies

If a casual vacancy (or vacancies) occurs on a committee, or other body, the following procedure for filling the vacancy may be followed, subject to the appointment(s) being confirmed formally at the first appropriate meeting of the committee, or Council:

- (a) where the provisions of the Local Government and Housing Act 1989 or paragraph 3.3 above apply, the Corporate Head - Legal and Democratic Services is authorised to make appointments to committees and other bodies which are allocated to a particular political group, in accordance with the wishes of that Group as notified to her, subject to seven clear days notice having been given;
- (b) if the vacancy is one allocated to members who do not belong to a political group, these arrangements shall still apply provided that all the members concerned are in agreement, and
- (c) any casual vacancy occurring, where the provisions of the Local Government and Housing Act 1989 or paragraph 3.3 above do not apply, shall be filled by the Corporate Head - Legal and Democratic Services, subject to seven clear days notice having been given to her and after consultation with and the agreement of the political groups.

4 Appointment of Representatives to Serve on Outside and Joint Bodies

4.1 Non-Election Years

In a year when no ordinary District Council elections are to be held, the Head of Democratic Services shall send a list of Outside and Joint Bodies to all members, to enable them to indicate which bodies they wish to serve on should a vacancy arise together with any changes they would like to make to their existing memberships. The Head of Democratic Services shall summarise the replies received and submit details to the Leader of the Council and Leader of the Minority Group who shall make recommendations to the Annual Council Meeting for the appointment of members to Outside and Joint Bodies.

4.2 Election Years

In a year when ordinary District Council elections are to be held, the Head of Democratic Services shall send a list of Outside and Joint Bodies to all duly elected councillors, to enable them to indicate on which bodies they would be interested in serving. A summary of the replies shall be considered by the Leader elect of the Council and the Leader of the Minority Group who shall make a recommendation to the Annual Council Meeting as to the appointment of representatives to serve on Outside or Joint Bodies.

4.3 Arrangements for Filling Vacancies

If a vacancy arises, the Head of Democratic Services, in consultation with the Leader of the Council and the Leader of the Minority Group, shall be authorised to appoint a member pending

confirmation at the next meeting of the Cabinet. In the event of the two Leaders not being in agreement as to the member to be appointed, then the appointment shall await the next meeting of the Cabinet.

4.4 Guidelines

The following guidelines for the appointment of representatives to serve on Outside and Joint Bodies shall be followed:

- (a) If the body relates to a particular town or rural area, the appointment(s) will, so far as is practicable, be made from councillors representing that town or rural area.
- (b) Appointments shall be made from existing District Councillors and non-councillors will only be appointed if no District Councillors are willing to serve on the body concerned.

5 Appointment and Dismissal of the Leader

5.1 Appointment

The Council shall elect from amongst its members the Leader of the Council at the Annual Council meeting following local elections and at any other time where there is a vacancy in the office of Leader of the Council.

5.2 Term of Office

The Leader shall hold office until the Annual Council meeting following the next local elections providing that s/he shall cease to be Leader if any of the following takes place:

- (a) s/he resigns from office; or
- (b) s/he is suspended from being a councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension); or
- (c) s/he is no longer a councillor; or
- (d) s/he is removed from office by resolution of the Council; or
- (e) s/he is otherwise disqualified by law.

5.3 Notice and Special Procedure for Removing Leader

- 5.3.1 Before the Leader can be removed by a resolution of the Council, a notice in writing setting out the proposed resolution shall be given to the Chief Executive not less than 21 days before the date of the meeting of the Council at which it is proposed to pass the resolution.

5.3.2 The notice under 5.3.1 shall:

- (i) be signed by at least two members of the Council (proposer and seconder);
- (ii) state the date of the Council meeting at which it is proposed to pass the resolution; and
- (iii) propose a member to replace the Leader.

5.3.3 On receipt of a valid proposed resolution, the Chief Executive shall send a copy of the notice to every member of the Council as soon as practicable and, in any event, within seven days of the receipt of the notice.

5.3.4 Any two or more members may nominate an alternative member to become the new Leader providing that notice of such nomination is received not less than seven days before the date of the Council meeting at which the proposal to remove the Leader is discussed.

5.3.5 If the resolution to remove the Leader is carried, the appointment of the new Leader shall take place in accordance with Rule 17 of these rules.