

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 (at the meeting following local elections);
- (vii) appoint at least one Scrutiny Committee (which is called the Policy and Performance Advisory Committee), an Audit and Governance 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, Cabinet Members 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 reports from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
- (ix) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (x) consider motions;
- (xi) 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 Policy and Performance Advisory Committee or its Panels for debate; and
- (xii) receive ward issues which councillors raise.

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 a Standards Panel is not entitled to appoint a substitute. A Councillor on the Cabinet may not be appointed to act as a substitute on the Policy and Performance Advisory Committee or the Audit and Governance Committee.

No Councillor on the approved list shall sit on or act as substitute on the Licensing Committee or Licensing Sub-Committee. No Councillor on the approved list shall sit on or act as substitute for 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 and Governance, Joint Staff, 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 Council's senior legal officer and notified in the summons.

6 Notice of and Summons to Meetings

6.1 Notice and Summons

The Council's senior legal officer 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 Council's senior legal officer 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 Ratification

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

6.4 Call-Over

- (a) Before the Council receives and considers the proceedings of the Cabinet or other committee the Council's senior legal officer 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 Council's senior legal officer, reserve it for debate.
- (b) After the Council's senior legal officer 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 Officers Speaking

No officer may be called upon to speak at Council meetings, without the consent of the Chair of the Council. However, with such consent, an officer may contribute by way of answers to a question to clarify a point or to alert Council to factual inaccuracies in any report. With the consent of the Chair, Directors, together with officers holding statutory positions, shall not be prevented from addressing the Council where they see fit to do so and so far as they act within the law.

9 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.

10 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.

11 Questions by the Public

11.1 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.

11.2 Order of Questions

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

11.3 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.

11.4 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.

11.5 Scope of Questions

The Council's senior legal officer 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.

11.6 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.

11.7 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.

11.8 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 11.5 above. Unless the Chair decides otherwise, no discussion will take place on any question.

11.9 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).

11.10 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.

12 Questions by Members

12.1 On Reports of the Cabinet or Committees

A member of the Council may ask the Leader, a Cabinet Member 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.

12.2 Written Questions from Councillors at Full Council

Subject to Rule 12.4, a member of the Council may ask:

- the Chair;
- the Leader;
- a Cabinet Member;
- 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.

12.3 Written Questions from Councillors at Committees and Sub-Committees

Subject to Rule 12.4, 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.

12.4 Notice of Questions

A member may only ask a question under Rule 12.2 or 12.3 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) where the question relates to an urgent matter, they have the consent of the Chair, Leader, Cabinet Member 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.

12.5 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.

12.6 Supplementary Question

A member asking a question under Rule 12.2 or 12.3 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.

- 12.7** 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.

13 Receipt of Petitions

Any petitions presented to Council will be dealt with in accordance with the procedures set out in the Petitions Scheme in Part 6 of the Constitution.

14 Motions on Notice

14.1 Notice

Except for motions which can be moved without notice under Rule 16.10, notice of every motion must be delivered to the Head of Democratic Services either in writing, signed by the member(s) giving notice, or by electronic mail provided it is sent from the member's Lewes District Council 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. The content of any explanatory preamble to any motion shall be kept as brief as possible.

14.2 Circulation

As soon as practicable following receipt of any motion, the Head of Democratic Services will circulate the same electronically to all councillors, prior to publication of the Council agenda.

14.3 Scope

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

14.4 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.

15 Amendments

15.1 Notice

Notice of any proposed amendment to any member/officer recommendation in any report or item for and/or information must be delivered to the Head of Democratic Services either in writing, signed by the member(s) giving notice, or by electronic mail provided it is sent from the Councillor's Lewes District Council email address, not later than 24 hours in advance of the meeting.

15.2 Circulation

Wherever practicable, following receipt of any proposed Amendment, the Head of Democratic Services will circulate the same electronically to all councillors prior to the Council meeting.

16. Procedures for Debate

- 16.1 The following procedure for debate applies to **notices of motion only**, but not to matters referred to Council for decision and/or information (which are covered by paragraph 16.2 below):
- (a) The Chair will call upon the relevant member to put the motion.
 - (b) The Chair will call for a seconder. A member seconding a motion may reserve his/her right to speak later in the debate.
 - (c) If there is no seconder, the motion falls without debate and the Council proceeds to the next item of business
 - (d) The Chair will invite the proposer of the motion to make his/her speech
 - (e) The Chair will call in turn other members who have indicated a wish to speak on the motion
 - (f) At any point in the debate, a member may propose an amendment to the motion. At this point, the Chair will call for a seconder. If there is no seconder, the amendment is not debated.
 - (g) Once an amendment is proposed and seconded, the Council will specifically debate the amendment starting with the proposer of the amendment. The seconder may reserve his/her right to speak later.
 - (h) The Chair will call in turn other members who have indicated a wish to speak on the amendment. Members who have already spoken on the original motion may speak again on the amendment.
 - (i) At the end of the debate on the amendment, the Chair will put it to the vote. If carried, the effect of the amendment will be added to the original motion and Council will return to debating the motion as now amended. If it is not carried, the Council will return to the debate on the motion as originally proposed.
 - (j) Any subsequent amendments will then be managed in the same way as that set out in (f) to (i) above. If a previous amendment has been carried, subsequent amendments must be on the motion as amended.
 - (k) Once all amendments have been considered the Chair will Return to the debate on the substantive motion. Any member who has

already spoken to the motion may not speak again except for under the general rights set out in paragraph 16.6 below. Any member who has only spoken to amendments or has yet to speak at all may speak at this point.

- (l) At the conclusion of the debate, the Chair will invite the proposer of the original motion to respond before the vote is taken.
- (m) The Council will vote on the substantive motion. This will either be the original motion if there have been no carried amendments or as amended by any amendments that have been carried.
- (n) Where a decision is required to be relayed to an external agency, this will be undertaken on the Council's behalf by the Council Secretary and any responses to such decisions shall be circulated to all Councillors.

16.2 The following procedure for debate applies to **matters referred to Council for decision and/or information** but not to notices of motion (which are covered by paragraph 16.1 above). Amendments will be dealt with as below and in accordance with Rule 16.6.

- (a) The Chair will call upon the relevant member to put the proposal (ie the recommendation to Council or the Motion as appropriate).
- (b) The Chair will call for a seconder.
- (c) The Chair will deal with amendments received in the order they were received and as follows:
 - (i) the Chair will call upon the relevant member to submit his/her proposed Amendment; and
 - (ii) the Chair will call for a seconder.
- (d) The Chair will invite the mover of the original proposal to speak and then in turn any member who has moved an Amendment.
- (e) The Chair will call in turn other members, in no particular order, who have indicated a wish to speak.
- (f) At the end of the debate the Chair will invite the mover of the original proposal to respond before the vote is taken.
- (g) The vote will be taken on the first tabled Amendment, if any.
- (h) If the vote is successful the Chair shall declare the proposal carried and no further Amendments on the same subject matter shall be voted upon.
- (i) If the vote is lost the Chair will put to the vote in turn any other Amendments submitted.

- (j) On a successful vote the Chair shall declare the proposal carried and no further votes on the same subject matter shall be taken.
- (k) If all Amendments are lost the Chair will put the original proposal to the vote and if successful it shall be carried and no further votes shall be taken.
- (l) Where a decision is required to be relayed to an external agency, this will be undertaken on the Council's behalf by the Head of Democratic Services and any responses to such decisions shall be circulated to all Councillors.

16.3 No speeches shall take place until a proposal is seconded. If no seconder is forthcoming, the matter will be closed and the meeting will proceed to the next item of business.

16.4 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. The member shall then cease speaking and will sit down unless the Council has given its consent to the speech continuing as provided above.

16.5 When a Councillor May Speak Again

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

- (a) as the mover of the original proposal (but not of an Amendment), to exercise the right to reply at the end of the debate and before a vote is taken in accordance with Rule 16.1(f);
- (b) on a point of order; and
- (c) by way of personal explanation.

16.6 Amendments

- (a) An amendment to a motion must be relevant to the motion or recommendation and will be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration; or
 - (ii) add, replace or leave out words,

as long as the effect of (ii) is not to negate the motion.

- (b) All Amendments shall be moved and seconded prior to debate.
- (c) No further Amendments may be submitted by any of the speakers during the debate.

If during the course of debate, a member wishes to propose some minor modification of wording to the proposer of any Amendment they may do so, in which case it will be a matter for the discretion of the relevant proposer of the Amendment as to whether he/she accepts that minor modification. No minor modification will be the subject of a vote.

- (d) The vote will be taken on any seconded Amendment(s) first and only if these are defeated will the original proposal be put to the vote.

16.7 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.

16.8 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.

16.9 Right of Reply

- (a) The mover of a proposal has a right to reply at the end of the debate, immediately before a vote is taken.
- (b) The mover of an Amendment has no right of reply at the end of the debate.
- (c) At the end of the debate on any policy matter before the Council, the Leader shall have a right of reply.

16.10 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 proceed to the next business;
- (c) that the question be now put;
- (d) to adjourn a debate;
- (e) to adjourn a meeting;
- (f) that the meeting continue beyond 4½ hours in duration;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

16.11 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 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 22.3 or to exclude them from the meeting under Rule 22.4;
- (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

16.12 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.

16.13 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.

16.14 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.

17 Previous Decisions and Motions

17.1 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 and unless there has been a significant change of circumstance.

17.2 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.

18 Voting

18.1 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.

18.2 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.

18.3 Show of Hands

Unless a ballot or recorded vote is demanded under Rules 18.4 and 18.5, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

18.4 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.

18.5 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.

18.6 Recorded Vote on Budget and Council Tax setting

This is a mandatory standing order under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

Immediately after a vote is taken on any decision relating to the budget or council tax, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

18.7 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.

18.8 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 cast 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.

19 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.

19.1 A ward issue shall mean an issue in a ward of the District that the councillor has tried to resolve, but has been unable to resolve, and in respect of which the Council can take action or exercise influence. A proposed ward issue may be rejected by the Chair/Senior Legal Officer if the councillor has not shown that they have liaised with the appropriate officer to try to deal with the issue before raising it at Council.

19.2 Notice of any ward issue must be delivered to the Head of Democratic Services either in writing signed by the member giving notice or by electronic mail provided it is sent from the member's Lewes District Council address not later than three clear days before the date of the meeting. The notice will briefly state the nature of the issue.

19.3 In exceptional circumstances, if a ward issue has arisen after the deadline for submission and needs to be raised urgently, the councillor shall use their judgement to decide whether to submit the ward issue, in which case they will notify the Chair of the nature of the issue in advance of the meeting.

19.4 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.

20 Minutes

20.1 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.

20.2 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.

20.3 Form of Minutes

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

21 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.

22 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 24 (Disturbance by Public).

23 Members' Conduct

23.1 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.

23.2 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.

23.3 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.

23.4 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.

23.5 General Disturbance

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

24 Disturbance by Public

24.1 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.

24.2 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.

25 Recording, Filming, Broadcasting and Reporting of Council and Committee Meetings

25.1 With the knowledge of the Council, the public have the right to record, film, broadcast and report meetings of the Council that are open to the public, which includes the use of digital and social media recording tools such as twitter, blogging etc.

25.2 The Chair of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting.

25.3 While those attending Council and Committee meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998.

25.4 Any person or organisation choosing to film, record or broadcast any meeting of the Council is responsible for any claims or other liability from them so doing.

26 Suspension and Amendment of Council Procedure Rules

26.1 Suspension

All of these Council Rules of Procedure except Rule 18.2 and 18.6 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.

26.2 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.

27 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, 9 (except where a different quorum has been agreed), 10, 12, 14-22 and 24 apply to meetings of committees and sub-committees.

28 Interpretation

28.1 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;

“Cabinet Member” 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.

- 28.2** 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 Council's senior legal officer 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 and Governance Committee shall not be a member of the Group or Groups forming the Administration and shall not be Chair of the Policy and Performance Advisory Committee or any of its Panels

2.5 The Chair of the Policy and Performance Advisory 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 Leaders of the Minority Groups 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 Leaders of the Minority Groups 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 with the exception of executive 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 Head of 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 him, 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 Council's senior legal officer, subject to seven clear days notice having been given to him 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 Leaders of the Minority Groups 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 Leaders of the Minority Groups 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 Leaders of the Minority Groups, shall be authorised to appoint a member pending confirmation at the next meeting of the Cabinet. In the event of the 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 no longer a councillor; or
- (c) s/he is removed from office by resolution of the Council; or
- (d) 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 and voting thereon shall take place in accordance with Procedure Rule 5 of these rules.

5.4 Voting Procedure for Electing Leader

5.4.1 All candidates must be declared before the first round of voting.

5.4.2 No round will be subject to the Council's ballot (secret vote) procedure.

5.4.3 If any candidate wins more than 50% of the total number of votes cast, in any round, then that candidate shall be declared the winner, and voting will cease.

5.4.4 For avoidance of doubt, abstentions will not count as votes cast.

5.4.5 After each round, subject to the following tie-break rule, the candidate with fewest votes will be eliminated.

5.4.6 In the event that two or more candidates are tied for the fewest votes, they become the "last-place tied candidates". The candidate or candidates eliminated will be determined as follows:

- (i) If the total number of votes for the last-place tied candidates does not exceed the number of votes won by the next highest candidate, then all of the last-place tied candidates will be eliminated.
- (ii) Otherwise, the candidate eliminated will be chosen from the last-place tied candidates by the drawing of lots.
- (iii) After each round of voting, remaining candidates may address the meeting. Each address will be limited to two minutes.

5.4.7 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.