

(1) Council Procedure Rules

1. SCOPE

These rules, more commonly referred as the Council's procedural Standing Orders, are designed to assist the Council (and its Committees) in dealing with their business. Standing Orders are attached.

STANDING ORDERS

PART 1 - COUNCIL MEETINGS

(A) GENERAL

Interpretation

1.1 In these Standing Orders, unless the context requires otherwise, the following expressions have the meanings given below:

"Council" means the East Sussex County Council

"Chair of a Committee" includes the Vice-Chair of the Committee or any other member of the Committee nominated by the Chair to act on his or her behalf or acting in his or her absence

"Chairman" means the Chairman of the Council or the person presiding at the meeting of the Council and such person shall not be a member of the Cabinet or any Scrutiny Committee.

"Committee" includes "Sub-Committees" and any Scrutiny Committees and refers to the Committees and Sub-Committees established from time to time by the Council (the current structure is set out in Section B of the Members' Handbook).

"The Cabinet" means a formal meeting of the Cabinet, as appointed by the Leader of the Council, meeting as a committee, convened in accordance with the access to information provisions of the Local Government Act 1972 as amended.

1.2 "C" before the title of a Standing Order indicates that the order applies to all Committees and, where applicable, Sub-Committees.

1.3 The ruling of the Chairman as to the meaning or application of any of the Standing Orders in Part 1 or as to any aspect of Council procedure (including the order of business) shall be conclusive and shall not be challenged at any meeting of the Council nor open to discussion.

Place and time of meetings

2.1 Unless otherwise determined by the Chairman, meetings of the Council shall be held at County Hall, Lewes, commencing at 10.00 am.

2.2 The Annual Meeting shall normally be held in May. Other ordinary meetings shall be held at such intervals as the Council decides.

2.3 In addition, extraordinary meetings may be called by the Chairman or by members of the Council (in accordance with the provisions of Schedule 12 of the Local Government Act 1972) to consider specific business for which they were requisitioned.

2.4 Separate provisions for the Leader of the Council to request an extraordinary meeting of the County Council where the Council does not accept the Cabinet's recommendations in relation to any plan, strategy or budget that forms part of the budget and policy framework are contained elsewhere in the Constitution.

No smoking

3.1 Smoking shall not be permitted at meetings of the Council, its Committees and Sub-Committees.

Mobile phones

4.1 Any mobile phones and hand-held computers taken into Council meetings shall be switched off at all times.

Refreshments

4.2 No food shall be taken into meetings of the Council.

Summons

5.1 The Assistant Chief Executive shall send to members a summons, agendas and related papers, either by post or electronic mail, setting out the business to be transacted together with the minutes of the preceding meeting (where appropriate).

Circulation of committee reports

6.1 After consulting the Chair of the Committee, the Assistant Chief Executive shall settle on behalf of all Committees any reports from Committees to the Council (incorporating appropriate material before the Committee).

Record of Attendances

7.1 The Assistant Chief Executive shall hold a record of members' attendances at meetings of the County Council, Committees, Sub-Committees and Panels.

Admission of public and press and recording of proceedings

8.1 The press and public shall be excluded for the whole or any part of the proceedings if a motion under Section 100A (2) or (4) of the Local Government Act 1972 is moved, seconded and carried.

8.2 The Chairman may give the Assistant Chief Executive directions as to arrangements for the admission of the public.

8.3 Any member of the public has the right to record, film, broadcast and report meetings of the Council that are open to the public.

C Motions affecting employees

9. If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct or ability of any person employed or formerly employed by the Council, a motion to exclude the public and press shall be moved forthwith by the Chairman and put without debate.

Order of business

10.1 The order of business at ordinary meetings of the Council shall be:

1. at an annual meeting and any other meeting where for some reason it is necessary, (a) to elect a Chairman, (b) to appoint a Vice-Chairman;
2. to choose a person to preside if the Chairman and Vice-Chairman of the Council are not present;
3. to confirm as a correct record the minutes of the previous meeting;
4. to deal with any business expressly required by law to be done;
5. Chairman's business;
6. to deal with any business remaining from the last meeting;
7. at the annual meeting following an election of all members or following the resignation, dismissal or vacation of office by the Leader:
 - (a) to elect the Leader of the Council;

8. at the annual meeting of the Council, the Leader will present to the Council a written record of delegations of executive functions made by him/her to Cabinet Members for inclusion in the Council's Scheme of Delegation at Part 3 to this constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:
 - (a) names of the County Councillors appointed to the Cabinet by the Leader;
 - (b) the extent of any authority delegated to Cabinet Members individually as portfolio holders, including details of any limitation on their authority;
 - (c) appoint one of the Cabinet Members to be Deputy Leader;
 - (d) the terms of reference and constitution of the Cabinet and such executive committees as the Leader appoints, and the names of Cabinet Members appointed to them;
 - (e) the nature and extent of any delegation of executive functions to local committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
 - (f) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer or officers to whom the delegation is made.

9. at the annual meeting:
 - (a) to appoint the Scrutiny Committees, Audit Committee, Regulatory Committee, Planning Committee, Governance Committee, Pension Committee and Standards Committee.
 - (b) to appoint a Chair of the Regulatory Committee, and the Planning Committee (from among the members of the Regulatory Committee), and the Chairs of the Audit Committee, Scrutiny Committees, Pension Committee and Governance Committee (and Vice-Chair where the County Council considers it appropriate). The chairs and

vice-chairs of the Audit Committee and Scrutiny Committees shall be added together and the positions allocated to the political groups in proportion to the number of seats they have on the Council. Within the allocation, the Chair of the Audit Committee shall be appointed from amongst the members of the largest Opposition Group

- (c) to appoint any other committees and panels

[Note: Vice-Chairs are currently appointed for the Scrutiny Committees, the Audit Committee and the Planning Committee.]

10. Questions from members of the public;
11. At the annual meeting, to debate the Cabinet's priorities for the year ahead;
12. Reports and recommendations of the Cabinet;
13. Reports and recommendations of the following :
 - Chairs of Scrutiny Committees;
 - Individual Scrutiny Committees;
 - Governance Committee;
 - Standards Committee;
 - Audit Committee
14. Questions from members of the County Council:
 - (a) oral questions to Cabinet members;
 - (b) written questions of which notice has been given pursuant to Standing Order 44;
15. Reports of the East Sussex Fire Authority;
16. Notices of motion;
17. Any other business specified in the summons or required by law to be dealt with.

10.2 Business falling under the headings 1-4 (inclusive) above shall not be varied but the Chairman may vary the order of business under headings 5-17 (inclusive) where he or she considers this would be appropriate.

10.3 The summons for an extraordinary meeting of the Council shall contain the following matters and no others:

1. the matters referred to in Standing Order 10.1 paragraphs 2 and 4;
2. the specific business for which the meeting has been called or requisitioned.

Election of Chairman and Appointment of Vice-Chairman

11.1 The Chairman shall be elected and the Vice-Chairman shall be appointed annually at the annual meeting of the Council.

11.2 There shall be no time limits on the term of office for the Chairman and Vice-Chairman.

Minutes

12.1 The Chairman will move the motion "that the Council confirms the minutes of the last meeting of the Council as a correct record".

12.2 There shall be no discussion or motions on the minutes, except upon their accuracy.

12.3 The minutes of the last meeting will be approved at the next appropriate meeting of the Council.

Council in Committee

13.1 The Council may resolve itself into a committee of the whole Council.

13.2 Standing Order nos. 10 (order of business), 18 (reserved paragraphs), 19-32 (rules of debate and presentation of reports of committees), 35-39 (notices of motion and amendments) and 43-44 (questions from members) shall not apply to the Council in Committee.

Suspension of Standing Orders

14. One or more Standing Orders in Part 1 may only be suspended by the Council if a motion to do so is formally moved, seconded and put without discussion when at least 30 members of the Council are present.

Note: the suspension of Standing Orders cannot permit action which is not permitted by law.

Termination of meetings

15.1 The Council may, at any time after 5.30 pm regardless of any adjournments which have taken place in the Council's proceedings,

however occasioned, determine to dispose of the remaining business on the agenda in accordance with the procedure in Standing Orders 15.2-15.4, below.

15.2 A motion to invoke this procedure, shall be formally moved and seconded and put to the vote without debate.

15.3 If the motion is passed, all the remaining business on the agenda (including the matter then under consideration) shall be taken as follows:

- (a) motions to adopt any reserved paragraphs in Committee reports not already disposed of shall be moved formally, in order, and immediately voted upon without debate, subject to the following provisions relating to amendments;
- (b) amendments may only be moved if:
 - (i) notice in writing of the amendment has been given to the Assistant Chief Executive before 5.30 pm on the day of the Council meeting; and
 - (ii) the Chairman considers it appropriate.Any such amendment, once moved and seconded, shall immediately be voted upon without debate;
- (c) if the report of the East Sussex Fire Authority has not been dealt with, any motion of which notice has been given before 5.30 pm on the day of the Council meeting to the Assistant Chief Executive shall be formally moved, seconded and voted upon without debate. Otherwise, any reserved paragraphs in the Authority's reports shall not be discussed or questions asked of the Nominated Spokespersons;
- (d) any motion of which notice has been given pursuant to Standing Order 36 and which is included on the agenda shall be moved and seconded formally. Subject to (b) above relating to amendments, any motion so moved and seconded shall immediately be put to the vote without debate;
- (e) if a motion is being debated at the time the provisions of this Standing Order take effect, that debate shall immediately be concluded as if the motion "To put the question" had been moved and carried.

15.4 When the Council has decided to dispose of business under Standing Order 15.1, notwithstanding the provisions of Standing Order 35 (motions which may be moved without notice), no business other than that set out above and questions under Standing Order 44 shall be transacted.

Adjournment of meeting

16.1 The Chairman may adjourn a meeting of the Council for such period as he or she considers appropriate. The Council may resolve to adjourn a meeting in accordance with the procedure in Standing Order 31 below.

16.2 In the event of an adjournment, the Chairman of the Council may, at the time of the adjournment or subsequently, fix a date and time for the meeting to resume. If no date and time is fixed the outstanding business shall be dealt with at the next ordinary meeting of the Council.

C Quorum

17. No business shall be transacted if there is not a quorum.

NOTE: The Local Government Act 1972, Schedule 12, specifies that a quorum shall be one quarter of the whole number of members of the Council. (Standing Order 14 provides that at least 30 members of the Council must be present when a motion is moved to suspend any Standing Order in Part 1).

(B) PRESENTATION OF REPORTS

Reserved paragraphs

18.1 At ordinary meetings of the Council, when the appropriate agenda item is reached the Chairman shall ask the members (including the Chairs presenting the reports) to state the paragraph numbers on which they wish to speak. Such paragraphs are called "reserved paragraphs".

18.2 When a paragraph is reserved, any other paragraph before the Council ruled by the Chairman to be related shall be deemed to be reserved.

18.3 No discussion shall be permitted on any paragraphs which have not been reserved.

18.4 The Chairman shall then move and put to the vote without discussion the adoption of the whole of the reports of Committees, excluding any reserved paragraphs.

18.5 The Council shall then discuss the reserved paragraphs in the order appearing in the reports unless the Chairman decides otherwise or unless related matters are taken together in accordance with Standing Order 18.6 below. The adoption of each reserved paragraph shall be moved separately by the Chair of the relevant Committee or another member nominated by him or her unless (with the agreement of the Council) he or she withdraws a paragraph.

18.6 Paragraphs, motions or amendments ruled by the Chairman to be related shall be discussed together when, in the opinion of the Chairman, the appropriate paragraph, motion or amendment is reached.

18.7 When the reports of the East Sussex Fire Authority are reached the Council shall discuss any reserved paragraphs in the order in which they appear. It is open to a member to move a motion expressing views to the East Sussex Fire Authority on a subject covered by a reserved paragraph but not to move an amendment to the paragraph or the reference back of the paragraph to the Authority.

(C) RULES OF DEBATE

Members to stand

19. A member shall stand when speaking and shall address the Chairman. If two or more members rise, the Chairman shall call one to speak, and the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order or a personal explanation.

C Respect for the Chairman

20. Whenever the Chairman rises any member standing shall sit and all members except the Chairman shall be silent.

C Relevance of speeches

21.1 A member shall direct his or her speech strictly to the question under discussion, or to a personal explanation, or to a motion or amendment to be proposed by him or her, or to a point of order.

21.2 The Chairman shall call a member to order for irrelevance, tedious repetition, unbecoming language, improper motives, failure to address the Chairman, reflections of a personal character on any

member, employee or former employee of the Council, or any breach of order, and may direct such member, if speaking, to discontinue the speech and be seated. (See also Standing Order 46 (Improper Conduct by Members and the Public))

C Points of order or personal explanation

22.1 A member may rise on a point of order and shall be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall first specify the Standing Order or statutory provision and the way in which he or she considers it has been broken.

22.2 With the leave of the Chairman, a member may make a statement by way of personal explanation which must be confined to some material part of an earlier speech by the member at the same meeting of the Council which has been misunderstood.

Length of speeches

23. No speech shall exceed five minutes except where:

- (1) a Chair of a Committee (or other nominated member) or the Nominated Spokesperson of the East Sussex Fire Authority is exercising a right of reply;
- (2) the Leader of the Council and the Leaders of the Opposition Groups are speaking at the start of the debate at the annual meeting on the Cabinet's priorities. In this instance, each Leader shall be permitted to speak for up to 11 minutes – see Standing Order 45.
- (3) the Council (without debate) allows a member to continue his or her speech for a further period or periods, not exceeding three minutes each; or
- (4) the Council (without debate) consents.

Requirement for a motion or amendment to be seconded

24. Motions and amendments must be seconded except a motion:

- (a) by the Chairman; or
- (b) to adopt a reserved paragraph.

If required by the Chairman, a motion or amendment shall be put into writing and handed to the Assistant Chief Executive before it is further discussed or put to the meeting.

Secunder may reserve speech

25. A member seconding a motion or amendment may reserve his or her speech until later in the debate.

When a member may speak again

26. A member may not speak more than once on any motion except:

- (1) to speak once on each amendment moved by another member;
- (2) if the motion has been amended since the member last spoke, to move a further amendment;
- (3) if the member's first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which he or she spoke was carried;
- (4) to make a speech, as the seconder of the motion, which, in accordance with Standing Order 25, has been reserved;
- (5) in exercise of a right of reply as mover of a motion (or as the member nominated to reply to the debate) or amendment given by Standing Orders 32 and 36.9(2);
- (6) in exercise of a right of reply under Standing Order 32.7 or 32.8
- (7) on a point of order (stating which Standing Order has been broken) or a personal explanation under Standing Order 22.

Definition of "amendment"

27. Subject to Standing Order 36:

- (1) an amendment shall be relevant to the motion and shall not only have the effect of negating it;
- (2) where there is an amendment:

- (a) to the report of a Committee containing a recommendation; or
- (b) to a motion separately referred to on the agenda; or
- (c) to a motion under Standing Order 35 (motions which may be moved without notice and/or during debate),

the amendment shall either:

- (i) refer a subject of debate (or part of it) to a Committee for consideration or reconsideration with or without instructions; or
 - (ii) delete and/or add words;
- (3) where the report of a Committee does not contain a recommendation, an amendment shall only refer the paragraph (or part) to a Committee for consideration or reconsideration with or without instructions;
- (4) the only exception to Standing Orders 27(2) and (3) shall be, with the permission of the Chairman, to make a correction.

(Note: For restrictions on amendments seeking to rescind or reverse a previous decision of the Council, see Standing Orders 36 and 39.)

Disposal of amendments

28.1 Unless the Chairman decides to the contrary, where notice has been received of more than one amendment on related subjects they will be moved in the order in which they are received by the Assistant Chief Executive and debated (but not voted on) together.

28.2 If an amendment is lost, subject to Standing Order 15 (termination of meetings), other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion, and shall become the substantive motion upon which any further amendment may be moved.

28.3 If an amendment to refer a subject of debate to a Committee has been rejected and no other amendment is moved the Chairman shall, unless a member requires a vote, declare the motion carried.

Alteration of motions

29. A member may, with the consent of the Council, signified without discussion:

- (1) alter a motion of which he or she has given notice; or
- (2) with the consent of his or her seconder, alter a motion which he or she has moved;

if (in either case) the alteration is one which could be made as an amendment to the motion.

Withdrawal of motion or amendment

30. A motion or amendment moved during a meeting may be withdrawn by the mover with the consent of the seconder and of the Council, which shall be signified without discussion, and no member may speak upon it after the mover has obtained permission for its withdrawal.

(See also Standing Order 36.6 which provides that notices of motion submitted under that Standing Order shall only be withdrawn on the written application of all signatories.)

Closure of debate on a motion or amendment

31. A member who has not spoken on the matter under consideration may, at the conclusion of a speech by another member, move without comment "to proceed to the next business" or "to put the question" or "to adjourn the debate" or "to adjourn the meeting" on the seconding of which the Chairman shall proceed as follows:

- (1) on a motion "to proceed to the next business", the Chairman shall put the motion to the vote unless he or she considers the matter has not been sufficiently discussed;
- (2) on a motion "to put the question", the Chairman shall put the motion to the vote unless he or she considers the matter has not been sufficiently discussed. If it is passed, then before putting the original motion to the vote the Chairman shall give rights of reply in accordance with Standing Order 32;
- (3) on a motion to adjourn the debate or the meeting, if the Chairman considers that the matter before the meeting has not been sufficiently discussed and cannot

reasonably be sufficiently discussed at that meeting, he or she shall put the adjournment motion to the vote without giving any right of reply on that occasion.

Right of reply

32.1 Except where the procedure in Standing Order 15 (termination of meetings) is being followed, the Chairman of a Committee moving the adoption of a reserved paragraph (or another member nominated by him or her) shall have a right of reply at the close of the debate upon such motion, immediately before it is put to the vote.

32.2 The Nominated Spokesperson of the East Sussex Fire Authority shall have a right of reply at the close of the debate upon a reserved paragraph in the relevant report.

32.3 Where a motion is separately referred to on the summons, the mover of the motion, and then the Chairman of the most appropriate Committee, or the relevant Cabinet member (if nominated by the Chairman of the Cabinet), shall be entitled to a right of reply at the end of the debate.

32.4 Where a motion has been referred to a Committee, one signatory shall have a right of reply before the Chair of the Committee, or the relevant Cabinet member (if nominated by the Chair of the Cabinet), when the motion is considered by the Council.

32.5 If an amendment is moved, the mover of the original motion shall be entitled to reply at the close of the debate on the amendment, but shall not otherwise speak on the amendment.

32.6 Where an amendment has been submitted to the Assistant Chief Executive at least two clear working days before the meeting of the Council, one signatory to the amendment shall have a right of reply at the close of the debate on the amendment immediately prior to the Chair of the Committee, or the relevant Cabinet member (if nominated by the Chair of the Cabinet), exercising his or her right of reply.

32.7 Where a motion is submitted to the Assistant Chief Executive at least two clear working days before the meeting of the Council to express views to the East Sussex Fire Authority on a subject covered by the Authority's report, one signatory of the motion shall have a right of reply at the close of the debate immediately prior to the Nominated Spokesperson of the authority.

32.8 The Leader of the Council shall have a right of reply to the debate at the annual meeting on the Cabinet's priorities for the year ahead.

32.9 A member in exercising a right of reply shall confine himself or herself strictly to answering previous speakers and not introduce any new matter.

(D) VOTING

Method of Voting

33.1 Voting at meetings of the Council will be by show of hands unless, by standing, six members demand a recorded vote, in which case the vote shall be by roll-call and shall be recorded in the minutes to show how each member present cast their vote or whether they abstained.

33.2 Where a member so requests immediately after a vote is taken, the way in which he or she voted (or whether he or she abstained) will be recorded in the minutes.

Recorded Vote on Budget and Council Tax setting

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

33.3 Immediately after any vote is taken at a budget decision meeting of the authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

33.4 Voting in relation to the annual budget setting, including motions and amendments, will be by recorded vote. The vote shall be by roll-call and shall be recorded in the minutes to show how each member present cast their vote or whether they abstained.

C Voting on appointments

34. Where there are more persons nominated for any position(s) to be filled by the Council than there are vacancies, Standing Order 33 shall not apply and instead voting shall be by roll-call unless otherwise agreed. Where three or more persons are nominated for one position to be filled by the Council, and a majority of the votes cast is not in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken until a majority of votes is cast in favour of one person. This Standing Order shall apply to elections and appointments of members, officers or other persons.

(E) MOTIONS

Motions which may be moved without notice and/or during debate

35. The following motions may be moved without notice and the motions marked with an asterisk may also be moved during debate:

- *1. To appoint a Chairman of the meeting at which the motion is made.
2. Motions relating to the accuracy of the minutes.
3. To adopt reports and recommendations of Committees and any consequent resolutions.
4. To offer condolences or congratulations.
5. To authorise the sealing of documents.
- *6. To refer a matter to a Committee.
- *7. To express views to the East Sussex Fire Authority on a subject covered by a paragraph in its report which has been reserved for discussion.
- *8. To resolve the Council into Committee.
- *9. To appoint a Committee or members thereof where the appointment is occasioned by an item mentioned in the summons to the meeting.
- *10. To give leave to withdraw a motion.
- *11. To suspend one or more Standing Orders in accordance with Standing Order 14 (which provides that Standing Orders relating to business at a meeting may be suspended provided at least 30 members of the Council are present when the motion is moved, seconded and put).
- *12. To exclude the public and press.
- *13. To give the consent of the Council where such consent is required by Standing Orders.
- *14. To extend the time limit for a speech.
- *15. To amend a motion.
- *16. To proceed to the next business.

- *17. To put the question.
- *18. To adjourn the debate of a motion or amendment.
- *19. Not to hear further a member named under Standing Order 46 (disorderly conduct) or to require such a member to leave the meeting.
- *20. To deal with the remaining business in accordance with Standing Order 15.3.
- 21. To appoint a Chair or Vice-Chair of any Committee.
- *22. To adjourn the remaining business before the Council to the next ordinary meeting.
- *23. Motions relating to a petition being debated by the Council (save where a prior motion moved during the debate remains extant).

Motions of which notice must be given

36.1 Any member may give notice of a motion to be considered at a meeting of the Council. The motion shall be

- (1) in writing;
- (2) signed by the member or members of the Council giving the notice; and
- (3) delivered at least 10 clear days before the meeting of the Council to the office of the Assistant Chief Executive, by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every member of the Council; and
- (4) relevant to some matter in relation to which the Council has powers or duties or which directly affects East Sussex.

36.2 If a notice of motion relates to a matter which, under legislation or the County Council's constitution, must be the responsibility of the Cabinet, the motion may only call on the Council to ask the Cabinet to consider a particular course of action and may not bind the Cabinet.

36.3 A notice of motion shall not be used as an alternative to the call in procedure (set out in part 4 of the constitution).

36.4 If any motion of which notice has been given appears to the Assistant Chief Executive to be irregular or otherwise unsuited for discussion, the Assistant Chief Executive shall refer the matter to the Chairman who may reject the motion, or refer to the Council the question whether it shall be considered. A motion so referred shall be entered on the summons and marked "referred" and, on being reached, the Chairman shall state the reason for the reference and at once, without any discussion, put the question whether the motion shall be considered.

36.5 The Assistant Chief Executive may edit any motion to delete any part which appears to be defamatory or to delete improper or unbecoming language and shall inform the first signatory accordingly.

36.6 Once delivered, a motion may only be withdrawn on the written application of all signatories.

36.7 The Chairman shall consider every notice of motion referred to in Standing Order 36.1 and shall direct as set out in Standing Orders 36.9, 36.11 or 36.12.

36.8 (1) A motion:

- (a) the subject of a report from a Committee to the Council; or
- (b) reported under Standing Order 36.12, shall be treated (unless the Council is recommended to approve the motion without amendment) as an amendment to the relevant paragraph of the Committee's report to the Council and shall be considered with that paragraph.

(2) A motion treated as an amendment under (1) above is in these Standing Orders called a "deemed amendment".

36.9 Where a Notice of Motion has been submitted, and the County Council is due to consider a matter which the Chairman considers to be related, the Member who has submitted the Notice of Motion in advance be given the first opportunity to speak after the report has been moved by the relevant Committee Chair, where it is necessary for the report to be moved.

Motions separately referred to on summons

36.9 (1) If the Chairman considers that a motion falls within (a) or (b) below, he or she shall direct that it shall be included separately on the summons for the next meeting of the Council:

- (a) it is convenient and conducive to the dispatch of business that the motion should be considered at the next meeting of the Council; or
 - (b) the motion is in accordance with Standing Order 39.1 (i.e. signed by 11 members) and seeks to rescind or reverse in whole or in part, or is inconsistent with, a resolution passed by the Council within the preceding six months or raises an issue which is similar to one which has been rejected by the Council within the preceding six months.
- (2) The mover of a motion falling within paragraph (1) above shall have a right of reply as provided in Standing Order 32.3.

36.10 Motions directed to the Council by the Chairman shall be included in the summons for the meeting in the order in which they have been received.

Motions received after dispatch of agenda of appropriate Committee

- 36.11 (1) If the requirements of paragraph (2) are satisfied the motion in question shall be a deemed amendment under Standing Order 36.8 (1) above.
- (2) The requirements referred to in Standing Order 36.11 (1) above are:
- (a) a notice of motion is received by the Assistant Chief Executive between the date of dispatch of a Committee agenda and 10 clear days before the next following meeting of the Council; and
 - (b) the motion relates in whole or part to a matter on which the Committee is reporting to the next following meeting of the Council; and
 - (c) the motion is directed by the Chairman to be considered by the Council.

Motions referred to a Committee or a Lead Cabinet Member

- 36.12 (1) If Standing Orders 36.9 or 36.11 do not apply, the Chairman shall direct that each motion is referred to a Committee or a Lead Member.

- (2) Where a Committee or Lead Member has considered a motion referred to it by the Chairman they shall report thereon to the Council at the earliest practicable meeting. A Sub-Committee shall report to the Council through its parent Committee.
- (3) When such a motion is considered by the Council one signatory shall have a right of reply immediately before the Chair of the Committee or the relevant Cabinet member (if nominated by the Chair of the Cabinet).

Members' rights in relation to motions

37.1 Where the member or members who signed a motion are not present at a meeting at which it is to be considered, another member authorised by him or her may move the motion on behalf of a signatory.

37.2 A member or, if more than one, the first member signing a motion which is referred to a Committee or a Lead Member, shall have notice of each meeting of the Committee or Lead Member at which the motion is to be considered. He or she shall be entitled to attend any meeting at which it is considered and to speak but not vote unless already a member of the Committee.

Motion not moved to lapse

38. If a motion set out in the summons is not moved or seconded it shall lapse and may not be moved without fresh notice (10 clear days).

Restrictions on Further Motions

39.1 A member cannot move a motion or amendment which is considered by the Chairman to:

- (a) have the effect of rescinding or reversing in whole or in part or to be inconsistent with, any resolution passed within the preceding six months; or
- (b) raise an issue which is the same as, or substantially similar to, one contained in a motion or amendment which has been rejected by the Council within the preceding six months, unless notice thereof has been given under Standing Order 36.1 (10 clear days) and the motion is signed by 11 members of the Council.

39.2 When any motion or amendment as described in Standing Order 39.1 (restrictions on further motions) has been considered by the Council, no member shall propose a motion or amendment which, in the opinion of the Chairman, raises the same, or a substantially similar issue, within a further period of six months from the date the matter was

last considered by the Council. After the expiration of the further period such a motion shall only be considered if the requisite notice has been given (10 clear days) and it is signed by 11 members of the Council.

39.3 This Standing Order shall not apply to a recommendation of a Committee.

(F) PETITIONS

40.1 A member may present to the Chairman, immediately before an ordinary meeting of the Council, a petition about any matter relating to the County Council or a service for which it is responsible. The Chairman will report to the Council under “Chairman’s Business” details of the petitions which have been presented to him or her and these will be recorded in the minutes.

40.2 Where appropriate, the Chairman shall refer the petition to the Cabinet or relevant Cabinet member or, if appropriate, the relevant Scrutiny Committee and, where he or she does this, the person signing the covering letter accompanying the petition or, if there is no such letter, the first signatory or another person nominated by them, shall be invited to address the Cabinet, relevant Cabinet member, or Committee on the subject matter of the petition for up to five minutes, when the appropriate agenda item is reached.

40.3 A petitioner shall not be permitted to address the Cabinet or relevant Cabinet member where the petition relates to the exercise by the Council of its regulatory or quasi-judicial functions or any of those matters referred to in Standing Order 41.1 (iii).

(G) QUESTIONS

Provisions which relate to questions from members of the public and members of the County Council (oral and written)

41.1 At each ordinary meeting of the Council provision shall be made for questions from members of the public, and oral and written questions from members of the County Council. The following provisions shall apply to all questions:

- (i) Questions must relate to a matter within the Council's powers or duties (or in the case of questions to the member nominated by the East Sussex Fire Authority or a member who is appointed or nominated by the Council on a statutory body on matters within the powers or duties of the body in question) or which affects East Sussex.
- (ii) The Chairman shall rule that a question shall not be answered where, in his or her opinion, it is irrelevant or inappropriate or would involve the expenditure of a disproportionate amount of time or money to prepare the answers.
- (iii) Questions must not relate to:
 - (a) the questioner's own particular circumstances;
 - (b) an individual who is in receipt of, or has applied to receive, a service from the County Council or other body;
 - (c) a matter which is the subject of legal proceedings or an appeal to a Tribunal or Government Minister or an investigation by the Ombudsman;
 - (d) the appointment, promotion, dismissal, salary, superannuation or conditions of service or the conduct or ability of an employee or former employee of the Council or other body;
 - (e) an issue where to answer the question would involve disclosing information which is commercially sensitive or financial information relating to an individual or organisation or otherwise confidential information under the Local Government (Access to Information) Act.

- (iv) Questions to Cabinet members must relate to action they have taken as a Cabinet member or to their portfolio and must not raise personal issues.
- (v) Questions shall not be permitted about the conduct of a member of the Council which falls to be dealt with under the procedure agreed by the Standards Committee.
- (vi) The Assistant Chief Executive (a) may edit any question to secure reasonable brevity or to delete any part which appears to him to be defamatory or to delete improper or unbecoming language and shall inform the questioner accordingly; and (b) shall return to the questioner, with an explanation, any question which cannot be dealt with under this Standing Order.
- (vii) When advance notice has not been given of an oral question to a Cabinet member and a questioner uses language described in (vi) above the Chairman shall require the questioner to withdraw any defamatory or inappropriate words.
- (viii) Answers cannot legally bind the Council but any follow up action/ review will be confirmed to the questioner in writing by the Assistant Chief Executive.
- (ix) In answering any question (written or oral) it shall be deemed a sufficient reply if, where the desired information is contained in a document of the Council or of the East Sussex Fire Authority or other statutory body which has been published, a reference is made to that publication.

41.2 There shall be no discussion of any answer.

41.3 Specific provisions relating to each category of questions are set out in Standing Orders 42 - 44.

“Footnote: the Chairman may rule as out of order an oral question by a member under Standing Order 43 which is on a detailed local issue and could have been dealt with more effectively outside the meeting by reference to the Lead Cabinet Member or the appropriate Chief Officer.”

Questions from members of the public

42.1 At each ordinary meeting of the Council a period of up to 30 minutes shall be set aside for questions submitted to the Leader of the Council or the Chair of the appropriate Committee, by persons who reside or work in the area administered by the County Council on any

matter within the County Council's powers or duties, which fall within the provisions in Standing Order 41 above. The Leader of the Council may, where appropriate, nominate another Cabinet member to respond to a question.

42.2 A question must be a genuine enquiry and not a statement.

42.3 Questions must be received by the Assistant Chief Executive in writing at least five clear working days before the meeting of the Council, accompanied by the name and address of the questioner.

42.4 Questions shall be dealt with in the order in which they are recorded as having been received by the Assistant Chief Executive.

42.5 A questioner shall be limited to one question per meeting, subject to the right in Standing Order 42.6 below to ask one supplementary question.

42.6 Questions, together with the names and addresses of the questioners and so far as it is practicable, the answer to be given, shall be circulated by the Assistant Chief Executive in the Council Chamber to all members, the public and the press before the meeting starts. The Chairman may at his or her discretion allow the questioner one follow up question, on the same subject as their original question

42.7 Questions which have been asked, the names and addresses of the questioners and the answers given (but not any supplementaries), shall be attached to the Council minutes.

Oral Questions by members of the County Council

43.1 At each ordinary meeting of the Council a period of forty five minutes shall be set aside for oral questions by members to the Leader of the Council or other members of the Cabinet. The Chairman may, at his or her discretion, extend the period for oral questions.

43.2 The provisions in Standing Order 41 shall apply to oral questions so far as they are relevant. Questions under this agenda item shall be limited to matters not included elsewhere on the agenda for the meeting.

43.3 While members are not required to give notice of their intention to ask a question or of the question itself before the meeting, to assist the Chairman in managing the meeting members are asked, as a minimum, to consider notifying the Assistant Chief Executive before the meeting of their intention to ask a question.

43.4 When the appropriate agenda item is reached the Chairman shall deal with questions as follows:

- (a) the questioners asking the first three questions to be on the nomination of the Leader of the largest opposition group;
- (b) the questioners asking the next two questions to be on the nomination of the Leader of the second opposition group;
- (c) the questioners asking the next two questions to be members of the administration (but not members of the Cabinet);
- (d) questions then to be taken from other members in the order notified prior to the meeting and/or by the time this agenda item is reached but, initially, on the basis of one question per member; and
- (e) if the forty five minutes allotted for oral questions is not fully utilised after that stage, any member wishing to ask a further question shall be permitted to do so.

43.5 Supplementary questions by the questioner shall be permitted, subject to the right of the Chairman to restrict supplementary questions as part of his or her managing the use of question time to enable as many members as possible to ask their questions.

43.6 Answers shall be given orally but where the questioner is seeking detailed information, the person answering may also provide the detail in writing.

43.7 A member may, without notice, ask the Chair of the Cabinet or a Committee or another member introducing a reserved paragraph any question upon the matter it covers during consideration of that paragraph.

43.8 A member of the Council may, without notice, ask the Nominated Spokesperson of the East Sussex Fire Authority or other member introducing a reserved paragraph any question upon the matter it covers during consideration of that paragraph.

Written Questions by Members of the County Council

44.1 A member may submit a written question to the Chairman, the Chair of any Committee, any Cabinet member, the member nominated by the East Sussex Fire Authority for the purpose, or a member who represents the Council on any statutory body, for answer at the Council meeting.

44.2 The provisions of Standing Order 41 shall apply to written questions.

44.3 The question must be received by the Assistant Chief Executive in writing at least five clear working days before the meeting at which it is to be answered (for a Council meeting on a Tuesday, the Monday of the preceding week). The Chairman may relax this provision, after consultation with the member to whom the question is addressed and the Assistant Chief Executive, if he or she considers this could facilitate the proper conduct of the Council's business.

44.4 Questions, together with, so far as it is practicable, the answer to be given, shall be circulated by the Assistant Chief Executive in the Council Chamber to all members and the press before the meeting starts unless a motion to exclude the public and press is to be moved. The Chairman may agree to a request from a member submitting a question for the question to be answered orally.

44.5 The Chairman may at his or her discretion allow the questioner one supplementary question to clarify the answer given but there shall be no discussion of the answer.

44.6 Questions which have been asked, the names of the questioners and the answers given (but not any supplementaries), shall be attached to the Council minutes.

(H) DEBATE OF CABINET’S PRIORITIES FOR YEAR AHEAD

45. At the annual meeting of the Council up to 90 minutes shall be set aside for a debate of the Cabinet’s priorities for the year ahead (and its past achievements). The Leader of the Council and the Leaders of the Opposition Groups shall be entitled to speak first and shall each be permitted to speak for up to 11 minutes. Any extension must be agreed by the Council. Otherwise the normal restrictions on the length of speeches shall apply. No motions may be moved during this debate. At the end of the 90 minutes’ period (or sooner if the debate is concluded in less time) the Leader of the Council shall be entitled to reply to the debate.

(I) IMPROPER CONDUCT OF MEMBERS AND PUBLIC

C Disorderly conduct

46.1 If a member persistently disregards the ruling of the Chairman, behaves in a disorderly manner or wilfully obstructs the business of the meeting or contravenes these Standing Orders:

- (a) the Chairman may adjourn or suspend the meeting for so long as seems fit; and
- (b) the Chairman or any other member may move “that the member named be not further heard” or “that the member named leave the meeting” and upon being seconded such motion shall be put without discussion and shall, if passed, be complied with forthwith. If the member named does not comply or otherwise persists in misconduct, the Chairman may order that the member be removed.

46.2 If a member of the public interrupts the meeting or behaves in a disorderly manner the Chairman shall give a warning. If the warning is disregarded, the Chairman may order that the member of the public be removed and may adjourn or suspend the meeting for so long as seems fit.

46.3 In the case of a general disturbance by members of the public the Chairman may order that all or part of the Chamber be cleared and may order that members of the public be removed from all or any part of County Hall.

C Disclosure of Council business

47.1 All documents marked "confidential", "exempt/confidential", all documents and matters which have been, or are intended to be, raised or discussed with the press and public excluded and all discussions on those occasions, shall be treated as confidential.

47.2 A member shall not disclose to any person not being a member or an officer of the Council any such business.

PART 2 – COMMITTEES AND DELEGATIONS TO INDIVIDUAL MEMBERS

Appointment of Committees and Sub-Committees

48.1 Unless otherwise provided by law or decided by the Council, the Council shall, at the annual meeting, appoint such Committees as it is required by statute to appoint or as it shall from time to time consider appropriate.

48.2 The Council may from time to time appoint any other Committees it thinks necessary and (subject to any relevant statutory provision) it may at any time dissolve a Committee or alter its membership with the exception of the Cabinet or individual cabinet members which will be the sole responsibility of the Leader.

48.3 Each Committee shall, subject to Standing Order 48.2 (right of the Council to dissolve a Committee), continue in being until the appointment of its successor.

48.4 All persons who are members of such Committees and are re-elected members of the Council shall be members of such Committees until the Council appoints new Committees.

- 48.5 (i) Subject to Standing Order 48.5 (ii) and (iii) below, when a member is unable to attend a meeting, he or she may resign temporarily and the Assistant Chief Executive may appoint a replacement on the nomination of the Leader or Deputy Leader of the appropriate political group. The permanent member shall resume his or her place on the Committee following the meeting(s) for which he or she is absent.
- (ii) Standing Order 48.5(i) shall not apply to the Cabinet or the Regulatory Committee.
- (iii) Only members of the Regulatory Committee may perform the functions of that Committee or its sub-committees or panels.

The Cabinet

- 49.1 (i) The individual portfolios to be allocated to Cabinet members will be determined by the Leader.
- (ii) No Cabinet member shall be a member of the Regulatory Committee, Audit Committee or a Scrutiny Committee.

49.2 The Leader and Cabinet members will be expected to comply with a request to attend a meeting of a Scrutiny Committee to address issues relating to the Cabinet member's area of responsibility.

49.3 With the agreement of the Chair, a member may attend and speak at meetings of the Cabinet where a matter for decision affects that member's division or known special interest.

49.4 At meetings of the Cabinet, immediately after the agenda item "Notification of urgent items" has been dealt with the Chair of the Cabinet shall ask members to state agenda items on which they wish to speak.

49.5 The Chair of the Cabinet shall then move and put to the vote without discussion the adoption of the recommendations in the agenda items on which members have not indicated a wish to speak. A seconder shall not be required. Once such recommendations have been approved no discussion shall be permitted on any of the agenda items in question.

[For procedure for calling in a decision of the Cabinet see the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution].

Constitution and Functions of Committees, Sub Committees, Panels and other bodies

50.1 With the exception of the Cabinet, the number of members and the quorum of Committees, Sub Committees, Panels and other bodies and the functions and powers to be delegated those bodies shall be those from time to time determined by the Council.

(The current Committees, Sub Committees, Panels and other bodies their constitution, terms of reference and the delegations to those bodies are shown in Part 3 of the Constitution. The quorum for a Committee, Sub Committee, Panel or other body with an even number of members shall be one half of the total membership and for a Committee, Sub Committee, Panel or other body with an odd number of members shall be the nearest whole number greater than half).

Committee Chairs and Vice-Chairs Appointed by the Council

51.1 The Council shall at its annual meeting make appointments as specified in Standing Order 10.1.

51.2 The Council may, at any meeting, fill a vacancy in any office of Chair or Vice-Chair of any Committee which falls to be appointed by Council.

51.3 The Chairs and Vice-Chairs of the Scrutiny Committees and Audit Committee shall be added together and the positions shall then be allocated to political groups in proportion to the number of seats they have on the Council. Within this allocation, the Chair of the Audit

Committee shall be appointed from amongst the members of the largest Opposition Group.

51.4 Members appointed under Standing Order 51.1 above, provided that they continue to be or are re-elected members of the Council, shall remain in office until the next annual meeting of the Council following their appointment unless they are removed by the Council under Standing Order 48.2.

Chairs of Panels and Other Groups of Members

52.1 The Assistant Chief Executive or other officer appointed by him shall preside at the appointment of the Chair of any Panel or other group of members where the appointment is not made by the Council.

52.2 The Chair and any Vice-Chair of any Panel or other group of members, provided that he or she continues to be or is re-elected a member of the Council, and has not been removed by the Council under Standing Order 48.2, shall be Chair or Vice-Chair of such Panel or group of members until the first meeting following the annual meeting of the Council.

All Committees, Sub-Committees and Panels

53. Subject to Standing Order 50, in the absence from a meeting of the Chair and, if one has been appointed, Vice-Chair, a Chair for that meeting shall be appointed by the meeting.

Summoning of meetings

54.1 The Assistant Chief Executive shall, at any time, summon a meeting of a Committee, or the Cabinet, on the request of its Chair, provided the business for which the meeting has been requested is properly within the responsibilities of the Committee. In cases of urgency the Assistant Chief Executive may summon an additional meeting without request.

54.2 An additional meeting of a Scrutiny Committee to consider a decision of the Cabinet which has been called in shall be summoned in accordance with the arrangements set out in the Overview and Scrutiny Procedure Rules, elsewhere in Part 4 of the Constitution.

54.3 A summons to attend a meeting of a Committee shall, wherever practicable, be despatched by the Assistant Chief Executive five clear working days before the meeting and shall briefly specify the business to be transacted.

Voting in Cabinet, Committees and Sub-Committees

55.1 Voting at meetings shall be by show of hands unless, by standing, two members demand a recorded vote, in which case the vote shall be by roll-call and shall be recorded in the minutes to show how each member present cast their vote or whether they abstained.

55.2 Where a member so requests immediately after a vote is taken, the way in which he or she voted (or whether he or she abstained) shall be included in the minutes.

55.3 In the case of an equality of votes the Chair or other person presiding at the meeting shall have a casting vote.

Delegations to Individual Members

56. The powers delegated to individual members of the Cabinet to take decisions (within the terms of the Constitution) shall be as determined from time to time by the Leader.

[The current delegations to individual members are set out in Part 3 of the Constitution.]

Standing Orders to apply to Committees and Sub-Committees

57. Standing Orders 1 (interpretation), 3 (no smoking), 7 (record of attendances), 8 (admission of the public and press), 9 (motions affecting employees), 17 (lack of quorum), 20 (respect for chairman), 21 (relevance of speeches), 22 (points of order or personal explanation), 34 (voting on appointments), 46 (disorderly conduct by members and public), 47 (disclosure of Council business), and 62 (interest of members in contracts) shall, with any necessary modification, apply to Committees and, where applicable, Sub-Committees, panels and groups of members set up by a Committee or Sub-Committee.

PART 3 - GENERAL

Custody of common seal

58. The common seal of the Council shall be kept in a safe place in the custody of the Assistant Chief Executive.

Sealing of documents

59.1 The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council, Cabinet or of a Committee or by an individual member or officer acting under delegated powers but a resolution of the Council or of such Committee which requires for its execution the sealing of any document shall be sufficient authority for the purpose.

59.2 The affixing of the common seal shall be attested by the Assistant Chief Executive or by an officer authorised by the Assistant Chief Executive in writing for the purpose.

59.3 An entry of the sealing of each document shall be made in a book provided for that purpose and, on each occasion of sealing, the book shall be signed by the Assistant Chief Executive or authorised officer present at the sealing.

59.4 Where it is not necessary in the opinion of the Assistant Chief Executive or their delegates to affix the common seal, the Assistant Chief Executive and another officer authorised in writing by them or two such officers authorised in writing by the Assistant Chief Executive shall sign on behalf of the Council any document necessary to give effect to a decision of the Council or of a Committee, or an individual member or officer acting under delegated powers. Any contract under the value of £100,000 which is not under seal or executed as a deed, may be signed by a Chief Officer, or an officer authorised in writing by them.

Inspection of documents

60.1 A member of the Council may, for the purposes of his or her duty as such member but not otherwise, on application to the Assistant Chief Executive inspect any document which has been considered by a Committee, by an individual member in exercising a power delegated to them in Part 3 of the Constitution or by the Council, and if copies are available shall on request be supplied for the like purposes with a copy of such a document.

60.2 A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he or she is

interested by reason of his or her profession, trade, business or calling or in which he or she has a personal interest within the meaning of the Council's Code of Conduct.

60.3 This Standing Order shall not preclude the Assistant Chief Executive from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

60.4 All reports made or minutes recording decisions of any Committee or Sub-Committee or individual member exercising a delegated power under Part 3 of the Constitution shall be open for the inspection of any member of the Council and the Assistant Chief Executive shall send to any member of the Council who so requests all reports and papers submitted to any Committee, Sub-Committee or individual member. This will normally include exempt/ confidential reports and papers, although the Assistant Chief Executive shall have the discretion not to send to members not involved in making a decision such papers in exceptional circumstances, where members cannot demonstrate a "need to know" within the legislation.

(NOTE: See Standing Order 47 which relates to disclosure of Council business.)

Inspection of lands, premises, etc

61. Unless specifically authorised to do so by the Council or a Committee, or an individual member exercising a delegated power under Part 3 of the Constitution, a member of the Council shall not claim, by virtue of membership of the Council, any right to inspect or to enter upon any land or premises which the Council has the power or duty to inspect or enter. Nor shall a member issue any order on behalf of the Council.

C Personal Interests

62.1 If any member of the Council who has a personal interest in a matter attends a meeting where that matter is considered they must disclose to that meeting, under the appropriate item near the beginning of the agenda or as soon as the interest becomes apparent, the existence and nature of the interest.

[For the definition of a personal interest see the Council's Code of Conduct.]

62.2 Where a member's personal interest is also a prejudicial interest or Disclosable Pecuniary Interest under the Council's Code of Conduct, the member must withdraw from the meeting room or Chamber (including the public gallery) where the meeting is being held for the

duration of consideration of the matter in which they have an interest, unless they are permitted to remain as a result of a dispensation or unless not required to withdraw by the Code of Conduct.

Interest of officers in contracts

63.1 The Assistant Chief Executive shall record in a book particulars of any notice given by an officer of the Council, under the Local Government Act 1972, of any pecuniary interest in a contract and the book shall be open during office hours for inspection by any member of the Council.

Members intending to act in a professional capacity in a matter in which the Council has an interest

64.1 Any member of the Council or of a Committee who whether, by himself or herself or with any partner or associate or whose employer or company is about to act in any professional or private capacity in any matter in which the Council has an interest, shall forthwith notify the fact to the Assistant Chief Executive and shall consider whether, in the light of the provisions relating to members' interests, they should not act in the matter.

64.2 The provisions of this Standing Order shall only apply to co-opted members of Committees in regard to functions with which such Committees are concerned.

Standing Orders and Statement of the Role of Councillors

65.1 A copy of the Constitution, including these Standing Orders and the statement of the "Role of Councillors" shall be made available to each member of the Council by the Assistant Chief Executive on first being elected.

