

Part 4

Section 1

Standing Orders

Approved by the County Council at its meeting on 18 October 2019 and containing all subsequent approved amendments up to 6 November 2020

Part 4, Standing Orders, rules and other procedures, set out the rules to be followed by the Council to ensure that its decisions and actions are legal, financially sound and carried out in accordance with policy frameworks. Standing Orders sets out rules in several sections:

1. [Introduction](#)
2. [Council](#)
3. [Decision-making and Committees general](#)
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5. [Cabinet and Executive decision-making](#)
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November 2020

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Part 4, Section 1

Standing Orders

1. Introduction

- 1.01 In these Standing Orders, unless the context requires otherwise, the following expressions have the meaning given in the definitions set out in Part 1 of the Constitution.

Interpretation, Variation or Revocation of Standing Orders

- 1.02 The ruling of the Chairman as to the construction or application of any of these Standing Orders or as to the proceedings of the County Council including points of order or the admissibility of a personal explanation or question of conduct shall not be challenged at any meeting of the County Council, nor open to discussion.
- 1.03 These Standing Orders are subject to any statutory provision for the time being in force.
- 1.04 Any amendment or variation of or addition to or revocation of these Standing Orders shall be approved by the County Council and shall take effect from the conclusion of the meeting at which the County Council's approval is given, subject to any direction to the contrary by the County Council.
- 1.05 Any one or more of the Standing Orders may be suspended at any meeting by a majority of the members present and voting, subject to any statutory requirement.
- 1.06 Ancillary guidance on all areas of decision-making and political governance is available from Democratic Services.

2. Council

Council Meetings

- 2.01 Each annual meeting of the County Council, except the annual meeting following quadrennial elections to the County Council, shall be combined with an ordinary meeting and shall be held at County Hall, Chichester, commencing at 10.30 a.m., unless the County Council or the Chairman shall otherwise direct.
- 2.02 Ordinary meetings shall be held at County Hall, Chichester, at 10.30 a.m. unless the County Council or the Chairman shall otherwise direct.
- 2.03
- (a) The Chairman of the County Council may call an extraordinary meeting at any time. Also, five members may present a requisition for an extraordinary meeting to the Chairman.
 - (b) If the Chairman refuses to call an extraordinary meeting after a requisition in (a) above within five working days, then any five members of the County Council may immediately call an extraordinary meeting of the Council.
 - (c) Notice of the time, date and place of any extraordinary meeting of the County Council shall be sent to every member not less than five clear working days before the date of the meeting.
 - (d) Where in relation to any meeting of the County Council, the next such meeting is an extraordinary meeting called under (a) or (b) above, the next following meeting of the County Council (being a meeting called otherwise than under (a) or (b) above) shall be treated as a suitable meeting for the purposes of signing of minutes.
- 2.04 A register of attendance to be signed by all members will be placed in a convenient place at every meeting of the County Council. Any omission may be remedied by the Director of Law and Assurance.

Chairman and Vice-Chairman of the Council

- 2.05 At the annual meeting of the Council, or at any other meeting of the County Council at which the election of Chairman is before the County Council, the Chair for this item shall be taken by the Vice-Chairman of the County Council or, failing him or her, such member as the County Council may elect.
- 2.06 The Chairman and Vice-Chairman may be elected by secret ballot. Nominations are to be submitted in writing to the Director of Law and Assurance by not later than 10.30 a.m. on the day before the meeting and must be signed by the proposer and also by the nominee to signify his or her consent to being nominated.

- 2.07 If, where there are more than two nominations for the office of Chairman or Vice-Chairman, the first voting does not produce an absolute majority of votes in favour of any nominee, the nominee having the least number of votes shall be struck off the list and a fresh ballot shall take place, and so on, until an absolute majority of the members present and voting is obtained in favour of one nominee.
- 2.08 Subject to Standing Order 2.05, at a meeting of the County Council the Chairman of the Council shall preside. In the Chairman's absence or where the Chairman has a prejudicial interest disqualifying him or her from undertaking the duty in question, the Vice-Chairman of the Council shall preside. If both the Chairman and Vice-Chairman of the Council are absent from a meeting of the County Council or have a prejudicial interest, the County Council shall choose another member to preside, such person not being a member of the Cabinet.
- 2.09 The Chairman and Vice-Chairman of the County Council may not be members of the Cabinet.

Appointments made by the Council

- 2.10 Unless otherwise provided by statute or a scheme approved by the County Council the following appointments will be made by the County Council.
- 2.11 The Leader shall be appointed at the first meeting of the County Council following a quadrennial election of the Council and shall be ex-officio Chairman of the Cabinet. The term of office of the Leader will be four years unless a new Leader is appointed by the County Council.
- 2.12 The chairmen, vice-chairmen and members of non-executive committees shall be appointed each year at the annual meeting of the County Council. The County Council may at any meeting fill a vacancy in the office of chairman or vice-chairman of any non-executive committee.
- 2.13 Appointments by the County Council shall include the appointment ex-officio of:
- (a) the Chairman and Vice-Chairman of the Council, as Chairman and Vice-Chairman of the Governance Committee respectively;
 - (b) the Chairman and Vice-Chairman of the Council, as Chairman and Vice-Chairman of the Standards Committee respectively;
 - (c) The chairmen of the scrutiny committees as members of the West Sussex Joint Scrutiny Steering Group (the appropriate vice-chairmen to act as substitute(s) in the event that one or more chairmen is unable to attend a meeting);
 - (d) a minority group member as the Chairman of the Regulation, Audit and Accounts Committee;
 - (e) the Cabinet Member for Finance as a member of the Treasury Management Panel; and

- (f) the Vice-Chairman and a Cabinet Member nominated by the Leader as members of the Member Development Group.
- 2.14 The Leader shall appoint the cabinet members and advisers or senior advisers to cabinet members (up to two per cabinet member) on such terms and to such areas of responsibility as the Leader may determine and shall do so in such a manner that enables the County Council to discharge its obligations to take executive decisions under Standing Order 3.02 without undue delay.
- 2.15 Members of the Cabinet may not be members of a scrutiny committee nor County Council appointed members of the West Sussex Joint Scrutiny Steering Group. An adviser or senior adviser to a cabinet member may not be a member of the Scrutiny Committee that deals with his or her Cabinet Member's portfolio.
- 2.15A The chairman and vice-chairman of each scrutiny committee shall be appointed each year at the annual meeting of the committee. The committee may at any meeting fill a vacancy in the office of chairman or vice-chairman.
- 2.15B The chairman and vice-chairman of each scrutiny committee shall be appointed following a secret ballot held at the start of the annual meeting.
- 2.16 The chairmen and where appropriate vice-chairmen of county local committees shall be appointed each year at the annual meeting of the committee. The committee may at any meeting fill a vacancy in the office of chairman or vice-chairman.
- 2.17 Chairmen of county local committees shall be appointed following a ballot of members of the Committee prior to the annual meeting. Where voting is tied the Leader will decide the outcome.
- 2.18 Except in the case of the Health and Adult Social Care Scrutiny Committee, the number of non-voting members who are not members of the County Council serving upon any committee shall not exceed 25% of the total membership of that committee.
- 2.19 Non-voting members of a committee and voting borough and district council members of the Health and Adult Social Care Scrutiny Committee shall be appointed by the committee concerned and in the case of a sub-committee, by the relevant parent committee, having regard in either case to the advice of the relevant cabinet member.
- 2.20 A member who is also a member of the cabinet or Executive of a West Sussex borough or district council may not serve on any task group or other scrutiny body appointed by the West Sussex Joint Scrutiny Steering Group to undertake joint scrutiny of any matter where a decision may fall to be made by the cabinet or executive of that West Sussex borough or district council.
- 2.21 Members of the Treasury Management Panel, including the Chairman, shall be appointed on the recommendation of the Cabinet Member for Finance from among those best qualified to serve on the Panel.

2.22 If a member resigns from his or her political group, his or her resignation carries with it an automatic resignation from any posts to which he or she has been appointed (other than cabinet member or adviser or senior adviser to a cabinet member) in accordance with the wishes of his or her group, unless agreed otherwise by that group, in which case he or she will remain in post until the matter is considered by the County Council.

Order of Business; Time Limits

2.23 The order of business at a meeting of the County Council shall be determined by the Chairman, in consultation with political group leaders. Items of high significance are likely to be prioritised on the agenda. Business may include any of the following, at the Chairman's discretion, and subject to any statutory requirements:

- (a) To choose a member other than a member of the Cabinet to preside if the Chairman and Vice-Chairman of the County Council are absent;
- (b) When required by statute, to elect a Chairman;
- (c) When necessary, to appoint a member of the County Council to be Vice-Chairman;
- (d) Members' interests;
- (e) To consider whether the minutes of the last meeting of the County Council are a correct record;
- (f) Where necessary to appoint a member to fill a vacancy which has arisen on any committee;
- (g) To deal with business required by statute to be done at the meeting;
- (h) To deal with business specially brought forward by the Chairman;
- (i) To receive an address from a Cabinet Member under Standing Order 2.34;
- (j) To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 3.43(a);
- (k) To deal with business remaining from the last meeting, if any;
- (l) To consider notices of motion received in accordance with Standing Order 2.45;
- (m) To receive and consider strategies or plans within the Policy Framework and any departure or variations from them, and any report of a non-Executive committee where officers' recommendations have not been accepted;
- (n) To answer questions asked pursuant to Standing Order 2.41;

- (o) To consider any reports from scrutiny committees pursuant to Standing Order 8.14;
 - (p) To consider any reports from the Health and Adult Social Care Scrutiny Committee under Standing Order 8.39;
 - (q) To receive a presentation from an external or internal speaker, followed by questions to the speaker;
 - (r) To consider any information reports, including consultation reports by cabinet members; and
 - (s) Other business (if any) specified in the summons.
- 2.24 The agenda shall specify a maximum period of 15 minutes for items (a) to (e) inclusive, together with any announcements which the Chairman considers appropriate; 20 minutes for each address including questions under (i) (Cabinet Member statement on an urgent matter); 2 hours for item (n) (members' questions); and times for adjournment at 1 p.m. and for all business to conclude at 4.15 p.m. Items not commenced by 4.15 p.m. and any unfinished business shall be deferred to the following meeting.
- 2.25 The Chairman shall terminate the item or debate and call for any summing up to ensure that the item or debate concludes at the time specified on the agenda, subject to his or her discretion in all cases.
- 2.26 Other items held over from the previous meeting or otherwise on the agenda will be given such time as the Chairman considers appropriate.

Reports to Council

- 2.27 Subject to the waiver in Standing Order 4.12, a printed copy of the plans and strategies which are proposed to that meeting for inclusion within the Policy Framework or any proposed amendments or variations to them, shall be sent to every member and, so far as possible, shall be forwarded with the summons to attend such meeting. The papers shall include any recommendations on the plan or strategy made by the Cabinet, and by a scrutiny or non-executive committee, where the recommendation has not been accepted by the Executive in whole or in part, and any recommendations made by the Governance Committee on the Constitution.
- 2.28 All recommendations which are to be submitted to the County Council, so far as practicable, shall be set out clearly in the form of resolutions to be considered by the County Council.
- 2.29 The agenda shall include:
- (a) a report from members of the Cabinet, in accordance with Standing Order 2.37.
 - (b) any reports from a scrutiny committee for debate.

- (c) a report from a non-executive committee on any matter where officers' recommendations have not been accepted, except where the chairman of the relevant committee considers that the non-acceptance or variation of an officer's recommendations does not warrant a report to the County Council.

2.30 No minutes or reports which have not been circulated shall be considered at the meeting.

Questions

During a Debate

2.31 A member of the County Council may without notice ask the relevant Cabinet Member introducing a debate on an item within the Policy Framework, or chairman introducing the report of a non-executive committee or a scrutiny committee in pursuance of Standing Order 2.29, any question upon the matter then before the County Council if the question is asked before the debate is concluded.

Cabinet Member Address

2.32 A Cabinet Member may address the Council on a matter of urgency and/or significant interest to the County Council and which relates to the powers and responsibilities of the County Council or which affects the county. The Leader will settle proposals for an address with the Chairman by the end of the day before the meeting of the County Council or, in cases of greater urgency, by 9.00 a.m. on the day of the meeting.

2.33 Members may ask questions (limited to one question per member) of the Cabinet Member on his or her statement subject to the time limit in Standing Order 2.34. A member shall have the right to put one relevant supplementary question arising from the reply to the original question put by him or her.

2.34 The time taken for an address by a Cabinet Member shall be limited to five minutes. Questions by members arising from the statement shall be limited to a total of 15 minutes.

Question Time Report

2.35 The Director of Law and Assurance shall prepare, in consultation with the Leader and individual cabinet members, a report summarising all matters of significance arising in cabinet portfolios since the previous meeting of the County Council. The report shall not be restricted to those matters on which decisions have been proposed or made.

2.36 The reports referred to in 2.39 shall be distributed to all members with the summons and agenda; they shall be supplemented by further reports prepared in the same way, summarising those matters arising between the dispatch of the summons and agenda and the meeting of the County Council. The supplementary reports shall be made available to members by 9.30 a.m. on the day of the meeting.

- 2.37 A list of proposed items to be included in the reports distributed with the agenda shall be circulated electronically to all members nine working days before the meeting of the County Council to assist the preparation of written or verbal questions to cover any matters of concern to individual members. [N.B. This will be on the Monday of the week before the meeting, when this is held on a Friday.]

Written Questions

- 2.38 Subject to the giving of the notice required by Standing Order 2.39, a member may ask a question on any matter in relation to which the County Council has powers or duties or which affects West Sussex (including any matter considered by the Executive, a scrutiny committee or non-executive committee) which is not otherwise on the agenda for the meeting, and which the Chairman does not rule to be irrelevant or inappropriate or involve the expenditure of a disproportionate amount of time or money to prepare the answers.

- 2.39 The notice of a question to be asked in pursuance of Standing Order 2.38 shall be in writing and shall be given to the Director of Law and Assurance no earlier than four weeks before the meeting and at the latest by 12 noon on the fifth working day before the meeting of the County Council at which the question is to be asked; the Chairman may allow this provision to be relaxed if, in his or her opinion, it would be an advantage to the County Council's business to do so.

[N.B. This will be by 12 noon on the Friday prior to the meeting when the County Council meets on a Friday.]

- 2.40 Each meeting of the County Council will receive answers to the first 10 such questions received. Further questions will be referred to the appropriate senior officer for a written reply and published in The Bulletin. There is a limit of two questions per member within the first 10 questions received except that, if fewer than 10 questions are received by the deadline, additional questions from a member who has already asked two questions will be answered up to the maximum of 10. Answers to written questions shall be circulated in writing by 12 noon on the day before the County Council meeting. Neither questions nor answers under this paragraph shall be argumentative or open to debate.

Question Time

- 2.41 Members may ask questions of cabinet members on matters contained within the Leader and Cabinet Member report, any supplementary report, written questions and any other question relevant to the portfolio area. Members may also ask questions of the Leader on anything which is currently relevant to the County Council. Questions may be asked without notice. There will be an indicative five-minute time limit for answers to questions and any supplementary questions on a particular matter, starting when the Cabinet Member has given his or her first answer, subject to the Chairman's discretion to use his or her judgement to allow a longer period of questions for topics of particular interest or significance. Subject to that time limit and to the Chairman's rights under Standing Order 3.18 or otherwise to deal with

irrelevant, repetitive or offensive questions or other disorderly conduct, members may ask supplementary questions, without limit. Neither questions nor answers shall be argumentative or open to debate.

- 2.42 Replies to questions under Standing Order 2.38 relating to executive functions shall be given by the relevant cabinet member; replies to questions relating to other business shall be given by the chairman of the relevant committee.
- 2.43 Where a reply to a question or supplementary question under Standing Order 2.41 cannot conveniently be given orally, it shall be sufficient if a written answer is sent as soon as possible to the member asking the question.
- 2.44 The Chairman shall expect and ensure that all questions and responses to questions shall be concise.

Notices of Motion

- 2.45 Except as provided by Standing Order 2.56, every notice of motion shall be in writing, signed by the member giving the notice, and shall be delivered to the Director of Law and Assurance, no later than noon on the seventeenth day before the next meeting of the County Council and no earlier than four weeks before the meeting.

[N.B. The deadline will be before noon on the Tuesday two weeks before that of the meeting, when this is held on a Friday].

- 2.46 A motion may be considered with less than the required notice if the Chairman decides that the matter is urgent i.e. it could not have been anticipated before the deadline for notices of motion, and that the proposer has given as much notice as was practical.
- 2.47 Every notice of motion shall be relevant to some question over which the County Council has power, or which affects the county as such. The Director of Law and Assurance will advise the Chairman accordingly.
- 2.48 The Chairman, in consultation with political group leaders, may decide that a motion shall be:
- (a) moved and debated at the next meeting;
 - (b) moved and referred to a cabinet member or non-executive committee at the next meeting;
 - (c) moved at a later meeting;
 - (d) moved and referred to a cabinet member or non-executive committee at a later meeting; or
 - (e) dealt with outside the meeting.
- 2.49 Notice will be given to the proposer of the motion by the Friday two weeks before the meeting of the County Council as to the course of action

determined by the Chairman.

- 2.50 Where the Chairman determines that the issue raised in a motion shall be dealt with outside the meeting, the proposer will be informed by the Director of Law and Assurance in writing and will subsequently receive a response from the relevant cabinet member or non-executive committee chairman.

Motions to be Debated

- 2.51 All notices of motion properly given and accepted for debate by the Chairman shall be numbered by the Director of Law and Assurance in the order in which they are received and shall be entered with the date of reception in a book, kept at the office of the Director of Law and Assurance and open to inspection by any member.
- 2.52 The Director of Law and Assurance shall insert in the summons for a meeting of the County Council all notices of motion which the Chairman has agreed will be taken at that meeting (unless any have been previously withdrawn).
- 2.53 Motions which the Chairman determines shall be debated shall be dealt with at the meeting to which they are brought forward provided:
- (a) That notwithstanding Standing Order 2.63 the Chairman shall have the discretion to allow the relevant cabinet member or the chairman of a non-executive committee a right of reply after any reply by the proposer of the motion immediately before such motion is put to the vote.
 - (b) That the Chairman may, if he or she considers it convenient and conducive to the dispatch of business, allow such motion to stand referred to the relevant cabinet member or non-executive committee. In such instances motions relating to an executive matter shall, upon being formally moved and seconded without speeches, stand referred to the relevant cabinet member for consideration. The response of the Cabinet Member shall be published in The Bulletin; it shall be reported to the next ordinary meeting of the County Council. The Cabinet Member's response will not be final until it has been reported to the next ordinary meeting of the County Council for debate in relation to the original motion.
 - (c) When the County Council considers such a report the member giving the notice shall have the rights of the proposer of an original motion.
 - (d) That the member giving the notice of motion shall be entitled to attend and speak at the meeting of the Cabinet or when the matter is to be considered by a cabinet member, or at any non-executive committee to which a motion stands referred, and shall have the same notice of that meeting as provided for by Standing Order 3.12.
 - (e) That if following action resulting under Standing Order 2.53(d) above, the proposer, seconder and the responder are in agreement on a course of action, they may agree that the motion will not be put before

the Council for debate but will be withdrawn. In such circumstances a statement to that effect will be published in The Bulletin.

Briefing Notes for Motion

- 2.54 The relevant Executive Director shall prepare a full briefing note on factual background information to the motion and shall circulate it to all members of the County Council by not later than the end of the Friday of the week preceding the County Council meeting. Where motions are referred the briefing note will be circulated by not later than the end of the Wednesday preceding the Council meeting. If a motion will not be moved until a future meeting, the briefing note will not be issued until that meeting, to the same timescales. If the topic is to be dealt with informally, a briefing note will not be produced.

Whether a Motion is in Order

- 2.55 A motion cannot be in order if it attempts to rescind, reverse or is inconsistent with any decisions made within the preceding six months. The only exceptions are:
- (a) The right of the Leader to challenge a decision of the County Council under Standing Orders 2.67 to 2.71 (Disputes Procedure); and
 - (b) The notice required in Standing Order 2.45 bears the names of at least a quarter of the County Council in addition to the proposer.

[N.B. This Standing Order is relevant only to motions moved by members at County Council meetings and not to recommendations of committees.]

Motions that may be Proposed without Notice

- 2.56 Any of the following motions may be proposed without notice:
- (a) To appoint a chairman of the meeting;
 - (b) To amend a motion;
 - (c) To exclude the public;
 - (d) Motions relating to the accuracy of the minutes, to closure, adjournment, order of business or next business;
 - (e) To receive or approve a report from an officer or to adopt a recommendation of a committee or sub-committee;
 - (f) To appoint a special committee or sub-committee to consider a matter referred to in the summons to the meeting;
 - (g) Subject to the Chairman's discretion under Standing Order 2.48, that a matter be referred to or referred back to the Executive or a non-executive committee;

- (h) That leave be given to withdraw a motion;
- (i) To give the consent of the County Council, where it is required by these Standing Orders;
- (j) To suspend a Standing Order or Standing Orders at the meeting in accordance with Standing Order 1.05;
- (k) That the member named be not further heard, or that the member named leave the meeting; and
- (l) That the question be put or that the debate be adjourned or that the County Council adjourn, made in accordance with Standing Order 3.17.

Rules of Debate applicable to the County Council only

General

- 2.57 A member shall stand when speaking and shall address the Chair.
- 2.58 A member shall direct his or her speech to the question under discussion or to a personal explanation or to a question of order.
- 2.59 A member shall not speak more than once on any motion, except to move a further amendment, or on any amendment, except in the exercise of a right conferred by any of the following Standing Orders, that is to say, Orders 2.63, 3.16, 3.18 and 3.29.
- 2.60 Under Standing Order 2.56, the proposer of a motion without notice shall have no right of reply. This includes movers of amendments and references back. The exception to this is proposers under Standing Order 2.56(e).

Notices of Motion

- 2.61 The proposer of a motion may speak for up to five minutes. The member responding to the motion (a cabinet member or committee chairman) will also be able to speak for five minutes. All following speakers may speak for up to five minutes each.
- 2.62 When a motion is under debate no other motion shall be moved except to amend the motion, to postpone its consideration, or to refer it to the appropriate cabinet member or non-executive committee. However, this Standing Order shall not prevent a member from moving at the appropriate time a motion in accordance with Standing Orders 2.56(b), (h), (j), (k) and (l), 2.63, 3.17, 3.18 and 3.35.
- 2.63 Subject to Standing Orders 2.53(a) and 2.60, the Chairman shall have the discretion to allow the relevant cabinet member or chairman of a non-executive committee a right of reply after any reply by the proposer of a motion immediately before such motion is put to the vote. If an amendment is proposed, the proposer of the original motion and then the Cabinet Member shall be entitled to reply at the close of the debate upon the

amendment. A proposer, in exercising his or her right of reply, shall confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.

- 2.64 Any member who has given notice of motion in accordance with Standing Order 2.45 may, with the consent of the Chairman, vary its terms or language, provided that in so doing he or she does not alter its substance.
- 2.65 If a motion, referred to in the summons, is not moved either by the member who has given the notice, or by some other member on his or her behalf, it shall be treated as abandoned and shall not be moved without fresh notice, unless postponed by consent of the County Council.

Reports to be considered

- 2.66 The Chairman shall:
- (a) refer to the plan proposed for the Policy Framework together with the recommendations of the Cabinet and any recommendations from a scrutiny committee which have not been accepted by the Executive. The Chairman shall then invite the relevant member of the Cabinet to introduce the item; or
 - (b) refer to the reports from cabinet members on which questions may be asked, in accordance with Standing Order 2.41; or
 - (c) refer to the report from the non-executive committee or a scrutiny committee under Standing Order 2.27, and shall invite the relevant chairman to introduce.

Disputes Procedure

- 2.67 In the event of a scrutiny committee resolving that a matter which is proposed to be or has been determined by the Executive is required to be referred to the County Council for final determination because it is contrary to any plan or strategy approved by the full Council, or contrary to or not wholly in accordance with the budget or the County Council's borrowing or capital expenditure strategies, then:
- (a) the Director of Law and Assurance shall prepare a report on the matter in consultation with the Chief Executive and relevant executive director(s); and
 - (b) the question of the ability of the Executive to determine the matter shall be determined by the County Council, on advice from the Governance Committee.
- 2.68 Where the Cabinet has submitted a draft Policy Framework document other than the budget or precept to the Council for its consideration, and following consideration of that draft, the Council has objections to it, the Council must, before it:
- (a) amends it;

- (b) approves for the purpose of submission to the Secretary of State or any minister for his or her approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be submitted; or
- (c) adopts it (with or without modification);

inform the Leader of any objections which it has to the draft document and must give to him or her instructions requiring the Cabinet to reconsider it in the light of those objections.

2.69 Where the Council has informed the Leader of objections which it has to any draft policy framework document submitted to it, it must specify a period of at least five working days beginning on the day on which the Leader received the instructions referred to in Standing Order 2.68 above, within which the Leader must:

- (a) submit a revision of the draft as amended; and/or
- (b) inform the Council of any disagreement which the Cabinet has with any of the Council's objections and the Cabinet's reasons for such disagreement.

2.70 After the five-day period, before amending, approving or approving for submission, the draft document, the Council (at a meeting convened as soon as practical for this purpose) must take into account any amendments made to it, the Cabinet's reasons for the amendments, the disagreements the Cabinet may have with the Council's objections, and the Cabinet's reasons for those objections which have been notified to the Council by the Leader within the said period.

2.71 This paragraph is to be read in conjunction with the Financial Regulations for the Council insofar as they relate to the preparation of the budget and precept for the following year (in the case of inconsistency these Standing Orders shall prevail).

- (a) Where the Council has objections to the budget and precept submitted by the Cabinet, the Council must give instructions to the Leader requiring the Cabinet to reconsider, in the light of those objections, the budget and precept in accordance with the Council's requirements.
- (b) Where the Council has informed the Leader of objections and given such directions it must specify a period of at least five working days beginning with the day on which the Leader received notification within which the Leader may:
 - (i) submit a revised budget with reasons for amendments;
 - (ii) inform the Council of any disagreement which the Cabinet has to any of the Council's objections and the reasons for such disagreement.

- (c) After the expiry of the period specified, the Council (at a meeting convened as soon as practical for this purpose) must take into account the amendments, reasons for them, and disagreements and reasons for them, which the Cabinet has submitted to it, before agreeing the budget or issuing the precept.

3. Decision-Making and Committees

General

Delegations to Committees

- 3.01 Committees of the County Council, and their constitutions and terms of reference, shall be set out in the Scheme of Delegation and the chairman and vice-chairman of every committee shall be elected members of the County Council.
- 3.02 The delegation of functions by the Council to any committee or officers (including the Cabinet and Cabinet Members) is set out in the Scheme of Delegation which forms part of the Constitution and is subject to the limitations and conditions in that scheme.
- 3.03 In lieu of exercising its delegated powers, any non-executive committee may refer any matter to the County Council for decision. This paragraph shall not apply to the Cabinet, a cabinet member, a county local committee or any joint arrangement in respect of any executive functions which they may determine.
- 3.04 Every committee shall have power to appoint sub-committees, to delegate powers to them, or to make any change in the constitution of a sub-committee.
- 3.05 Each committee shall, at its first meeting after its annual or other appointment, appoint a chairman and, where appropriate, a vice-chairman of each standing sub-committee of that committee. In the absence of a chairman or vice-chairman of a committee from a meeting, a chairman for the meeting shall be appointed by the committee.
- 3.06 A committee may, at any meeting, fill a vacancy in the office of chairman or vice-chairman of a sub-committee of that committee.
- 3.07 Except in relation to the annual election of chairmen, the chairman and the vice-chairman of a committee shall, provided they continue to be members of the County Council, hold office until their successors are appointed in accordance with Standing Order 2.12.
- 3.08 County Council representative appointments to joint committees and external bodies will be appointed as follows:
 - (a) in the case of committees or bodies with a power to precept on the County Council, by the Cabinet;
 - (b) in other cases, by the relevant Cabinet Member or County Local Committee (in respect of committees or bodies exercising executive functions) or non-executive committees;
 - (c) in all cases, as and when appointments are required to be made and according to the terms of office of the committee or body concerned.

Quorum

- 3.09 Except where authorised by a statute or ordered by the County Council or a committee, business shall not be transacted at a meeting of a committee unless at least one quarter of the number of voting members of the committee is present but, except where specific provision is made to the contrary, this shall in no case be fewer than three members of the County Council. Where a committee has five or fewer members, then the quorum is two members.

General Rules of Debate and Conduct

- 3.10 The Chairman may at any time adjourn a meeting of the County Council or a committee, and shall adjourn any meeting at 1 p.m. unless, in his or her opinion, the business is likely to be concluded in a short time thereafter. The decision of the Chairman in this matter shall be final and shall not be open to discussion.
- 3.11 A special meeting of a committee shall be summoned on the request of the chairman of the committee or of the Chairman of the Council on the written requisition of at least a quarter of the members of the committee (see Standing Order 2.03 for provisions on an extraordinary meeting of the County Council).
- 3.12 3.12 A summons to attend a meeting of the County Council or a committee shall, except in case of urgency, be given at least five clear working days before the meeting and shall briefly specify the business to be brought forward at the meeting.
- 3.13 Meetings of standing committees other than county local committees shall, unless otherwise determined by resolution of the Chairman of the committee concerned, be held at County Hall, Chichester.

Conduct

- 3.14 Members will always have regard to the Code of Conduct rules, including declaration of interests, in Part 5 of the Constitution in all decision-making, committees and informal meetings, including when participating in informal meetings via videoconference or telephone conference.
- 3.15 Whenever the Chairman rises during a meeting a member then speaking or standing shall resume his or her seat and the County Council or Committee shall be silent, by virtue of the provisions of Standing Order 1.02; the ruling of the Chairman on a point of order or the admissibility of a personal explanation or on any question of procedure or conduct shall not be challenged nor open to discussion.
- 3.16 A member may at any time rise to a point of order or in personal explanation. A personal Explanation shall be confined to some material part of a former speech by him or her at the same meeting which may have been misunderstood. A member so rising shall be entitled to be heard immediately. The Chairman's ruling on the matter is final.

- 3.17 A member who has not spoken in a debate may, at the conclusion of a speech by another member, move without comment, "That the question be put", or "That the debate be adjourned," or "That the County Council or Committee adjourn," on the seconding of which the Chairman shall proceed as follows:
- (a) On a motion that the question be put: unless, in his or her opinion, the matter before the meeting has been insufficiently discussed, the Chairman shall first put the motion to the vote. If it is passed, the Chairman shall then call upon the proposer of the original motion only to exercise his or her right of reply under Standing Order 2.63 and, in respect of any motion under Standing Order 2.45, a right of reply by any cabinet member or chairman of a non-executive committee.
 - (b) On a motion to adjourn the debate or the meeting: if, in his or her opinion, the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, the adjournment motion shall be put to the vote without giving the proposer of the original motion his or her right of reply on that occasion.
- 3.18 If any member, in the opinion of the Chairman, and named to the Council or committee, misconducts himself or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the County Council, a member may move "That the member named be not further heard," or "That the member named leaves the meeting." Such a motion, if seconded, shall be put and determined without discussion.
- 3.19 If the misconduct or obstruction continues, after such a motion has been carried, or action is taken in pursuance of Standing Order 4.02 which, in the opinion of the Chairman, renders the due and orderly dispatch of business impossible, the Chairman may, without question, adjourn or suspend the sitting of the County Council or Committee for such period as he or she considers expedient. These powers are in addition to any other powers vested in him or her.

Attendance

- 3.20 A member of the County Council may request the Chairman of a committee to allow him or her to attend a particular meeting in order that he or she may:
- (a) take part in the discussion of an item relating to his or her division; or
 - (b) take part in the discussion of an item where the member's attendance is desirable in the interests of the County Council.

With the exception of the Cabinet, in the event of the Chairman of the Committee not agreeing that the member can attend the member should be given the right of appeal to the Chairman of the Council.

- 3.21 A Cabinet Member may request the Chairman of a scrutiny committee to allow him or her to attend a particular meeting in order that he or she may take part in the discussion of a particular item relating to his or her portfolio.
- 3.22 A member of the County Council may:
- (a) attend meetings of the Cabinet but not to speak (except in accordance with Standing Order 3.20) or to vote;
 - (b) attend and speak but not vote at adjoining County Local Committee meetings where matters affecting their division are being discussed;
- and this shall be an "approved duty" for the payment of travelling allowance (as set out in the Member Allowance Scheme, Part 6).
- 3.23 A member of the County Council who attends, receives the agenda for, or otherwise has access to information concerning any meeting of a committee shall not disclose to the press or public any matter designated on the agenda or at the meeting as exempt or confidential information as defined by the Local Government Act 1972, as amended from time to time.

Minutes

- 3.24 The minutes of the business of each meeting of the County Council or committee shall be printed and a copy sent to each member with the summons to attend the next meeting of the County Council or committee.
- 3.25 As soon as the minutes have been read, or if they are taken as read, the Chairman shall put the question "That the minutes of the meeting of the County Council held on the.....day of.....be signed as a true record."
- 3.26 No motion or discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chairman shall sign the minutes.

Motions and amendments applicable to Council and Committees

- 3.27 Any of the following motions may be proposed without notice:
- (a) To appoint a chairman of the meeting.
 - (b) To amend a motion.
 - (c) To exclude the public.

Proposing and Seconding a Motion

- 3.28 A motion or amendment may be spoken to by the proposer, but shall not be discussed by the County Council or a committee until it has been seconded. The seconder has the rights contained in Standing Order 3.29. Except where notice has been given in accordance with Standing Order 2.56 the motion or

amendment shall, if the Chairman so requires, be written down, signed and handed to him or her before it is further discussed by the meeting.

- 3.29 A member when seconding a motion or amendment may declare his or her intention of reserving his or her speech until a later period of the debate subject to Standing Order 3.17.
- 3.30 A motion or amendment once moved and seconded shall not be altered or withdrawn by the proposer without the consent of the seconder and of the County Council or committee, which shall be signified without discussion.
- 3.31 When a motion is under debate no other motion shall be moved except to amend the motion or to postpone its consideration.

Amendments

- 3.32 An amendment shall be:
 - (a) to leave out words;
 - (b) to leave out words and insert or add words; or
 - (c) to insert or add words;

but it shall not have the effect of introducing a new proposal into, or of negating the motion before the County Council or committee.

- 3.33 Whenever an amendment has been moved and seconded no other amendment shall be moved until the first amendment has been disposed of; however, notice of any number of amendments may be given.
- 3.34 If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended takes the place of the original motion, and becomes the substantive motion on which any further amendment may be moved.

Voting

- 3.35 Unless a recorded vote is required under 3.36, every question shall be determined at the Chairman's discretion by a show of hands or electronic voting with the provision that the Chairman or eight voting members may demand a division. In that case, the voting shall be recorded either manually or by electronic voting so as to show how each member voted. In applying this Standing Order to a committee, the number of members who may demand a division shall be one quarter of the number of appointed members of the committee or three members of the committee, whichever is the greater. The taking of a division supersedes any prior determination of the question.
- 3.36 When a vote is taken at a budget decision meeting of the County Council the voting must be recorded either manually or by electronic voting so as to show how each member voted, including on any amendments.

- 3.37 Where immediately after a vote is taken at a meeting of the County Council or a committee, any member requires, the minutes shall indicate whether that member cast his or her vote for the question or against the question or whether he or she abstained from voting.
- 3.38 If there is an equality of votes, then the Chairman has a second or casting vote to determine the issue: A second vote is where the Chairman has already voted on the issue, a casting vote is when he or she has abstained on the previous vote.

Petitions

- 3.39 The County Council wishes to enable all people resident, working or studying in the county to petition the Council and to obtain a response that meets the expectations of the petition or provides a reasoned explanation for why those expectations cannot be met.
- 3.40 Petitions submitted to the Council **must** include:
- (a) a clear and concise statement of the subject of the petition, which must be a matter that is relevant to the functions of the County Council;
 - (b) a statement about what action the petitioners wish the council to take; and
 - (c) the name, address and signature of any person supporting the petition.
- 3.41 Valid signatories will be people who live, work or study in West Sussex – a West Sussex postcode must be given. Signatures from adjoining areas may be included at the discretion of the Director of Law and Assurance if the petition concerns a matter or service close to the county border.
- 3.42 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.
- 3.43 Certain thresholds allow member-level consideration of a petition:
- (a) This Standing Order shall allow a petition which satisfies the criteria of having at least 3,000 valid signatures to be the subject of debate at a meeting of the County Council. The petition must be received at least 15 working days before the meeting. Whether the criteria are met shall be determined by the Director of Law and Assurance in consultation with the Chairman.
 - (i) The organiser of the petition has the option of submitting a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least nine working days before the County Council meeting. The relevant directorate should also submit a brief position statement/briefing note by the same deadline.

- (ii) The organiser of the petition (or his or her nominee) may attend the meeting of the County Council so as to address the County Council for not more than five minutes. The relevant cabinet member(s) (as determined by the Director of Law and Assurance in consultation with the Chairman) shall be entitled to speak for up to five minutes in reply and the matter may then be debated for no more than 30 minutes, with a time limit of three minutes per member.
 - (iii) The Chairman shall ask for any member wishing to move a proposition to do so at an early point in the debate.
 - (iv) At the end of the debate and before any proposition is put to the vote the petitioner and the relevant cabinet member(s) will be given three minutes (maximum) each to make a closing statement.
 - (v) Where more than one proposition is moved, the Chairman shall determine which shall be put to the vote. The Chairman's decision shall be final. A member can seek to amend a proposition and the Chairman will call for a vote on any amendments before the substantive proposition is voted on. Both propositions and amendments must be seconded. The Council will not vote on the wording of the petition.
 - (vi) Where necessary for the purpose of advising the County Council or where the officer is directly affected by the content of the address, the Chairman may call upon a senior officer to advise the Cabinet Member or, exceptionally, to address the County Council.
- (b) Where the petition meets the criteria for requiring member level consideration, with at least 500 valid signatures and this is via a meeting of a Committee, the organiser of the petition (or his or her nominee) may submit in writing at least five days before the meeting questions to be answered at the meeting. Alternatively, a meeting may be arranged with the appropriate Cabinet Member. The petition must be received at least 15 working days before the meeting.
- (i) The organiser of the petition has the option of submitting a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least nine working days before the Committee meeting. The relevant Directorate should also submit a brief position statement/ briefing note by the same deadline.
 - (ii) The organiser of the petition (or his or her nominee) may attend the meeting of the Committee so as to address the Committee for not more than five minutes. The relevant senior officer(s) (as determined by the Director of Law and Assurance) shall be entitled to address the Committee for up to five minutes in reply.

- (iii) At the end of the debate and before the Committee decides how to respond to the petition, the petitioner and the relevant senior officer(s) will be given three minutes (maximum) each to make a closing statement.

3.44 Any member is able to make a Councillor Call for Action, which must be submitted to the Director of Law and Assurance. The Director will decide the most appropriate route, which will be consideration by a cabinet member, county local committee, scrutiny committee or non-executive committee.

Urgent Action

3.45 The Chief Executive or Director of Law and Assurance may decide a matter that meets one of these criteria:

- (a) a County Council decision in respect of the Policy Framework or any other matter requiring a resolution of the County Council is sufficiently urgent that it cannot wait for the next ordinary meeting of the County Council; or
- (b) a matter for consideration by the Cabinet is sufficiently urgent that it should be decided before the next ordinary or extraordinary meeting of the relevant Scrutiny Committee; or
- (c) a Cabinet Member matter is sufficiently urgent that it cannot wait for the Cabinet Member to decide it; or
- (d) a matter within the powers of a non-executive committee is sufficiently urgent that it cannot wait for the next ordinary meeting; or
- (e) a matter within the powers of a county local committee is sufficiently urgent that it cannot wait for the next ordinary meeting; or
- (f) a key decision by an officer is sufficiently urgent that it cannot wait for the officer to decide it.

3.46 If the matter is an executive key decision that has not appeared in the Forward Plan for 28 days, then the provisions in Standing Order 5.23 (Regulation 11 Decisions) apply.

3.47 With the exception of decisions falling under Standing Order 3.46 (Regulation 11 decisions) in each case of Urgent Action proposed via Standing Order 3.45 the Chief Executive or Director of Law and Assurance shall consult the relevant Executive Director/Director and the following members:

- County Chairman, Leader and chairman of the relevant scrutiny committee in respect of (a);
- the Leader and chairman of the relevant scrutiny committee in respect of (b);
- the relevant cabinet member (or in their absence, the Leader) and chairman of the relevant scrutiny committee in respect of (c);
- relevant chairman in respect of (d);

- the Chairman or Vice-Chairman of the County Local Committee as appropriate and the relevant scrutiny committee chairman in respect of (e);
 - the Officer and the relevant scrutiny committee chairman in respect of (f).
- 3.48 Where an urgent decision affects a single electoral division the local member will be sent a copy of the proposed decision for information. In all cases the Director of Law and Assurance as Monitoring Officer shall also be consulted.
- 3.49 The decision taken under Standing Orders 3.45 or 5.23 and notice of reasons why the decision was urgent and could not reasonably have been deferred shall be published in the next edition of The Bulletin. Executive decisions, including Regulation 11 decisions, shall also be notified via the EDD.
- 3.50 Nothing shall prevent the relevant scrutiny committee, or where appropriate, the County Council, from considering the matter after a decision has been taken.
- 3.51 A register shall be maintained of every decision taken urgently in accordance with Standing Orders 3.45 or 5.23.

4. Access to Meetings and Documents

Rights to attend Meetings

- 4.01 Members of the public and press may attend all meetings of the County Council, including the Cabinet, scrutiny committees, county local committees, Governance and non-executive committees of the County Council. The exception is where Confidential or Exempt information is to be discussed.
- 4.02 If a member of the public interrupts the proceedings or behaves in a disorderly manner at any meeting, the Chairman may, after warning, order his or her removal from the room, or may order that the part of the room open to the public shall be cleared.
- 4.03 Subject to the provisions allowing the exclusion of the press and public, the filming or recording of all formal meetings of the County Council held in public is permitted. Any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities may be used. Publication and dissemination may take place at the time of the meeting or occur after the meeting. A person attending a meeting for the purpose of reporting on the meeting will, so far as practicable, be afforded reasonable facilities for doing so. To assist with the management of a meeting, anyone wishing to film or record is asked to inform an officer of their intentions before the meeting starts. Oral reporting or oral commentary on a meeting while it takes place if the person is in the room is not permitted.
- 4.04 Where the press and public are excluded from any part of a meeting, members of the press and public must remove all recording devices that they have brought into the room.
- 4.05 Mobile devices must be switched to silent while meetings of the County Council are in progress. In the event that any mobile device interferes with microphones, hearing loops or other audio visual equipment used to assist the running of the meeting, the user must switch it off.

Webcasting

- 4.06 Meetings of the County Council and some committees are webcast and the following provisions will apply. There is a presumption that all meetings of the Cabinet, Scrutiny Committees and Planning and Rights of Way Committee will be webcast. Other committees can be webcast at the request of their Chairman and Vice-Chairmen.
- 4.06a A decision to webcast all or part of a meeting or waive the presumption can be made by the Chairman and Vice-Chairman of the Committee. The following factors should be taken into consideration:
- The subject is/is not of significant interest to residents
 - The subject has/does not have a significant impact on the Council's budget or on an area of service delivery
 - The subject is/is not a call-in at a Scrutiny Committee

- The subject relates/does not relate to a matter of current national or local interest
 - The location of the meeting will/will not inhibit public attendance
 - There are/are no specific reasons for webcasting in order to ensure the widest possible audience or accessibility by the public.
- 4.06b If the Chairman and Vice-Chairman of a Scrutiny Committee disagree on whether to waive the presumption that the meeting should be webcast, the Scrutiny Committee's Business Planning Group will be consulted virtually and a majority decision will be taken within one working day.
- 4.07 The Chairman of the meeting has the discretion to request the termination or suspension of the webcast if, in the opinion of the Chairman, continuing to webcast would prejudice the proceedings of the meeting. The circumstances in which termination or suspension might occur would include:
- (a) Public disturbance or suspension of the meeting;
 - (b) Exclusion of public and press being moved and supported; and
 - (c) Any other reason moved and seconded and supported by the Council/meeting.
- 4.08 No exempt or confidential agenda items shall be webcast. No part of any meeting held in 'Part II' (i.e. with the public and press excluded) will be webcast after members have passed a resolution excluding the public and the press because there is likely to be disclosure of exempt or confidential information. The clerk of the meeting will ensure that filming and/or recording of the meeting has ceased and will confirm this to the Chairman of the meeting before any discussion of exempt or confidential matters is commenced.
- 4.09 All archived webcasts will be available to view on the County Council's website for a period of six months, but archived webcasts or parts of webcasts can be removed from the Council's website if the Director of Law and Assurance considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any legal provision such as Data Protection and Human Rights legislation or provisions relating to confidential or exempt information. If the Director decides to take such action he or she must notify all members in writing as soon as possible of his or her decision and the reasons for it.

Access to Agenda and Reports

- 4.10 The County Council will make copies of the agenda, reports and background papers open to the public available for inspection at the designated office at least five clear working days before the meeting and on its website. If an item is added to the agenda later, the revised agenda will be open to inspection and available on the website from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Director of Law and Assurance shall make each such report available to the public as soon as the report is completed and sent to members.

- 4.11 Subject to sub-paragraph 4.12 below, a printed copy of the summons and agenda for the forthcoming meeting and the minutes of the previous meeting shall be dispatched to each member by the Director of Law and Assurance at least five clear working days before such forthcoming meeting.
- 4.12 A member may, by notice in writing given to the Director of Law and Assurance, give consent for the summons and agenda to be sent electronically to their County Council email address or left for collection at County Hall. A member may at any time give notice that they wish to withdraw that consent.
- 4.13 The Director of Law and Assurance will supply copies of the following to any person on payment of a charge for postage and any other costs:
- (a) any agenda and reports for public meetings;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - (c) if the Director of Law and Assurance thinks fit, any document available for inspection by a person under any provision in these rules
- 4.14 Except for any part of the meeting during which the public are excluded, the County Council will make available a reasonable number of copies of the agenda and reports for the use of members of the public present at the meeting.
- 4.15 Decisions of committees shall be recorded and published by the Director of Law and Assurance in accordance with the provisions of the Local Government Act 1972.

Inspection of Documents

- 4.16 Any document which is in the possession of or under the control of the County Council and contains material relating to any business to be transacted at a meeting of the County Council or a committee of the County Council shall, subject to Standing Order 4.17 below, be open to inspection by any member of the County Council.
- 4.17 Where it appears to the Director of Law and Assurance that a document discloses exempt or confidential information as defined by the Local Government Act 1972, as amended from time to time, then sub-paragraph (i) above does not require the document to be open to inspection.
- 4.18 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 professionally interested or in which he or she has any personal and prejudicial or pecuniary interest.
- 4.19 The Director of Law and Assurance will make available, at County Hall, Chichester, copies of the following for six years after a meeting:
- (a) the agenda for the meeting; and

- (b) reports relating to items when the meeting was open to the public;
- (c) minutes and records of decisions taken, at public meetings, which include a minute of the debate and summary of any additional amendments or proposals which were considered at the meeting, but which exclude any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (d) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

Background Papers

- 4.20 The executive director, director or head of service will ensure that the report author sets out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his or her opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) which have been relied on to a material extent in preparing the report;
- (but this does not include published works or those which disclose exempt or confidential information).
- 4.21 The County Council makes copies of those documents available on the County Council's website and will retain and make available for public inspection for four years after the date of the meeting, or date of which the decision to which the background papers relate, one copy of each of the documents on the list of background papers.

Exclusion of Access by the Public to Meetings

- 4.22 Any meeting may, by resolution, exclude the public and the press from the meeting during an item or items of business whenever it is likely that exempt or confidential information as defined by the Local Government Act 1972, as amended from time to time, would be disclosed to them.
- 4.23 The chairman of the meeting shall have the right to order the exclusion of the public and the press without question whenever, in his or her opinion, Standing Order 4.22 is likely to apply.
- 4.24 A resolution under Standing Order 4.22 above shall identify the proceedings or the part of the proceedings to which it applies and shall state the description in the terms as defined by the Local Government Act 1972, as amended from time to time, of the exempt or confidential information giving rise to the exclusion of the public and press.
- 4.25 If any item of business arises at a meeting of the County Council where information relating to a particular employee, former employee or applicant

to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under the County Council is likely to be disclosed then, unless the County Council otherwise so resolves, that item of business shall be considered by the County Council after the public and the press have been excluded by resolution under Standing Order 4.24 above.

- 4.26 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed and a resolution has been made by the decision-making body excluding the public during the transaction of business.
- 4.27 There is discretion to exclude the public as follows:
- (a) The public may be excluded from meetings whenever it is determined by the decision-making body that the nature of the business to be transacted or the nature of the proceedings are such that exempt information would be disclosed.
 - (b) Where the meeting will determine any matter to which Article 6 of Schedule I to the Human Rights Act 1998 applies (the determination of a person’s civil rights or obligations) there will be a presumption that the meeting will be held in public unless one of the exceptions provided for in Article 6 applies.
- 4.28 Exempt information means information falling within the following seven categories (subject to any conditions):

Category	Condition
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:</p> <ul style="list-style-type: none"> (a) the Companies Act 1985[3]; (b) the Friendly Societies Act 1974[4]; (c) the Friendly Societies Act 1992[5]; (d) the Industrial and Provident Societies Acts 1965 to 1978[6]; (e) the Building Societies Act 1986[7]; or (f) the Charities Act 1993[8]

Category	Condition
	<p>“Financial or business affairs” includes contemplated, as well as past or current activities.</p> <p>“Registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>“Employee” means a person employed under a contract of service.</p> <p>“Labour relations matter” means:</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above;</p> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.</p> <p>“Office-holder”, in relation to the authority, means the holder of any paid office appointment to which is or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	
<p>6. Information which reveals that the authority proposes:</p>	

Category	Condition
(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	

- (a) Applicable to all the above categories:

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

- (b) Information which falls within any of paragraphs 1 to 7 above is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The exceptions are if information is required to be published by virtue of the condition on exempt paragraph 3 or is required to be confidential in accordance with Standing Order 4.26 above.

4.29 If the Director of Law and Assurance thinks fit, the County Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Standing Order 4.22, the meeting is likely not to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

Additional Access Rights of Members

4.30 All members will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business to be transacted at a public meeting unless it contains exempt information as defined in Standing Order 4.28.

4.31 All members of the County Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive which relates to any business transacted at a private meeting, any decision made by a cabinet member or any key decision made

by an officer, unless it contains exempt information as defined by Standing Order 4.28. Such documents will be available for inspection when the meeting concludes or, where a decision is made by a cabinet member or a key decision is made by an officer, immediately after the decision has been made, at the offices of the County Council and on its website.

- 4.32 However, members are entitled to see documents falling within exempt paragraph 3 of Standing Order 4.28 (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract) and information falling within exempt paragraph 6 of Standing Order 4.28.
- 4.33 No member of the County Council shall disclose any information given to that member in confidence by anyone, or which may come into his or her possession or within his or her knowledge as a member of the County Council, without the consent of the person authorised to give it unless he or she is required by law to do so.

Inspection of Lands and Premises etc.

- 4.34 Unless authorised in writing by the Director of Law and Assurance to do so, or by the County Council, or a committee or a cabinet member, a member of the County Council shall not:
- (a) inspect any lands or premises which the County Council has the right or duty to inspect, provided that no authorisation in writing shall be required where the County Council, non-executive committee or a Cabinet Member have named members on a rota for regular visits to any specified lands or premises;
 - (b) enter upon any lands or premises and issue any order respecting any works which are being carried out by or on behalf of the County Council;
 - (c) (except in the case of a Cabinet Member in respect of a matter within his or her portfolio) negotiate for and on behalf of the County Council or conduct any consultations with any person or body.

The Bulletin

- 4.35 The Director of Law and Assurance shall publish The Bulletin for distribution to all members and make it available to the press and public. The Bulletin shall include information summaries of:
- (a) all proposed Cabinet and cabinet member decisions, Executive decisions by county local committees and key decisions by an officer published via the EDD in the previous week;
 - (b) decisions by the Monitoring Officer or Deputy Monitoring Officer for a scrutiny committee to call-in or review a proposed decision or recommendation;

- (c) as a result of the call-in of a decision, whether the Scrutiny Committee agreed with the Cabinet, a cabinet member, county local committee or officer or, if relevant, whether the Cabinet, Cabinet Member, County Local Committee or officer has agreed with the recommendation of the Scrutiny Committee;
- (d) a statement that a referred motion will be withdrawn following agreement between the proposer, seconder and relevant Cabinet Member or non-executive committee;
- (e) decisions by non-executive committees where recommendations of officers have not been accepted to a material degree (to the extent that the chairman of the committee considers it necessary that a report be submitted to the County Council under Standing Order 2.29(c));
- (f) a report of the membership and terms of reference of each scrutiny or executive task and finish group or partnership board established since the last such report and the appointment, nature and duration of role of any advisers or senior advisers to cabinet members;
- (g) a reference to the publication or updating of any Forward Plan, or the Forward Plan itself;
- (h) matters of general information for members.

Advertisements

- 4.36 All public notices required by statute or Standing Orders to be given by the County Council or by a committee or a cabinet member and all advertisements (other than advertisements for staff vacancies) required by statute or Standing Orders to be inserted in any newspaper or journal shall be approved by and issued in the name of the Director of Law and Assurance.

5. Cabinet and Executive Decision-Making

The Cabinet

- 5.01 The individual portfolios to be allocated to cabinet members shall be determined by the Leader and notified to the County Council at the first available opportunity and set out in the Scheme of Delegation in the Constitution.
- 5.02 At meetings of the Cabinet, in the absence of the Leader of the Council, the Deputy Leader shall preside; in the absence of both, a chairman shall be elected for the meeting by those present.

Cabinet Briefing

- 5.03 Cabinet Briefing is solely for the purpose of advising members of the Cabinet on the business of the Council and has no decision-making powers. The following will be served notice of all Cabinet Briefing meetings and shall be entitled to attend:
- (a) all members of the Cabinet.
 - (b) members of the Corporate Leadership Team and the Director of Law and Assurance.

Cabinet Liaison with Other Members

- 5.04 A member of the County Council may request a meeting with the relevant cabinet member in respect of a matter affecting his or her division. The provisions of Standing Order 3.20 shall apply in determining whether such a meeting should take place.
- 5.05 Cabinet members shall comply with a request to attend a meeting of a scrutiny committee to address issues relating to the Cabinet Member's area of responsibility, unless attendance is impracticable in which case any relevant adviser or senior adviser to a cabinet member shall attend or another cabinet member at the discretion of the Leader.
- 5.06 The Cabinet or cabinet member will provide a scrutiny committee with a reasoned, written justification on any occasion when it is decided not to accept a recommendation of a scrutiny committee. This will be by way of a letter covering all the points raised which will be provided before, and reported to, the next meeting of the Scrutiny Committee.

Executive Decisions

- 5.07 In deciding cabinet member matters, the relevant cabinet members:
- (a) shall have regard to the rules set out within the Constitution;

- (b) may consult an adviser or senior adviser to a cabinet member or an executive task and finish group before deciding a cabinet member matter.
- 5.08 Where an individual cabinet member receives a report as part of making any key decision, then the decision will not come into effect until the report has been available for public inspection for at least seven clear working days.
- 5.09 As soon as reasonably practicable after an executive decision has been taken by the Cabinet, a cabinet member, or a county local committee, or a key decision has been taken by an officer, a written statement must be published setting out:
- (a) a record of the decision including the date on which the proposed decision was made;
 - (b) a record of the reasons for the decision;
 - (c) consideration of all relevant corporate policies, as set out on the County Council's website;
 - (d) details of any alternative options considered and rejected by the Cabinet, Cabinet Member, county local committee or officer at the time the decision was made;
 - (e) a record of any personal interest declared in relation to the decision by any member of the decision-making body, by any cabinet member who is consulted by the member or by the officer who made the decision; and
 - (f) in respect of any declared prejudicial or pecuniary interest, a note of the dispensation granted by the Director of Law and Assurance.
- 5.10 The Director of Law and Assurance shall maintain the Executive Decision Database (EDD) and make it available to all members, the press and public. The EDD shall include summaries of:
- (a) proposed decisions by the Cabinet or by individual cabinet members;
 - (b) proposed decisions by the Executive for recommendation to the County Council on matters within the Policy Framework;
 - (c) proposed executive decisions by a county local committee;
 - (d) proposed key decisions by an officer.
- 5.11 Proposed decisions or recommendations of the Executive under Standing Order 5.10 above shall not be final decisions:
- (a) until the expiry of the time referred to in Standing Order 8.29 within which the Monitoring Officer or Deputy Monitoring Officer may notify the statutory Scrutiny Officer of the requirement to call-in the decision or proposal; or

- (b) until the Scrutiny Committee has completed its examination of the matter as a Call-in; or
- (c) in the event of the Scrutiny Committee coming to a different view, until that decision has been published and the matter has been reconsidered by the Executive, County Local Committee or officer (and the decision of the Cabinet or a Cabinet Member certified by the Director of Law and Assurance); or
- (d) until the matter has been determined in accordance with the disputes procedure under Standing Order 2.69;

whichever is the latest.

5.12 The Executive may notify the Director of Law and Assurance of its intention to reconsider any proposal, at any time before the expiry of the time referred to in the Standing Orders on Scrutiny Committees for notification of call-in; on receipt of that notification, the proposal shall be withdrawn from further consideration.

Key Decisions Definition

5.13 A Key Decision means an Executive decision that is significant because it is:

- (a) a proposal that involves spending or saving money to a value of £500,000 or more, except those decisions taken by the Director of Finance and Support Services under delegated powers in connection with Treasury Management; or
- (b) a proposal that is significant in terms of its effect on people or the place of two or more electoral divisions. A proposal is significant if it would noticeably change or enable changes to services. There should be a presumption of openness about plans which affect residents or their area so that local people have sufficient knowledge, in advance, of decisions which are likely to be of real concern or interest to them or their community.

5.14 The key decision criteria includes decisions to consult on significant proposals and to begin a procurement falling within (a) and/or (b) above for which Cabinet Member approval is required under paragraph 2 of Part 3, Appendix 2 of the Scheme of Delegation (functions delegated to Cabinet Members) but does not include the following:

- strategic comments on planning applications determined by district councils
- certification of local plans
- responses to government and quango consultations (except consultations on options or proposals that would have a direct impact on the County Council, or its services or the people of West Sussex)
- Treasury investment decisions
- decisions to consult on proposals for closures or amalgamations affecting individual schools.

- 5.15 Where a Cabinet Member has delegated a decision to an officer, including the letting of a contract when approving a procurement, the officer decision may also qualify as a key decision and require inclusion in the Forward Plan.

Forward Plan and Publicity in relation to Key Decisions

- 5.16 In accordance with the requirements of the Access to Information Executive Regulations 2012 and other relevant legislation the Leader, on the advice of the Director of Law and Assurance, shall publish a Forward Plan containing details of key decisions to be taken, which must be published on at least a monthly basis. Key decisions will be included in the Forward Plan for at least 28 days and for up to four months.
- 5.17 Subject to the rules relating to general exceptions and special urgency, a key decision may not be taken unless it accords with the entry which must be published in respect of the Forward Plan.
- 5.18 Forward Plans will be prepared to cover a period of four months. The Forward Plan will be updated at least each month on a rolling basis and will be made available to all members, considered by scrutiny committees and published on the Council's website 28 days before any decision to which it relates is taken.
- 5.19 The Forward Plan will contain details of key decisions to be taken by the County Council, the Cabinet, cabinet members, county local committees, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars insofar as the information is available or might reasonably be obtained:
- (a) the matter in respect of which a decision is to be made;
 - (b) where the decision taker is an individual, his or her name and title, if any, and where the decision taker is a body, its name and details of membership;
 - (c) the date on which, or the period within which, the decision will be taken;
 - (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - (e) the means by which any such consultation is proposed to be undertaken;
 - (f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;
 - (g) a list of documents, submitted to the decision taker for consideration in relation to the matter in respect of which the decision is to be made;

- (h) the address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available;
- (i) that other documents relevant to those matters may be submitted to the decision maker; and
- (j) the procedure for requesting details of those documents (if any) as they become available.

5.20 Exempt information need not be included in a Forward Plan and confidential information cannot be included.

Regulation 10 Decisions

5.21 If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to the provisions relating to special urgency the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the Forward Plan for 28 days;
- (b) the Director of Law and Assurance has informed the chairman of a relevant Scrutiny Committee or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Director of Law and Assurance has made copies of that notice available to the public at the offices of the County Council and published it on its website; and
- (d) at least five clear working days have elapsed since the Director of Law and Assurance complied with (b) and (c) above.

5.22 As soon as reasonably practicable after Standing Order 5.21 has been complied with, the Director of Law and Assurance must make available to the public at the offices of the County Council and on its website a notice setting out the reasons why a key decision was not included in the Forward Plan.

Special Urgency (Regulation 11)

5.23 If the date by which a decision must be taken and the general exception provisions cannot be followed, then the decision can be taken urgently only if the Director of Law and Assurance or Chief Executive obtains the agreement of:

- (a) the usual decision taker (if an individual) or the chairman of the usual body making the decision (in the absence of a relevant cabinet member, this will be the Leader)
- (b) the chairman of a relevant scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of a

relevant scrutiny committee or if the chairman of each relevant scrutiny committee is unable to act, then the agreement of the Chairman of the County Council must be obtained. If there is no chairman of either the relevant Scrutiny Committee or the County Council, agreement must be sought from the Vice-Chairman of the County Council.

- 5.24 As soon as reasonably practicable after the decision maker has obtained agreement under Standing Order 5.23 that the making of the decision was urgent and could not reasonably be deferred, the decision maker must make available at the offices of the County Council and on its website a notice setting out the reasons why the decision was urgent and could not reasonably have been deferred.
- 5.25 The Leader shall submit to the County Council at least annually a report containing details of each executive decision taken under Standing Order 5.23 above, including the particulars of each decision made and the reason for urgency.

6. County Local Committees

6.01 The provisions in Section 3, Decision-making and Committees General apply to county local committees, who receive their decision-making powers from the Cabinet. The following provisions apply specifically to county local committees (CLCs).

Membership and Attendance

6.02 All members of the County Council elected for divisions covered by the CLC will be voting members of the CLC. Members of adjoining CLCs may attend and speak but not vote at meetings where matters affecting their division are being discussed. Members from other CLCs may attend and may speak with the permission of the CLC Chairman but may not vote.

6.03 Chairmen of CLCs are appointed each year at the annual meeting of the CLC. The Chairman will be appointed following a ballot of the members of the CLC prior to the annual meeting. Where this results in a tied vote the Leader will decide the outcome.

6.04 Substitutes are not permitted as the CLCs comprise only members representing their divisions.

6.05 Where a CLC comprises six or more members the quorum is three members but, where a CLC comprises five or fewer members, the quorum is two. The co-option of additional voting members to a CLC is not permitted.

Agenda Setting

6.06 The final agenda will be circulated to members no less than five working days before the meeting, and will be agreed in advance by the Chairman with the Democratic Services Officer with advice from relevant heads of service.

6.07 The Chairman will be able to decline or defer consideration of any matter that does not fall within the CLC's terms of reference, does not relate to the area or, in his or her opinion, re-opens a matter that the CLC has previously resolved, or relates to a personal complaint by a member of the public.

Conduct of Meetings

6.08 Provisions relating to the rules of debate at CLCs should be guided by Standing Orders but also take account of the policy to encourage interaction and communication with residents.

6.09 Sub-groups, working parties and task forces cannot have any functions of the County Council or CLC delegated to them. Any recommendations will require confirmation by the CLC, although there are ways of ensuring decisions are not slowed down by having to wait for formal meetings e.g. through the urgent action procedure or by delegation to an officer between meetings in consultation with the Chairman or CLC members.

Executive Decisions

- 6.10 Key decisions (as defined in the County Council's Constitution) to be taken by CLCs will be published in the Forward Plan.
- 6.11 Decisions are made based on written reports submitted to CLCs by officers. After the meeting proposed decisions are published in accordance with a process managed by the Director of Law and Assurance, the details of which are set out in Standing Orders 5.09 and 5.10.

7. Non-Executive Committees

- 7.01 The provisions in Section 3, Decision-making and Committees General apply to non-executive committees, who receive their decision-making powers direct from the County Council. The following provisions apply specifically to non-executive committees.
- 7.02 In the event of a non-executive committee deciding any matter which has implications for the functions carried out by the Cabinet or a cabinet member, and the Cabinet or cabinet member not accepting those implications, the matter shall be determined by the County Council on recommendation from the Governance Committee.

Substitutes for Planning and Rights of Way Committee

- 7.03 Substitute members are permitted to attend a meeting of the Planning and Rights of Way Committee.
- 7.04 The County Council will, at each annual meeting, nominate a panel of substitutes for the Planning and Rights of Way Committee.
- 7.05 If a member is not able to attend a meeting, his or her political party may arrange a substitute by giving appropriate notice to the Director of Law and Assurance in writing, including the name of the member to attend in his or her place from the appropriate panel of substitutes.
- 7.06 The notice should be given by the appropriate Group Leader, Deputy Group Leader, Group Secretary or Group Chairman to the Director of Law and Assurance by 5.00 p.m. on the day before the meeting if possible and not later than the start of the meeting.
- 7.07 Members appointed as substitutes are in the same position in terms of responsibilities and duties as any other member of the committee, for example in relation to the declaration of any interest they might have.

Planning and Rights of Way Committee decisions

- 7.08 If the Planning and Rights of Way Committee is minded to refuse a planning application under Regulation 3 of the Town and Country Planning General Regulations 1992 or grant consent subject to a condition or conditions which may be unacceptable to the relevant Cabinet Member:
- (a) The Planning and Rights of Way Committee will not determine the application but will indicate its decision in principle.
 - (b) The officers of the County Council will try to overcome the objections to the proposal. If, after further investigation and discussion, they conclude that the Planning and Rights of Way Committee's decision is justified, the decision will be implemented. If, on the other hand, they conclude that a re-submission or modification is not appropriate because the original proposal remains the best option, or the condition or conditions in dispute impose an unreasonable demand on the

implementing committee, a report will be made to the Planning and Rights of Way Committee.

- (c) In the event of the Planning and Rights of Way Committee sustaining its original decision it will proceed only by way of recommendation to the County Council.
- (d) Any recommendation by the Planning and Rights of Way Committee shall include:
 - (i) The full officer report to the Planning and Rights of Way Committee, including the views of the applicant Cabinet Member; and
 - (ii) A covering report from the Chairman of the Planning and Rights of Way Committee explaining the reason(s) for its refusal which had not been accepted by the applicant Cabinet Member; and
 - (iii) A third report giving legal advice/guidance and indicating the views of other consultees, including the district council and any members of the public who have made representations at the Planning and Rights of Way Committee meeting considering the matter.
- (e) At the County Council meeting hearing the recommendation from the Planning and Rights of Way Committee the County Council will act as a planning authority under its statutory powers. The Chairman of the Planning and Rights of Way Committee shall introduce the item and the Leader shall respond for the applicant Cabinet Member. The applicant Cabinet Member shall be treated as having a prejudicial interest and shall not participate in the debate nor vote but may remain in the chamber. Members of the Planning and Rights of Way Committee shall be treated as having a personal interest.

Public Participation at Planning and Rights of Way Committee

- 7.09 Where a report on a planning application to the Planning and Rights of Way Committee or a rights of way matter before the Committee for determination is included on the agenda of the Committee the provisions of this paragraph shall apply.
- 7.10 An individual who is either an objector to the proposal the subject of the application or a supporter shall be eligible to address the Committee subject to the provisions of Standing Order 7.11 below.
- 7.11 This Standing Order shall be read in conjunction with the Protocol on Public Participation at Planning and Rights of Way Committees (Part 5 Section 3). Irrespective of whether they have formally commented on the application, an individual wishing to address the committee under Standing Order 7.10 must contact the Director of Law and Assurance's representative at least two clear working days before the relevant committee to give notice of their wish to speak, stating the application/matter about which they wish to address the committee and whether they are in favour of, or against the officer's

recommendation. The Director of Law and Assurance shall record the receipt of such a request.

- 7.12 The maximum time for parties speaking for and against the application the subject of the recommendation shall be 15 minutes for those parties speaking for the application and 15 minutes for those parties speaking against the application for every relevant item on the agenda.
- 7.13 A maximum of three objectors and three supporters shall be permitted to address the committee during such time, subject to a time limit of five minutes each, and they shall be determined in strict order of receipt of request by the Director of Law and Assurance.
- 7.14 The Chairman of the Committee shall have discretion at or in advance of a meeting to increase the number of members of the public permitted to speak if he or she is of the view that to do so would assist the Committee in determining a major or controversial case. In doing so he or she may also increase the maximum time limit for public representations but not the five minutes allowed for each speaker.

8. Scrutiny

8.01 The provisions in Section 3, Committees and Decision-making General apply to scrutiny committees, who receive their scrutiny powers direct from the County Council. The following provisions apply specifically to scrutiny committees.

Substitutes for Scrutiny Committees

- 8.02 Substitute members are permitted to attend a meeting of each Scrutiny Committee to which the member has been appointed as a substitute. They will receive notifications and papers as if they were a member of the relevant Committee.
- 8.03 The County Council will, at each annual meeting, approve a panel of substitutes for each of the Scrutiny Committees, one member for each political group represented on the relevant Committee.
- 8.04 If a member is not able to attend a meeting, his or her political group may arrange a substitute by giving appropriate notice to the Director of Law and Assurance in writing, including the name of the member to attend in his or her place.
- 8.05 The notice should be given by the appropriate Group Leader, Deputy Group Leader, Group Secretary or Group Chairman to the Director of Law and Assurance by 5.00 p.m. on the day before the meeting if possible and not later than the start of the meeting.
- 8.06 Members appointed as substitutes are in the same position in terms of rights and responsibilities as any other member of the committee, including the duty to declare any interest they might have.

Work Planning

- 8.07 The relevant scrutiny committee may consider the Executive's proposals in respect of any plan or strategy in the Policy Framework or a corporate strategy or any commissioning or service plans, and may submit recommendations to the Executive.
- 8.08 The relevant scrutiny committee may consider any other matter referred to it by the Executive, and may make recommendations on it to the Executive.
- 8.09 A scrutiny committee may call-in a proposed decision or recommendation by the Cabinet, a cabinet member, an executive decision by a County Local Committee, or a key decision in the Forward Plan proposed to be made on behalf of the Executive by an officer, in accordance with Standing Order 8.27.
- 8.10 Any decision by the Executive (or the County Council in respect of the operation of matters within the Policy Framework) may be reviewed by the relevant Scrutiny Committee after six months from the date on which the decision was made; an exception, however, is that decisions made under the urgent action procedure under Standing Orders 3.45 and 5.23 may be

reviewed within six months. After 12 months from the date on which the decision was made, a review may be carried out only as part of the Scrutiny Committee's approved programme within Standing Order 8.13.

- 8.11 The chairman of the appropriate scrutiny committee may require the Director of Law and Assurance to include on the agenda of the next scrutiny committee any matter brought to his or her attention which in the Chairman's view is not being considered by the Executive.
- 8.12 The Scrutiny Committees shall submit to the Performance and Finance Scrutiny Committee and then to the County Council by the end of May each year, proposals for the reviews and development of County Council policies for the following year. Such proposals shall be reviewed to assess their suitability for joint scrutiny following their approval by the County Council.
- 8.13 Scrutiny committees may submit proposals to amend their approved programmes and substitute alternative studies to the Performance and Finance Scrutiny Committee, in the light of any overlap between the work of scrutiny committees, or changed circumstances.
- 8.14 The Performance and Finance Scrutiny Committee may identify major items of work undertaken by scrutiny committees or matters relating to the systems and arrangements for scrutiny to be reported to meetings of the County Council for debate with the intention of not proposing more than one item to be reported to any one meeting of the County Council.
- 8.15 Other items of work can be received in the following ways during the year and, in deciding to accept an item for scrutiny or preview, the Committee or its Business Planning Group (BPG), will consider whether it has been covered sufficiently in another forum and what added value the Scrutiny Committee could bring:
 - (a) Items referred to the Committee by the Cabinet or a cabinet member or a county local committee (CLC) (either as a preview to a decision being taken or a review of a decision taken no sooner than six months after the decision has been taken) – a scrutiny committee may turn down a referral by providing its reasons in writing to the referrer. CLC referrals may include Councillor Calls for Action.
 - (b) Scrutiny of the performance of the Council's services against the outcomes, objectives and measures set through a relevant commissioning process.
 - (c) Call-in of proposed decisions made by the Cabinet, a cabinet member, executive decisions by a CLC or a key decision made by an officer.
 - (d) Items which a member of the Scrutiny Committee has requested to be included on the agenda, including items that might be drawn from the Executive's future decisions, set out in a Forward Plan (either as a preview to a decision being taking or a review of a decision taken no sooner than six months after the decision has been taken).

- (e) Any items on any relevant local government matter raised by any member of the County Council. If a scrutiny committee decides to take no action then it must give reasons in writing to the member requesting the item.
- (f) Any item on any local crime and disorder matter referred by any member or by the Cabinet (Environment and Communities Scrutiny Committee only).
- (g) The discharge of the Health Scrutiny functions (including the power of referral on behalf of the County Council (Health and Adult Social Care Scrutiny Committee only)).
- (h) Any other health matter raised by any other person or body, at the discretion of the Committee (Health and Adult Social Care Scrutiny Committee only). Any member of the public wishing to refer a health matter will need to provide 100 supporting signatures and give at least 10 days' notice.
- (i) The County Council's petition arrangements, set out in Standing Order 3.43, allow for petitions to be referred to a committee for consideration.
- (j) Any item of joint scrutiny work referred under the auspices of the West Sussex Joint Scrutiny Steering Group, which is an agreement between the County Council and the district and borough councils in West Sussex. Where a report on any joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group is referred to a scrutiny committee for onward transmission to the relevant cabinet member, the Committee may consider it before passing it on to the Cabinet Member as long as this does not cause delay which hinders the Cabinet Member's ability to address any recommendations in the report. In passing on any such report to the Cabinet Member, the Scrutiny Committee may give its own views on the content and any recommendations, but should not duplicate the work already undertaken.

8.16 Where work relates to the remit of more than one scrutiny committee (i.e. cross-cutting work) a task and finish group will be established to undertake the work. The outline terms of reference and reporting lines of the Task and Finish Group will be agreed by the relevant scrutiny committee or its BPG co-ordinated by the relevant scrutiny committee chairmen.

Procedures at Scrutiny Committee Meetings - General

8.17 Scrutiny Committees shall operate having regard to Section 3, Decision-making and Committees General, including the rules of debate when formal decisions are to be taken but chairmen of scrutiny committees shall have regard to the need to conduct meetings in a flexible manner, with the aim of improving decision-making, and to the provisions of the protocol on questioning officers. The principle is that a person undertaking scrutiny of an issue should not also be closely involved in the decision itself.

- 8.18 Short, informal, private pre-meetings of members of scrutiny committees can be used to ensure the best use of time by the Committee and to agree the aims of the Committee for each item.
- 8.19 A scrutiny committee can require any of the following to attend and advise a scrutiny committee meeting:
- (a) A member of the Cabinet (there will be a standing invitation from the Scrutiny Committee Chairman to allow them to attend);
 - (b) An adviser or senior adviser to a cabinet member;
 - (c) The Chairman of a CLC;
 - (d) An officer of the County Council; and
 - (e) An officer of any local NHS body (Health and Adult Social Care Scrutiny Committee only).
- 8.20 It is the duty of a cabinet member, chairman of a CLC or officer so requested to comply with the requirement except that he or she is entitled to refuse to answer any question which he or she would be entitled to refuse to answer in a court of law; provided where a Scrutiny Committee requires a named officer to appear before it, that officer's executive director, director or head of service may also be in attendance.
- 8.21 Chairmen of the four service scrutiny committees who are not already members of the Committee may attend and speak at meetings of the Performance and Finance Scrutiny Committee when the scrutiny work programme and annual report are considered.
- 8.22 A scrutiny committee may request or allow any other person to attend and speak at a meeting, including other members, representatives of outside bodies, expert witnesses and West Sussex residents. The BPG will usually identify speakers and the length of the address to the Committee, but the final decision rests with the Chairman on the day of the Committee.
- 8.23 On completion of a major piece of work, such as by a scrutiny task and finish group, a report will be submitted to the Committee or direct to the Cabinet Member as agreed by the Committee or its BPG.
- 8.24 Where task and finish group reports are to be considered by the scrutiny committee before submission to the relevant cabinet member the draft task and finish group report should be discussed between the appropriate task and finish group chairman, committee chairman, cabinet member and officers, before they are submitted to the Scrutiny Committee. Any consequential substantial changes to the draft report should be notified to the Committee and the cabinet member or officer should be given the opportunity to contribute to the Committee's discussion on the report.
- 8.25 Subject to Standing Order 2.69 (Disputes Procedure) the recommendations of Scrutiny Committees on matters called-in, reviewed or previewed, shall be submitted to the Cabinet, a cabinet member, CLC or officer.

- 8.26 The Cabinet Member will respond to reports and recommendations from a scrutiny committee in a letter covering all the points raised and with a reasoned justification where recommendations are rejected. This will be reported to the next meeting of the Scrutiny Committee.

Call-in Protocol

- 8.27 The call-in mechanism is an important part of a short decision-making process and the role of scrutiny committees in calling-in a proposal before it is finalised is to test the merits of the proposal, consider the process by which the proposal has been formulated and to make recommendations to the Cabinet Member. Scrutiny committees may call-in any proposal by the Cabinet or a cabinet member, an executive decision by a county local committee (CLC) or a key decision proposed by an officer. The only exception is any decision taken under the urgent action procedure.
- 8.28 Once a proposed decision is published in the Executive Decision Database (EDD), members are encouraged to read the reports and the relevant background papers if considering making a call-in request.
- 8.29 A member wishing to request the call-in of a proposed decision must notify the statutory Scrutiny Officer by, at the latest, 5 p.m. on the seventh working day (fifth day for CLC decisions) after the proposal is published via the EDD. The request must be supported by four (including the requester) members of the County Council. The request should be in writing (which includes e-mail), should contain the reason for the request and the outcome being sought. The decision whether to call-in a proposed decision will be taken by the Monitoring Officer or, in his or her absence, the Deputy Monitoring Officer.
- 8.30 If a call-in request is received, the call-in period will end at 5 p.m. on the eighth working day (sixth working day for a CLC decision) after the publication of the proposal in the EDD (subject to, for example, bank holidays). If a call-in request is not accepted by the Monitoring Officer or Deputy Monitoring Officer the proposal will take effect at the end of the call-in period i.e. on the ninth working day after publication (seventh for CLC decisions).
- 8.31 If a call-in request is not received, the proposal will take effect on the eighth working day after publication (sixth for CLC decisions), as the call-in deadline was 5 p.m. on the seventh working day (fifth working day for CLCs).
- 8.32 The key factors in determining whether to accept a call-in request are whether:
- (a) The item has already been considered by the relevant Scrutiny Committee;
 - (b) Significant new information has become available since previous Scrutiny Committee consideration;
 - (c) It is a decision that the Committee can or would expect to preview;

(d) A delay in making the decision would be likely to significantly damage the interests of the County Council.

8.33 If a call-in request is received, the Monitoring Officer or Deputy Monitoring Officer must notify the statutory Scrutiny Officer in writing (which includes e-mail) by no later than 5 p.m. on the eighth working day (sixth day for CLC decisions) after the publication of the proposal via the EDD, of the intention to call-in the proposal and of any requirement for Cabinet Member, CLC Chairman and/or officer attendance. If a decision is taken not to call-in the item, then the Monitoring Officer or Deputy Monitoring Officer will confirm this in writing to the statutory Scrutiny Officer and the call-in requester by the deadlines set out above explaining the reasons for the rejection, which will also be published on the next set of Committee papers. See paragraph 5.11 for when decisions will take effect following a call-in.

8.34 The Monitoring Officer's or Deputy Monitoring Officer's decision and the reasons for it will be included in the next Scrutiny Committee agenda.

Health Scrutiny (Health and Adult Social Care Scrutiny Committee only)

8.35 An NHS body must consult the Scrutiny Committee on a reasonable timescale for the Committee to respond to a consultation. This will usually be not less than three months.

8.36 Any dissolution or establishment of an NHS Trust shall not in itself be a substantial development or variation. Any urgent change made by the NHS because of a risk to safety or welfare of patients or staff will not be subject to consultation, but the NHS must inform the Scrutiny Committee and outline the reasons for urgency.

8.37 The Scrutiny Committee is entitled to any information held by local NHS bodies which relates to the planning and provision of health services in West Sussex as the Committee may reasonably require in order to discharge its functions. Any exempt or confidential information shared with Committee members should have its confidentiality respected and should only be used in connection with a Committee investigation.

8.38 The County Council has delegated the power of referral to the Scrutiny Committee, so in any case where the Committee is not satisfied that consultation on any proposal for substantial variation or development is reasonable in terms of content or time allowed, or if the Committee is not satisfied that the reasons for an urgent change to services is adequate, it may refer the item to the Secretary of State. The Secretary of State may require the local NHS body to carry out further consultation as he or she considers appropriate.

8.39 The Committee will notify the County Council of any proposals for NHS service change that have been identified as 'substantial' and which it intends to refer to the Secretary of State for Health. This notification will be made to all members of the Council within two working days of the decision. Any member may require that the County Council debates the proposed referral at the next meeting of the County Council provided the member has the support of at least eight other members and informs the Chairman of this

request within eight days of the notification. Otherwise the matter will be noted at the Council meeting. The referral may be made 'subject to consideration by full Council', if the referral would otherwise be compromised by the need to await such debate.

- 8.40 The Scrutiny Committee may delegate its powers when appropriate to a scrutiny committee of another council, including a district or borough council or a neighbouring council. It may also establish joint scrutiny arrangements with other health scrutiny authorities when a proposal for substantial change has an impact across boundaries.

Urgent Action on Joint Health Scrutiny

- 8.41 The Chief Executive or Director of Law and Assurance, in consultation with the Chairman of the West Sussex Health and Adult Social Care Scrutiny Committee, may agree to the formation of a joint health overview and scrutiny committee with delegated powers and appoint members and agree terms of reference if there is insufficient time for the decision to be taken by the West Sussex Health and Adult Social Care Scrutiny Committee subject to the details being submitted for approval to the next meeting of the Committee.

Scrutiny Committee Access to Documents

- 8.42 A scrutiny committee (including any sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive which contains material relating to:
- (a) any business which has been transacted at a private or public meeting of a decision-making body of the County Council;
 - (b) any decision which has been taken by a cabinet member; and
 - (c) any key decision which has been made by an officer.
- 8.43 Subject to Standing Order 8.44, the document must be provided as soon as reasonably practicable and in any case no later than 10 clear days after the Executive receives the request.
- 8.44 A scrutiny committee will not be entitled to:
- (a) any document that is in draft form;
 - (b) any information presented for the purpose of briefing members; for the avoidance of doubt this includes material presented to Cabinet Briefing meetings; or
 - (c) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

9. Appointment of Officers and Disciplinary Action

General

- 9.01 The standard terms and conditions upon which staff are employed by the County Council shall be as approved by the Governance Committee.
- 9.02 When making application, candidates for any appointment shall be required to disclose in writing to the Director of Human Resources and Organisational Development whether to their knowledge they are related to any member of the County Council or an executive director or a head of service. A candidate who fails so to do after notice shall be disqualified for such appointment and, if appointed, shall be liable to dismissal without notice. Every member of the County Council and executive director, director and every head of service shall disclose to the Director of Human Resources and Organisational Development any relationship known to him or her to exist between himself or herself and a candidate for an appointment of which he or she is aware. It shall be the duty of the Director of Human Resources and Organisational Development to report to the Director of Law and Assurance and to the appropriate Cabinet Member as the case may be any such disclosure made to him or her.
- 9.03 The requirements of this Standing Order shall be stated either in the advertisement inviting applications for appointment or in any form of application supplied for use by candidates.
- 9.04 For the purposes of this Standing Order persons shall be deemed to be related if they are husband, wife or partner or if either of them or the spouse of either of them is the son or daughter or grandson or grand-daughter or brother or sister or nephew or niece of the other, or of the spouse of the other.
- 9.05 Canvassing by applicants for appointment to or promotion within the County Council's employment is prohibited.
- 9.06 A member shall not solicit for any candidate for any appointment under the County Council, nor provide testimonials of the candidate's ability, experience or character for submission to the County Council with an application for appointment.

Appointment of Officers

- 9.07 Where it is proposed to appoint an executive director other than by promotion or transfer from among the existing officers, the Director of Human Resources and Organisational Development shall take the following action:
- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and

- (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised publicly in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in (a) above to be sent to any person on request.
- 9.08 Where a post has been advertised under 9.07 above, either:
- (a) all qualified applicants shall be interviewed for the post, or
 - (b) a short list of such qualified applicants shall be selected and those included on the short list shall be interviewed.
- 9.09 Where no qualified person has applied, further arrangements shall be made for advertisement in accordance with 9.07(b) above.
- 9.10 A vacancy in any other office in the appointment of the County Council which is not to be filled by promotion or transfer shall be publicly advertised in some suitable manner by the Director of Human Resources and Organisational Development.
- 9.11 Every appointment of an executive director shall be made by an Appointing Committee established under arrangements approved by the Governance Committee which may include one or more members of the Cabinet and will include representatives of minority parties to reflect the principles of political proportionality and the wishes of those parties in respect of their nominees. The Appointing Committee shall be chaired by the Chairman. The membership of the Appointing Committee for the appointment of the Chief Executive must include a member of the Cabinet.
- 9.12 Where the Appointing Committee has chosen a candidate for appointment as Chief Executive, the Council must approve the appointment before an offer of employment is made.
- 9.13 Where the Appointing Committee has chosen a candidate for appointing to a post of an executive director it must inform the Director of Law and Assurance that it wishes to make an offer. The Director of Law and Assurance must inform every member of the Cabinet of the recommendation, any particulars relevant to the appointment and the period of objection to be made by the Leader on behalf of the Cabinet.
- 9.14 The appointment may not be made unless, within the period specified, the Leader has notified the Director of Law and Assurance that neither he or she nor the Cabinet has any objections or no objections are received, or the Appointing Committee has satisfied itself that any objections received are not material or well founded.

- 9.15 The Council must approve the designation of the Monitoring Officer and of the Section 151 Officer responsible for the proper administration of the authority's financial affairs.
- 9.16 If, where there are more than two candidates for a vacancy in the office of an executive director to be filled at a meeting of the Appointing Committee the first voting does not produce an absolute majority of votes in favour of any candidate, the candidate having the least number of votes shall be struck off the list and fresh voting shall take place, and so on, until an absolute majority of the members present, and voting, shall be obtained in favour of one candidate.
- 9.17 The appointment of a director who reports to the Chief Executive will be made by a panel of senior officers, in consultation the relevant Cabinet Member (as determined by the Leader) who may be present at the panel in a non-voting capacity.

Disciplinary Action

- 9.18 No disciplinary action as defined in the Local Authorities (Standing Orders) (England) Regulations 2001 as amended shall be taken in respect of the Chief Executive, as head of the County Council's paid service, the Monitoring Officer, or the Chief Financial Officer, except as provided in this Standing Order. Subject to the action described in Standing Order 9.19 below, no disciplinary action may be taken by the County Council, a committee, a cabinet member, joint committee or any other person acting on their behalf, other than by having regard to recommendations in a report made by an Independent Panel under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 9.19 The action mentioned in Standing Order 9.18 above is suspension for the purpose of investigating the alleged misconduct; and any such suspension shall be on full pay and shall terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- 9.20 Disciplinary cases concerning the Chief Executive shall be heard by a Member Panel drawn from the Appeals Panel by the Director of Law and Assurance but the panel shall also include a member of the Cabinet. Disciplinary cases concerning executive directors, directors who report to the Chief Executive or the Monitoring Officer shall be heard by the Chief Executive plus at least one other person (identified by the Chief Executive) who may be another executive director, a cabinet member or one of each. Appeals shall be heard by a Board of Appeal of up to five members drawn from the Appeals Panel but shall include the Chairman and Leader and/or a cabinet member.
- 9.21 Where a Member Panel or Board of Appeal in accordance with Standing Order 9.20 hears disciplinary proceedings against a director, other than one covered by Standing Order 9.18, and intends to give a notice of dismissal to such an officer, such notice must not be given until:
- (a) the Director of Law and Assurance has been notified of the officer's name and any particulars relevant to the dismissal;

- (b) the Director of Law and Assurance has notified every member of the Cabinet of the name of the officer, particulars relevant to the proposed dismissal and the period within which objections to the proposal should be submitted by the Leader on behalf of the Cabinet; and
- (c) the Leader has indicated that there are no objections, no objections are received within the specified period or that any objection received is not material or well founded.

9.22 Where a Member Panel or Board of Appeal acting in relation to an officer referred to in Standing Order 9.18 intends to give notice of dismissal such notice shall not be given until the matter has been referred for approval by the County Council, together with the recommendations from the Independent Panel referred to in Standing Order 9.18.

10. Delegations to Officers

Interest of Officers in Contracts

10.01 The Director of Law and Assurance shall record in books to be kept for the purpose particulars of any notice given by an officer of the County Council under the Local Government Acts for the time being in force, of any prejudicial interest in a contract, and books shall be open during office hours to the inspection of any member of the County Council.

Common Seal

10.02 Subject to Standing Order 10.03 below, the Common Seal of the County Council shall not be affixed to any document unless the sealing has been authorised:

- (a) by either:
 - (i) a resolution of the County Council; or
 - (ii) a decision of a cabinet member or a committee to which the County Council has delegated its powers on its behalf; or
 - (iii) in the case of documents required for the exchange, purchase or sale of Superannuation Fund securities, by the Director of Finance and Support Services after consultation with the Chairman of the Pensions Panel; or
 - (iv) the Chief Executive or the Director of Law and Assurance where, in his or her opinion, such action is necessary in individual cases before the next meeting of the committee other than a scrutiny committee; action by the Chief Executive or Director of Law and Assurance is subject to consultation with the appropriate cabinet member or the chairman of the appropriate non-executive committee (or, in his or her absence, the Leader, the vice-chairman or acting chairman of the relevant committee respectively);

or

- (b) is required in order to comply with paragraph 14.2 of Standing Orders on Procurement and Contracts.

10.03 A resolution of the County Council (or of the Cabinet, a cabinet member or a committee having that power) authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any rate or contract, or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

10.04 The Common Seal shall be affixed in the presence of the Director of Law and Assurance, or other person appointed by the Director of Law and Assurance

for that purpose, who shall authenticate the impression of the Seal with his or her signature.

- 10.05 An entry of the sealing of every deed and other document to which the Common Seal shall have been affixed shall be made by the Director of Law and Assurance in a book to be provided for that purpose, and shall be signed by the person present at the sealing.
- 10.06 The Common Seal of the County Council shall be kept in a safe place in the custody of the Director of Law and Assurance.