

# Council Procedure Rules

## 1. ANNUAL MEETING OF THE COUNCIL

### 1.1. Timing and Business

1.1.1. In a year when there is an ordinary election of councillors, the annual meeting will normally take place on the second Tuesday after the day of retirement of councillors or on such other day as the Chairman may determine after consultation with Group Leaders but within twenty-one days of the day of the retirement of the outgoing councillors<sup>1</sup>. In any other year the annual meeting will take place on the third Tuesday in May unless the Chairman determines otherwise after consultation with Group Leaders.

1.1.2. The Annual meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
- (ii) elect the Chairman of Council;
- (iii) elect the Vice-Chairman of Council;
- (iv) approve the minutes of the last meeting and receive for information any matters arising from them;
- (v) receive any apologies for absence, official communications and announcements from the Chairman;
- (vi) receive any declarations of interest from members;
- (vii) elect the Leader of the Council (in a year when there is an ordinary election of councillors);
- (viii) note the names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader of the Council for the coming year and their respective portfolios;
- (ix) appoint at least one scrutiny committee, and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Parts 5 and 6 of this Constitution) and appoint members to such committees;
- (x) be deemed to have appointed, as alternate members for each member of the Council appointed to a committee, all those members of that member's political group who are not for the time being members of that committee, save that only members of the Cabinet shall be deemed to have been appointed as alternate members for other members of the Cabinet and only non-Cabinet members shall be deemed to have been appointed

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<sup>1</sup> Para. 1 of Schedule 12 of the Local Government Act 1972

as alternate members for other non-Cabinet members on scrutiny committees;

- (xi) agree the scheme of delegation insofar as it relates to Council; and
- (xii) consider any other business set out in the notice convening the meeting.

## 1.2. Membership of Committees

1.2.1. At the Annual meeting the Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee; and
- (v) appoint to those committees.

## 2. ORDINARY MEETINGS

2.1. Ordinary meetings of the Council will normally take place on the:

third Tuesday in February (the budget meeting);  
first Tuesday in April;  
second Tuesday in July;  
second Tuesday in September;  
first Tuesday in November  
second Tuesday in December each year.

In all cases, the Chairman may determine otherwise after consultation with Group Leaders.

2.2. Except in the case of the February (or budget-setting) meeting, when subparagraphs (vii) to (xi) below will not apply, ordinary meetings of the Council will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting and receive for information any matters arising from them;
- (iii) receive any apologies for absence, official communications and announcements from the Chairman;
- (iv) receive any declarations of interest from members;

- (v) make any changes that may be necessary to scrutiny and other council committees (see Rule 1.2.1);
  - (vi) receive any petitions and addresses from members of the public;
  - (vii) receive questions with notice from, and provide answers to, the public (see Rule 11);
  - (viii) deal with any business deferred from the last Council meeting;
  - (ix) receive a report from the Cabinet, and any reports from scrutiny and other committees of the Council and receive questions and answers on any of those reports;
  - (x) receive questions with notice from, and provide answers to, members of the Council;
  - (xi) consider motions of which prior notice has been given;
  - (xii) consider any other business specified in the notice convening the meeting;
  - (xiii) Consider any business which, by reason of special circumstances which shall be specified in the minutes, the Chairman agrees should be considered at the meeting as a matter of urgency.<sup>2</sup>
- 2.3 The Chairman shall have the discretion following consultation with Political Group Leaders to agree to and determine the arrangements for a themed debate

### **3. EXTRAORDINARY MEETINGS**

- 3.1. Those listed below may require the Proper Officer to call Council meetings in addition to ordinary meetings and any extraordinary meetings convened under any other provision of this Constitution:
- (i) the Council by resolution;
  - (ii) the Chairman of the Council;
  - (iii) the Monitoring Officer;
  - (iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- 3.2. At an extraordinary meeting the Council will, in addition to the business set out in sub-paragraphs (i) to (vi) of Rule 2 above, conduct only the specific business for which the meeting has been called, and any business which, by reason of special circumstances which shall be specified in the minutes, the Chairman agrees should be considered at the meeting as a matter of urgency.<sup>3</sup>

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<sup>2</sup> Section 100B (4) of the Local Government Act 1972

<sup>3</sup> See footnote 2. above

## **4. SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

### **4.1. Powers and Duties**

Substitute members will have all the powers and duties of any ordinary members of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

### **4.2. Substitution**

Substitute members may attend meetings only:

- (i) to take the place of the ordinary member for whom they are designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting;
- (iii) after notifying the Proper Officer in writing; and
- (iv) subject to any training requirements specified by the Monitoring Officer.

## **5. TIME AND PLACE OF MEETINGS**

### **5.1. All meetings of the Council will:**

- (i) take place in the Council Chamber at County Hall, Oxford;
- (ii) commence at 10.00 am;
- (iii) be adjourned for lunch at 1 pm and finish by 3.30 pm;

subject to the Chairman, after consultation with Group Leaders where appropriate, varying any or all of the above. In all cases, the date, place and start time shall be set out in the summons to the meeting.

### **5.2. The Chairman will not close the meeting until all business required to be completed in order to comply with any requirement imposed by law or Government direction has been considered. Any other business not considered shall be deferred either to an adjourned meeting, to the next scheduled meeting or to an additional extraordinary meeting. The destination of such deferred business shall be determined by the Chairman. This does not apply to Motions on Notice received in accordance with Rule 13 below, which shall be considered to be dropped if they have not been proposed and seconded in accordance with Rule 15.1 below.**

### **5.3. Where it appears likely that it will be necessary for the meeting to continue beyond the specified time, the Chairman will consult with the Group Leaders and consideration will be given to adjourning for a brief interval in which time refreshments, maybe provided.**

## **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Proper Officer will send a summons signed by him or her by post and electronic mail to every member of the Council or leave it at an agreed designated place for collection. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **7. CHAIRING MEETINGS**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees. Once elected, a Chairman shall remain in office until a successor has been appointed.<sup>4</sup>

## **8. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members, (or in the case of a committee or sub-committee, one quarter of the whole number of voting members, or three voting members, whichever is the greater, of whom a majority are members of the Council). During any meeting, if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETING**

The duration of the meeting will be at the discretion of the Chairman (subject to Rule 5.1 above) and shall be set out in the summons to members of the Council where possible and, if not, in the Schedule of Business circulated on the day of the meeting.

## **10. PETITIONS AND REQUEST TO ADDRESS THE COUNCIL**

### **10.1. Petitions**

10.1.1. Any person (other than a member of the Council) may present a petition at a Council meeting provided that:

- (i) the petition is relevant to a function which the Local Authority has a responsibility for and/or directly affects the County or its inhabitants; and

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<sup>4</sup> Section 3(3) of the Local Government Act 1972

- (ii) notice of the desire to present the petition and information as to its subject matter is given to the Proper Officer not later than 9.00 am on the working day before the meeting;
- (iii) The petition has been signed by a minimum number of 10 persons;
- (iv) The Petition is shown to the Proper Officer directly prior to the meeting.

10.1.2. When petitions are presented:

- (i) the presenter shall have the right to address the Council for not more than 3 minutes in support of the petition;
- (ii) if the petition is directly relevant to an item in the agenda members shall have regard to it when discussing that item;
- (iii) if the petition is not relevant to any item in the agenda, it shall be referred without debate to the Cabinet or the relevant committee or the appropriate Chief Officer to be dealt with;
- (iv) all addresses shall be delivered from a location in the Council Chamber determined by the Chairman.

10.1.3. Any question as to the relevance of any petition shall be determined by the Chairman without debate.

10.1.4. The appropriate Chief Officer shall inform the petitioner within 10 working days what action will be taken as a result of the petition.

**10.2. Addresses**

10.2.1. Any person may address the Council on an item in the agenda for not more than 5 minutes provided that:

- (i) notice of the request and the reasons for wishing to address the Council is received by the Proper Officer not later than 9.00 am on the working day before the meeting;
- (ii) the subject matter is not defamatory, frivolous or offensive or of a personal nature towards a member of the Council or to its officers;
- (iii) the Chairman shall determine the request and the time when the address shall be made; and
- (iv) all addresses shall be delivered from a location in the Council Chamber determined by the Chairman.

10.2.2. At the discretion of the Chairman, members may seek clarification from the speaker of any issues raised during /his/her address.

In determining whether to allow a person to address a meeting under these Rules the Chairman should consider the previous opportunities taken by that person (including presenting a petition) (or by the organisation s/he represents) to address the Council, the Cabinet or a Committee on the same issue. Where there are a number of requests from persons wishing to present similar views on the same issue the Chairman may require that the views be put by a single spokesperson. It is expected that only in exceptional circumstances will a person (or organisation) be allowed to address more than one meeting on a particular issue, and then on not more than two occasions in any period of six months.

### 10.3. Chairman's Discretion

The rights to present petitions to, and to address meetings under Rule 10 are subject to the Chairman's discretion in determining who shall speak, the length of speeches and the order in which they shall be taken.

## 11. QUESTIONS BY THE PUBLIC

### 11.1. General

Members of the public may ask one question of the Leader of the Council, other members of the Cabinet and any Chairman of a scrutiny or other council committee at ordinary meetings of the Council.

### 11.2. Order of Questions

Subject to the maximum time allowed for public questions at any one meeting being 30 minutes, questions will be asked in the order notice of them was received by the Proper Officer, except that the Chairman may group together similar questions.

### 11.3. Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 2.00 pm on the second working day before the meeting<sup>5</sup>. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

### 11.4. Number of Questions

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

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<sup>5</sup> For a meeting on a Tuesday, the deadline is 2.00 pm on the previous Friday, provided neither Friday nor Monday is a Bank Holiday (when the deadline would be 2.00 pm on Thursday if Monday is a Bank Holiday, or 2.00 pm on Wednesday if both Friday and Monday are Bank Holidays).

### **11.5. Scope of Questions**

The Proper Officer may reject a question if it:

- (i) is not about a matter for which the local authority has a responsibility or which directly affects the County;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (iv) appears similar in nature to a question proposed by another person or organisation at the same meeting; or
- (v) requires the disclosure of confidential or exempt information.

### **11.6. Record of Questions**

The Proper Officer will record each question and make it available for public inspection and will immediately send a copy of the question to the member to whom it is to be put.

### **11.7. Asking the Question at the Meeting**

The Chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the member's written response will constitute the formal reply on behalf of the Council.

### **11.8. Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds set out in Rule 11.5 above.

### **11.9. Written Answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be deemed dealt with by the provision of a written answer.

### **11.10. Reference of Question to the Cabinet or a Committee**

Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.



## 12. QUESTIONS BY MEMBERS

### 12.1. Questions without Notice on Reports of the Cabinet or Committees

A member of the Council may ask the Leader of the Council or any other appropriate member of the Cabinet or the Chairman of a committee a question without notice upon any item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.

### 12.2. Questions on Notice at Full Council

12.2.1. Subject to Rule 12.3, a member of the Council may ask up to 3 questions with notice of:

- (i) the Leader of the Council;
- (ii) other members of the Cabinet; or
- (iii) the Chairman of a scrutiny or other council committee;

at ordinary meetings of the Council on any matter in relation to which the Council has powers or duties which affects the County.

12.2.2. Subject to the maximum number of questions from any member being 3, the time allowed for councillors' questions with notice at any one meeting being 30 minutes, questions will be asked in the order notice of them was received by the Proper Officer, except that the Chairman may group together similar questions.

### 12.3. Notice of Questions

12.3.1. A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 2.00 pm on the seventh working day before the meeting.<sup>6</sup> Each question must give the name of the questioner and must name the member of the Council to whom it is to be put.

12.3.2. The Proper Officer may reject a question if it:

- (i) is not of direct relevance to the functions and responsibilities of the County Council or local issues involving other local public bodies (as set out in Appendix 1)
- (ii) is defamatory, frivolous or offensive; or
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months.

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<sup>6</sup> For a meeting on a Tuesday, the deadline is 2.00 pm on the second Friday before the meeting, provided neither Friday nor Monday is a Bank Holiday (when the deadline would be 2.00pm on the second Thursday before the meeting if Monday is a Bank Holiday, or 2.00 pm on the second Wednesday before the meeting if both Friday and Monday are Bank Holidays).

If answering a question would require the disclosure of confidential or exempt information, then the Proper Officer shall reply in writing in a confidential manner;

- (iv) can be directed for local response by a Cabinet Member where the question has a particularly local focus.

12.3.3. In all cases the final decision on whether a question is appropriate falls to the Chairman of the Council.

#### **12.4. Record of Questions**

The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. That Member must give her/his reply to the Proper Officer by 2.00 pm on the second working day before the meeting. Rejected questions will include reasons for rejection. Copies of all accepted questions and replies will be circulated to all members on the day prior to the meeting and will be made available to the public attending the meeting.

#### **12.5. Supplementary Question**

12.5.1. The Chairman will ask the questioner if s/he wishes to ask one supplementary question without notice to the member of whom the first question was asked;

12.5.2. A supplementary question must arise directly out of the original question or the reply and can only be allowed when the original question is a question on notice. The Chairman may reject a supplementary question on any of the grounds in Rule 12.3.2 above;

12.5.3. Unless the Chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee. Once seconded, such a motion will be voted on without discussion;

12.5.4. A summary of the supplementary question and response will be recorded in the minutes.

#### **12.6. Response to Supplementary Question**

An answer may take the form of:

12.6.1. a direct oral answer;

12.6.2. where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- 12.6.3. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and copied to all Members of the Council.

## **13. MOTIONS ON NOTICE**

### **13.1. Notice**

- 13.1.1. Any member of the Council wishing to propose a motion for consideration at a meeting of the Council shall give to the Proper Officer the proposed wording of the motion in writing or by electronic mail before 2.00 pm on the tenth working day before the meeting, Subject to the maximum number of motions from any member being 3,
- 13.1.2. A motion which, in the opinion of the Chairman, following advice from the Monitoring Officer, offends against the requirements in Rule 13.3 (Scope) shall be excluded from the agenda but the member who gave notice of it shall first be advised and allowed the opportunity to modify the motion to make it acceptable.

### **13.2. Motion set out in Agenda**

- 13.2.1. Motions for which notice has been given will be listed on the agenda in the order in which notice was received by the Proper Officer, subject to one motion from each political group<sup>7</sup> being considered in the order determined by the Chairman in consultation with the Group Leaders;
- 13.2.2. All other motions will appear on the agenda in the order in which they were received unless the member giving notice states, in writing, that s/he proposes to move it to a later meeting or withdraw it.

### **13.3. Scope**

A motion shall not exceed 250 words, shall be of direct relevance to the functions and responsibilities of the County Council or local issues involving other local 'public bodies'<sup>8</sup> (as set out in Appendix 1) and shall include nothing which is defamatory, frivolous, offensive, irrelevant or deemed as 'time wasting' and shall not be the same as a motion which has been considered in the past six month period (subject to the provisions of paragraph 16).

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<sup>7</sup> Currently limited to those entitled to an 'assistant' under section 9 of The Local Government and Housing Act 1989

<sup>8</sup> Those with a 'duty to cooperate' except The Broads Authority, National Park Authorities, Transport for London and Metropolitan Passenger Transport Authorities which are not of relevance to Oxfordshire for this purpose.

#### 13.4. Recommendations of the Cabinet, a Committee or an Officer

Any recommendation from the Cabinet, a committee of the Council or an officer shall be treated as a Motion on Notice but Rules 13.1, 13.2, 13.3 (in relation to the 250 word limit) and 13.5.1 (ii)(a) shall not apply.

#### 13.5. Treatment of Motions

13.5.1. Any motion included in the agenda will be proposed and seconded at the meeting in accordance with Rule 15.1 when the Council will:

- (i) in the case of a motion which if adopted would constitute the exercise of an executive function, debate it and refer it to the Cabinet together with any advice the Council may wish to give;
- (ii) in the case of any other motion, except at the February (or budget setting) meeting:
  - (a) debate and determine the motion, provided that the motion if carried at the meeting would not:
    - introduce a new policy; or
    - change an existing policy; or
    - involve additional significant expenditure (that is, expenditure of £10,000 or more); or
    - offend against a statutory requirement; or
  - (b) defer the motion for debate at the next or a future meeting in the light of advice from the Cabinet, the appropriate scrutiny committee or other committee of the Council; or

refer the motion to the appropriate scrutiny or other committee of the Council for debate and determination;

13.5.2. Where a motion is referred to the Cabinet, or a scrutiny or other committee, of the Council the Proper Officer will ensure that the motion is placed on the next appropriate agenda for that body in accordance with the relevant procedure rules set out in this Constitution. That body will then consider how the motion will be dealt with.

13.5.3. The member whose motion has been referred to the Cabinet or a scrutiny or other committee of the Council may attend and speak to, but not vote on, her/his motion at the meeting when the motion is debated. This does not prevent a member exercising her or his rights by virtue of /his/her membership of the Cabinet or the relevant committee.

- 13.5.4. Where a motion has been determined by the Council and the Council's decision then requires the Cabinet to consider taking action on the issue(s) raised in that motion, the originator of the motion may attend and speak, but not vote, on the matter at the meeting of the Cabinet when it is discussed.
- 13.5.5. Any motion or amendment not proposed and seconded in accordance with Rule 15.1 below shall be considered as dropped.
- 13.5.6. A motion to amend a motion of which notice has been given under this Rule shall be considered only if presented to the Proper Officer in writing or electronic mail by 9.00 am on the working day before the meeting.
- 13.5.7. A motion to amend a motion on a matter referred from the Cabinet, or a scrutiny or other committee to the Council for decision shall be considered only if presented to the Proper Officer in writing by 9.00 am on the working day before the meeting.
- 13.5.8. At the end of the meeting, any motions not proposed and seconded in accordance with Rule 15.1 below shall be considered dropped (see Rule 5.2 above).
- 13.5.9. In the case of debate about the budget, the rules on the treatment of motions, are subject to the Budget and Policy Framework Rules (Part 3.2 of the Constitution).

## **14. MOTIONS WITHOUT NOTICE**

- 14.1. The following motions may be proposed without notice:
  - (i) to propose a person for election to the office of Chairman or Vice-Chairman or to appoint a Chairman to preside at that meeting;
  - (ii) in relation to the accuracy of the minutes;
  - (iii) to change the order of business in the agenda;
  - (iv) to refer a matter to an appropriate body or individual;
  - (v) to withdraw a motion;
  - (vi) to amend a motion or amendment which arises in the course of debate in which case, provided it is accepted by the proposer and seconder of the motion or amendment and the Council consents, the motion or amendment under debate shall be amended accordingly;
  - (vii) that the question be now put;
  - (viii) to adjourn the debate;
  - (ix) to adjourn the meeting;
  - (x) to suspend a specified Council Procedure Rule or part thereof;

- (xi) to exclude the public where exempt or confidential information as defined in the Access to Information Procedure Rules may be disclosed;
  - (xii) that a member be not further heard or that a member be required to leave the meeting;
  - (xiii) to give consent of Council where it is required under these Procedure Rules;
- 14.1.2. to enable a decision to be reached:
- (i) on a matter referred by the Cabinet or any scrutiny or other committee to the Council for decision but where no recommendation has been made by the Cabinet or the committee; and/or
  - (ii) when no decision has been reached by the Cabinet or the committee; and
- 14.1.3. a motion in relation to an item of business which is urgent under Section 100B(4) of the Local Government Act 1972.

## **15. RULES OF DEBATE**

### **15.1. No Speeches until Motion Seconded**

No motion or amendment shall be debated unless it has been proposed and seconded. Any motion or amendment not proposed and seconded shall be considered dropped.

### **15.2. Right to Require Motion in Writing**

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

### **15.3. Seconder's Speech**

A member seconding a motion or amendment may reserve her/his speech until later in the debate but shall lose the right to speak if a motion under Rule 14.1 (vii) "that the question be now put" is carried.

### **15.4. Content and Length of Speeches**

15.4.1. Speeches must be directed to the motion under discussion or to a personal explanation or point of order and it shall be the duty of the Chairman to stop discussion which, in her/his judgement, is irrelevant.

15.4.2 A member when proposing a motion or amendment shall not speak for more than five minutes and any other member speaking or making a statement on that same motion or amendment or any other motion deemed to be moved under these Procedure Rules for not more than

three minutes without the consent of the Council, subject to these time limits being extended at the February (or budget setting) meeting to ten minutes and five minutes respectively when discussing the budget, subject to in all cases, the Chairman of the Council having the discretion to limit the number of persons who may speak on any issue and the order of speaking in the best interests of the efficiency of the meeting.

#### 15.5. **When a Member may speak again**

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

- 15.5.1. to speak once on any amendment moved by another member; or
- 15.5.2. if her/his first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried); or
- 15.5.3. in exercise of a right of reply; or
- 15.5.4. on a point of order (see definition, Rule 15.12); or
- 15.5.5. by way of personal explanation (see definition 15.13).

unless the Chairman determines otherwise.

#### 15.6. **Amendments to motions**

- 15.6.1. An amendment to a motion must be relevant to the motion which it seeks to amend and will be either:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration; or
  - (ii) to leave out words and/or insert or add other words

but any such amendment shall not have the effect of introducing a substantially different proposal into, or negating the whole motion. The amendment must not take the original motion over 250 words.

- 15.6.2. Only one amendment will be moved and discussed at any one time, unless the Chairman determines otherwise (such as grouping amendments together) to allow for the efficient running of business. No further amendment will be moved until the amendment under discussion has been dealt with unless in view of the Chairman the efficient despatch of business would be assisted if two or more amendments were debated simultaneously before being put (separately) to the vote.

- 15.6.3. If an amendment is not carried, other amendments to the original motion may be moved.
- 15.6.4. A member shall not, without the consent of Council, propose more than one amendment.
- 15.6.5. If an amendment is carried the motion as amended shall become the substantive motion to which further amendments may then be proposed.
- 15.6.6. Any subsequent amendments shall be acceptable only where, in the opinion of the Chairman, they differ significantly from the amendment(s) previously rejected.
- 15.6.7. If any amendment is carried the proposer of any amendment on notice yet to be discussed shall be offered the opportunity to amend her/his amendment in the light of the new substantive motion.
- 15.6.8. After an amendment has been carried, the Chairman will ensure that members are clear on the wording of the amended motion and, if necessary, read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

**15.7. Alteration of Motion**

- 15.7.1. A member may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 15.7.2. Only alterations which can be made as an amendment may be made (see Rule 15.6 above).

**15.8. Withdrawal of Motion**

A motion or amendment once proposed shall not be withdrawn except with the agreement of the seconder and the consent of the Council. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

**15.9. Right of reply**

- 15.9.1. The mover of a motion has a right of reply at the end of the debate on the motion, immediately before it is put to the vote.
- 15.9.2. If an amendment is moved, the mover of the original motion has the right of reply immediately before the amendment is put to the vote, but may not otherwise speak on it.



15.9.3. The mover of the amendment shall have a right of reply immediately prior to that final right of reply.

15.9.4. A member exercising a right of reply shall not introduce new matter.

**15.10. Motions which may be moved during the debate**

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

15.10.1. to withdraw a motion;

15.10.2. to amend a motion (see Rule 13.5.6 and Rule 14.1 (vi));

15.10.3. to adjourn the debate;

15.10.4. to adjourn the meeting;

15.10.5. to exclude the public and press in accordance with the Access to Information Rules; and

15.10.6. to not hear further a member named under Rule 22.3 or to exclude him/her from the meeting under Rule 22.4.

**15.11. Closure Motions**

15.11.1. A member who has not already spoken may move, without comment, at the end of a speech of another member 'that the question be now put'.

15.11.2. A member who has not already spoken may move, with explanation, at the end of a speech of another member to adjourn the debate.

15.11.3. If a motion 'that the question be now put' is seconded and the Chairman thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote save that any member who has already spoken during the preceding debate shall be precluded from voting on this procedural motion. If it is passed, subject to the relevant Cabinet member having a right to speak immediately prior to the right of reply, s/he will give the mover of the original motion a right of reply before putting her or his motion to the vote.

**15.12. Point of Order**

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

### **15.13. Personal Explanation**

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

### **15.14. Time Limit for Debate**

15.14.1. Each debate on a motion (including any amendments) shall be subject to a time limit, which shall be determined by the Chairman following publication of the agenda and following consultation with Group Leaders at the pre-meeting briefing meeting. The respective time limits shall be determined having regard to the overall content of the agenda and on the basis of an initial presumption of a maximum of 30 minutes for any one debate (excluding themed debates, where a maximum of 2 hours shall be applied), and shall be notified to members through the published Schedule of Business; provided that the Chairman may extend the time limit for debate on a motion if, during the debate, the Chairman thinks it desirable to allow extra time for that debate but only to take up time gained on the early despatch of previous business. At the conclusion of the time allocated to a debate, the Chairman will draw the attention of the meeting to this Rule. The debate shall immediately be concluded as if the motion "that the question be now put" had been moved and carried in accordance with Rule 15.11.3 above, subject to the right of any seconder who has reserved her/his speech until later having the right to speak before the rights of reply are exercised.

15.14.2. Where an item on an agenda (for example the Report of the Cabinet) contains a number of items of business or where items of business (for example Motions on Notice) have been grouped together on an agenda each such item or grouping shall be deemed to constitute a 'category' of business. In such circumstances the Chairman, following publication of the agenda and subsequent consultation with Group Leaders, shall determine an overall time limit to be applied to each such category. The time limits so allocated shall be determined and notified in accordance with the arrangements set out at Rule 15.14.1 above. Any business which remains unfinished at the expiry of the time set down shall be deferred either to an adjourned meeting, to the next scheduled meeting or to an additional, extraordinary meeting. The destination of such deferred business shall be determined by the Chairman. This does not apply to Motions of Notice received in accordance with Rule 13 above not proposed and seconded in accordance with Rule 15.1 above, which shall be considered to be dropped.

15.14.3. It shall be the duty of the Chairman to ensure as far as possible that all points of view are heard and that repetition is avoided.

15.14.4. The decision of the Chairman on all questions relating to the conduct of the meeting, the relevance and regularity of the proceedings and her/his interpretation of the Procedure Rules shall be final.

## **16. PREVIOUS DECISIONS AND MOTIONS**

### **16.1. Motion to rescind a previous decision**

No motion or amendment to a motion to reverse a decision made at a meeting of the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 10 members (including the proposer).

### **16.2. Motion similar to one previously rejected**

No motion or amendment to a motion to the same effect as one rejected by the Council within the preceding six months shall be moved unless the notice of motion is signed by at least 10 members (including the proposer). Once the Council has determined such a motion or amendment, no one may propose a similar motion or amendment within a further period of twelve months.

16.3. The requirements in Rules 16.1 and 16.2 above shall not apply where the motion in question arises from the recommendation of the Cabinet or a committee.

## **17. VOTING**

17.1 Unless this Constitution provides otherwise, any matter will be decided by either a clear majority of those present in the room by a show of hands (nem con) or by an electronic vote which shall record each member and how they have voted. Members shall not be entitled to have their vote counted or recorded unless, when the vote is commenced, they are in a seat in the Council Chamber.

17.2 The outcome of the vote shall be recorded by number of votes in the minutes and a detailed copy of the votes (names of members and how they voted) shall be placed on the Council's website.

17.3 The Chairman shall have discretion as to the voting method to be adopted.

### **17.4 Recorded Vote**

17.4.1 If the chairman or seven members, by standing in their places so require (whether before or after a show of hands or electronic vote, but before the next business has commenced) a named vote shall be taken when each member shall be called upon to register his/her vote electronically for or against the motion (or, if required by the Chairman, saying 'yes', 'no' or 'abstain'). Where a member makes an error in registering his/her vote s/he may rectify the error provided this

is done before the electronic vote has closed (or the next member has been called upon to vote). The Chairman will clarify with Council that all members have voted prior to closing the vote.

- 17.4.2 Where a named vote is taken the names of those members voting for and against the motion and those members abstaining from voting shall be recorded in the minutes.
- 17.4.3 Where under Rule 17.4.1 above, a named vote is taken after a electronic vote or show of hands, the named vote is a separate vote for the purposes of Rule 17.1.1 above and shall take precedence over the earlier determination.

### **17.5 Budget Meeting**

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

### **17.6 Right to require individual vote to be recorded**

Where any member requests it immediately after a vote is taken, h/his/her vote will be so recorded in the minutes to show s/he voted for or against the motion or abstained from voting.

### **17.7 Chairman's casting vote**

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

### **17.8 Voting on appointments**

- 17.8.1 Where a vote is required on an election or appointment and two persons are nominated, the Chairman shall call for an electronic vote on the first nomination, followed by an electronic vote for the second nomination. No member shall vote for both nominees.
- 17.8.2 Where a vote is required on an election or appointment and more than two persons are nominated the following procedure shall apply:
- (i) members will be invited to vote for one of the nominees;
  - (ii) if one nominee secures an absolute majority of those present and voting, s/he shall be declared elected/appointed;
  - (iii) if no nominee secures an absolute majority of those present and voting, the nominee with the least number of votes shall be eliminated from the contest;

- (iv) steps (i) - (iii) will be repeated until one nominee wins an absolute majority of those present and voting.

### **17.9 Division Bell**

No question shall be put to the vote until 1½ minutes have elapsed from the time the division bell is first rung, unless the Chairman determines that it is appropriate immediately to proceed to the vote.

## **18. MINUTES**

### **18.1. Signing the minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting(s) be signed as a correct record. The only part of the minutes that can be discussed at this point in the meeting is their accuracy.

### **18.2. No requirement to sign minutes of previous meeting at an extraordinary meeting**

Where in relation to any meeting of the Council the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing minutes) of that Schedule.

### **18.3. Form of minutes**

Minutes will contain all motions and amendments in the exact form and order that they were put to the meeting.

## **19. RECORD OF ATTENDANCE**

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

## **20. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 8 of this Constitution or Rule 21 (Disturbance by Public).

## **21. DISTURBANCE BY PUBLIC**

### **21.1. Removal of member of the public**

If a member of the public interrupts proceedings at any meeting, the Chairman shall warn her/him. If s/he continues the interruption, the Chairman will order her/him to leave the meeting room. If s/he does not leave, the Chairman shall order her/him to be removed. If a member of the public persistently creates a disturbance, the Chairman may adjourn the meeting for fifteen minutes or as long as s/he thinks necessary.

### **21.2. Clearance of part of meeting room**

In the event of general disturbance by the public at a meeting the Chairman shall order part or all of the area occupied by the public to be cleared and may adjourn the meeting for fifteen minutes or as long as s/he thinks necessary.

## **22. MEMBERS' CONDUCT**

### **22.1. Standing to Speak**

A member of the Council, unless disabled, shall stand when speaking and shall address the Chairman. If more than one member rises to speak the Chairman shall determine the order of speaking. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a personal explanation.

### **22.2. Chairman Standing**

If during the meeting the Chairman rises all other members shall be seated and remain silent.

### **22.3. Member not to be Heard Further**

If a member in the opinion of the Chairman, misconducts her/himself by persistently disregarding the ruling of the Chairman, by using offensive expressions or gestures, or by otherwise behaving improperly or obstructing the business of the meeting, the Chairman may require that the member named withdraws any offensive expression or gesture and may also move that the member named be not further heard. If seconded, this motion shall be put to a vote without debate. If carried, the member named shall not speak further at the meeting.

### **22.4. Member to Leave the Meeting**

If the member continues to behave improperly after such a motion is carried, the Chairman may move either that the member named shall leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion shall be put to a vote without debate. If required by a vote of the Council, the member named shall immediately leave the meeting.

## 22.5. General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for fifteen minutes or for as long as s/he thinks necessary.

## 23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

### 23.1. Suspension

All of these Council Rules of Procedure except Rule 17.5 and Rule 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### 23.2. Amendment

Unless arising directly from a recommendation from the Cabinet, a committee of the Council or an officer, any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## 24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

24.1. All of the Council Rules of Procedure apply to meetings of full Council but do not apply to meetings of the Cabinet or meetings of scrutiny committees except as expressly stated in the Cabinet Procedure Rules and Scrutiny Procedure Rules respectively.

24.2. Where relevant and subject to any necessary changes of terminology (e.g. sub-committee for committee) the following Rules only shall apply to meetings of committees and sub-committees.

Rule 1.1.2 (i) – (vi), (xi) and (xii)

Rule 2.2 (i) – (iv), (vi), (xii) and (xiii)

Rules 3 and 4

Rules 6 – 8 (as far as is practicable)

Rule 10

Rule 14 (with the addition of 'amend a motion' at 14.1)

Rule 15 (with the exception of 15.14.1 and 15.14.2 and subject to the Chairman's discretion to allow a member to speak for longer than the times stated in 15.4.2 or to speak more than once in the interests of a better informed debate)

Rules 17–23 (with the exception of 17.7 and 23.1)

**ANNEX****LOCAL PUBLIC BODIES**

Local 'public bodies' referred to in Rule 13<sup>9</sup> (others may be added by Secretary of State by Order)

- District councils
- The Environment Agency
- Natural England
- Fire and rescue authorities
- Jobcentre Plus
- The Health and Safety Executive
- Youth Offending Teams
- Police authorities
- Chief Officer of Police
- Local Probation Boards
- Probation Trusts and other providers of probation services
- Primary Care Trusts
- National Health Service Trusts
- NHS Foundation Trusts
- Joint Waste Authorities
- Joint Waste Disposal Authorities
- Regional Development Agencies
- The Learning and Skills Council
- Sport England
- English Heritage
- Arts Council
- Museums, Libraries and Archives Council
- Highways Agency

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<sup>9</sup> Bodies which are not of relevance to Oxfordshire for this purpose are The Broads Authority, National Park Authorities, Transport for London and Metropolitan Passenger Transport Authorities.