

## **11. COUNCIL PROCEDURES**

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Annex to Section 11

### **OXFORD CITY COUNCIL PETITIONS SCHEME**

#### **11.1 Order of business at annual meeting of Council**

The order of business will be:

- (a) Election of the Lord Mayor
- (b) Appointment of the Deputy Lord Mayor

- (c) Appointment of the Sheriff
- (d) Apologies for absence
- (e) Declarations of interest
- (f) Announcements from the Lord Mayor or the Head of Paid Service
- (g) Election of the Leader (in the year in which this is required – see 1.4(g))
- (h) Report from the Leader on the appointment of the Deputy Leader, City Executive Board members and the executive scheme of delegation
- (i) Appointment of committees
- (j) Appointment of any other committees
- (k) Agreement of how Council responsibilities will be carried out (see section 5)
- (l) Any other business on the agenda

## **11.2 Selection and appointment of civic office holders**

The convention is that the civic office holders i.e. the Lord Mayor, the Deputy Lord Mayor and the Sheriff will be selected for nomination to Council on the basis of cumulative length of service. Members of the City Executive Board cannot service as Lord Mayor or Deputy Lord Mayor.

For each of the civic offices the Leader will offer the nomination, for the next municipal year, to the longest serving eligible councillor (based on cumulative service at the start of that municipal year) who has not held that particular office. Should that councillor decline the Leader will proceed to the next longest serving eligible councillor until the nomination is accepted.

Should there be two or more councillors with the same length of service the Leader will make offers in alphabetical order using last names.

The results of this process will be announced by the Leader at the February Council meeting or one as close to this as possible. In City Council election years the outcome will be checked before the Annual Council meeting and should any of the councillors selected no longer be members of Council the Leader will offer the nomination again based on the process already described above.

At the Annual Council meeting the Lord Mayor will be elected and the Deputy Lord Mayor and Sheriff will be appointed. The current Lord Mayor shall preside over the election of his or her successor unless he or she is ineligible to do so, in which case the current Deputy Lord Mayor shall preside. No councillor shall preside over their own election as Lord Mayor, Deputy Lord Mayor or Sheriff.

## **11.3 Order of business at ordinary meetings of Council**

The order of business will be:

## Part 1 – Public Business

- (a) Election of chair (if the Lord Mayor and Deputy Lord Mayor are absent)
- (b) Apologies for absence
- (c) Declarations of interests
- (d) Announcements from the Lord Mayor, Sheriff, Leader, Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (e) Appointments to committees
- (f) Approval of the minutes of the last meeting of Council as a correct record, and those of any earlier meetings that have not already been approved
- (g) Public addresses and questions that relate to a decision at the meeting (see 11.12 and 11.13)
- (h) Any unfinished business from the last meeting (but motions not dealt with in the time available (see 11.19 (d)) do not count as unfinished business)
- (i) Recommendations from the City Executive Board
- (j) Reports for decision by the meeting
- (k) Minutes from the City Executive Board
- (l) Questions by councillors to members of the City Executive Board and committee chairs (see 11.11 (b))
- (m) Any other business for decision or information including any business for which a motion to exclude the press and public is to be put to Council

## Part 2 – Public Involvement and Scrutiny

- (n) Public addresses and questions other than those taken in Part 1 (see 11.12 and 11.13)
- (o) Consideration of petitions (see 11.15);
- (p) Reports and questions about organisations the Council is represented on (see 11.15)
- (q) Report by the Chair of the Scrutiny Committees (see 11.17)
- (r) Recommendations and reports from scrutiny committees

## Part 3 – Motions – Representing the City

- (s) Motions on notice (see 11.18).

### **11.4 Council budget debate procedure**

Order of business for the Council meeting(s) where the Council's budget, capital programme and medium term financial strategy for the following year(s) are discussed and the Council Tax is set.

All amendments will be subject to the normal rules of debate expect for those at 7(c) which will be taken as read by the meeting

## Part 1 – Public business

- (a) Election of chair (if the Lord Mayor and Deputy Lord Mayor are absent)
- (b) Apologies for absence
- (c) Declarations of interest
- (d) Announcements from the Lord Mayor, Leader, Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (e) Agreement of the time permitted for each stage in the procedure for the meeting and any amendments to this procedure
- (f) Public questions and addresses relating to a decision at this meeting (a maximum of 30 minutes in total)
- (g) Report of the Council's Chief Finance Officer on the soundness of the financial proposals before Council
- (h) Council's budget, capital programme and medium term financial strategy as recommended by the City Executive Board (to last no more than 1 hour and 25 minutes excluding the debates at 11.4(h)ii. All speakers will have 3 minutes unless otherwise stated. All speakers will be nominated in advance to Committee and Member Services (democraticservices@oxford.gov.uk) by 9.00am one working day before the meeting. The Lord Mayor will decide the order speakers are taken subject to advice from Group Leaders. Additional speakers will only be taken by the Lord Mayor should time allow.

Debate on this item shall be:

- i. Proposal by the relevant City Executive Board member (15 minutes)
  - ii. Amendments submitted by opposition groups (proposal and debate 30 minutes for each group's amendments: proposers may speak for up to 10 minutes). These amendments must be received by Committee and Member Services by 1.00pm one working day before the meeting. These proposals will be voted on as one amendment for each group.
  - iii. Individual amendments submitted in writing to the Committee Services Officer in advance of the meeting or at least 15mins before the start of this item at the meeting, on the form provided (40 minutes in total). Amendments will be taken in the order submitted to the Committee Services Officer on the form provided and will be taken "as read" by the meeting and voted on. A proposer and seconder is required. Should the proposer and seconder agree, amendments can be taken in groups. Any amendments not taken within the time fall.
  - iv. Debate on the budget presented by the City Executive Board, as amended (30 minutes or the remaining time overall, whichever is the greater).
- (i) Recorded vote on the budget, capital programme and medium term financial strategy recommended by the City Executive Board (as amended).

- (j) Adjournment for 10 minutes if necessary
- (k) Setting of the Council Tax for the following year.
- (l) Recorded vote on the proposed Council Tax.
- (m) Any other items for decision which are related to the business above
- (n) Items for decision which must be determined before the next ordinary meeting.

There will be no other business at this meeting except with the agreement of the Lord Mayor, Leader and opposition group leaders: there will be no Part 2 or Part 3 of the ordinary agenda.

The Leader or in their absence the Deputy Leader shall indicate before debate which amendments they will accept without a vote.

The Chief Finance Officer shall report on the soundness of the amendments before these are debated.

Amendments shall be presented in writing with financial information and reasons; taken as read without the requirement for the proposer to speak; and taken in order as presented to the Committee and Member Services Officer before the start of debate on amendments.

### **11.5 Special meetings of Council**

The Chief Executive can be required to call a special meeting by Council, the Lord Mayor, the Monitoring Officer, the Chief Finance Officer or any twelve councillors.

The Chief Executive may also call a special meeting at her or his discretion.

Special meetings will only deal with the business they have been called for but they may receive addresses by the public (see 11.12(d))

Special meetings must be convened for awarding Freedom of the City and the enrolment of Honorary Aldermen and Honorary Alderwomen.

### **11.6 Time and place of Council meeting**

Ordinary meetings usually start at 5.00 p.m. The annual meeting will usually start at 4.00 p.m. The times of Special meetings are decided by the Chief Executive in consultation with the Lord Mayor. Meetings are usually held in the Council Chamber in the Town Hall.

For ordinary meetings, Part 2 of the order of business as set out in 11.3 shall not commence before 7.00 p.m.

### **11.7 Quorum for Council**

The quorum will be a quarter of all councillors.

If a quorum is not present at the time the meeting is due to start, the start time of the meeting will be put back by 15 minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged. If a meeting becomes inquorate part of the way through, business will halt for five minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged.

### **11.8 Changing the order of business**

The Lord Mayor can ask Council to agree to change the order of business (see 11.1 and 11.3), except for the first two items at annual meetings.

### **11.9 Minutes**

(a) Signing the minutes

At the first ordinary meeting when the minutes are available, the Lord Mayor will move that the minutes of previous meetings are correct and sign them. Council will not discuss the minutes **except to agree corrections.**

(b) No minutes of previous meetings will be considered at annual or special meetings

Minutes are not signed at annual meetings or special meetings. They are signed at the next ordinary meeting instead.

### **11.10 Reports to Council**

- (a) Officers can be asked to introduce reports.
- (b) Reports and recommendations from the City Executive Board will be moved by the Leader or one of the City Executive Board members. Reports and recommendations from committees will be moved by the chair of the committee (or another member of the committee they have nominated). Reports from officers may be moved by any member.
- (c) The person moving a report can withdraw all or part of it, correct mistakes or make minor changes.
- (d) After any questions, statements and amendments to recommendations to Council have been acted upon, the BoardCity Executive Board or committee or officer recommendation will be voted upon and adopted subject to any agreed amendments.

### **11.11 Questions and statements by councillors**

(a) Questions and statements without notice

A councillor can ask a question without notice to anyone making an announcement under 11.3(d).

A councillor can ask a question or make a statement without notice to:

- the Leader or a City Executive Board member about a recommendation, report or action of the City Executive Board
- the Leader or a City Executive Board member about a decision of the City Executive Board
- the chair of the Scrutiny Committee about a recommendation, report or action of the committee

Questions on City Executive Board minutes (11.3 (k)) are limited to 15 minutes in total.

(b) Questions on notice

Questions on notice by councillors must be about something the Council is responsible for or something that directly affects people in the city.

The full wording of questions on notice must be emailed to [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk) or received by the Head of Law and Governance by 1.00 p.m. at least **seven** clear working days before the Council meeting.

Questions must be directed to the Lord Mayor, a City Executive Board member or a committee chair. A City Executive Board member can nominate another City Executive Board member to reply.

(c) Supplementary questions

One supplementary question can be asked without notice. This must be addressed to the councillor who replied to the first question and must arise directly from the first question or the reply. No further supplementary questions are allowed.

## 11.12 Addresses by the public

(a) Public addresses at Council

Members of the public may address Council for up to five minutes. This can be about anything the Council is responsible for or something that directly affects people in the city or something for decision at the meeting. A member of the public making an address may be accompanied by up to three other members of the public.

Addresses will be taken in the order in which they are received by the Head of Law and Governance but at two points in the order of business, namely:

- If the address relates to a matter for decision at the meeting, during Part 1 of the order of business (see 11.3 (g))
- If the address does not relate to a matter for decision at the meeting, during Part 2 of the order of business (see 11.3 (n))

(b) Number of public addresses

There shall be no limit to the total number of addresses to any ordinary Council meeting but the total time permitted for public addresses and public questions is 45 minutes. There will be a limit of one address per individual at a meeting and priority will be given to hearing members of the public who have not addressed Council within the last 12 months. Supplementary questions from the public will not be allowed.

(c) Annual meeting

There will not be any public addresses to the annual meeting.

(d) Special meetings

Addresses will only be taken at a special meeting if they are about a topic the special meeting is discussing and the Lord Mayor has agreed that public addresses will be included on the agenda for that meeting.

(e) Notice

The full wording of an address must be received by the Head of Law and Governance by 5.00 p.m. at least three clear working days before the Council meeting.

(f) Number of addresses

Council will hear one spoken address on each topic. If there is more than one request to speak on a topic, the five minute limit for the address shall be shared by those wishing to speak.

On issues where there are arguments for and against, Council can hear one speaker for and one against.

(g) Addresses that are about something for decision at the meeting

If an address is about something that is for decision at the meeting it will be considered with that recommendation or report or motion.

- (h) Addresses that are not about something that is for decision at the meeting

If an address is not about something that is for decision at the meeting, it will be referred to the Chief Executive without discussion. The Chief Executive will send a written reply within 10 working days after having it investigated by an officer or discussed by the City Executive Board or a committee. But the City Executive Board member may make a response to an address at the meeting if they choose.

- (i) Personal attacks and individual personal circumstances

Addresses must not contain personal attacks nor must they relate to individual personal circumstances. If an address contains a personal attack or if individual personal circumstances are mentioned, the Lord Mayor will ask the speaker to stop. If the personal attack or reference to individual personal circumstances continues, the Lord Mayor will ask the speaker to stop. If the speaker refuses to stop straight away, the Lord Mayor can ask the speaker to leave and adjourn the meeting until they do.

### 11.13 Questions by the public

- (a) Asking questions at Council

Members of the public can ask one question at an ordinary meeting. These can be addressed to the Leader or other City Executive Board member. Questions must be about something the Council is responsible for, something that directly affects people in the city or something for decision at the meeting. Questions that relate to individual personal circumstances will not be allowed.

Members of the public cannot ask questions at an annual or special meeting unless the Lord Mayor has agreed that public questions will be included on the agenda for a special meeting.

Questions will be taken in the order in which they are received by the Head of Law and Governance but at two points in the order of business, namely:

- If the question relates to a matter for decision at the meeting, during Part 1 of the order of business (see 11.3(g))
- If the question does not relate to a matter for decision at the meeting, during Part 2 of the order of business (see 11.3(n))

- (b) Notice

The full wording of the question and the name or position of the councillor to whom it is to be asked must be given to the Head of Law and Governance by 5.00 p.m. at least three clear working days before the Council meeting.

(c) Number of questions

Members of the public cannot ask more than one question per meeting. Supplementary questions are not allowed. There shall be no limit to the number of questions to any ordinary meeting but the total time permitted for public questions and public addresses is 45 minutes (see 11.12(g))

(d) Asking the question

The Lord Mayor will ask the questioner to ask their question. The member asked the question will answer it either orally at the meeting or by referring to the availability of a written answer at the meeting. If the questioner or the councillor to whom the question is addressed is not present, the Chief Executive will have a reply sent with 10 working days. This will be copied to the councillor who would have been asked the question.

(e) Length of questions and answers

Questions and answers to questions cannot take longer than three minutes unless the Lord Mayor agrees.

(f) Referring questions to the Board/City Executive Board or to committee

After a question has been answered, there will be no discussion but any councillor can propose that a matter raised by a question is referred to the City Executive Board or to a committee. If the proposal is seconded, it will be voted on without discussion.

(g) Total length of addresses and questions

Council will not spend more than 45 minutes taking addresses (11.12) and questions (11.13). If it cannot take all the addresses and questions in 45 minutes, it will take them in the order that notice was given of them until there is no time left.

(h) Written answers

If a question is not taken because there is no time left, the Chief Executive will have a reply sent within 10 working days.

### **11.14 Rejecting addresses and questions**

The Head of Law and Governance can reject a public address or question or a question on notice by a councillor, and the Lord Mayor can reject an address or question without notice, if:

- it is not about something the Council is responsible for or about something that directly affects people in the City or about a matter for decision at the meeting
- it is defamatory, frivolous, trivial or offensive
- it requires the Council to make public exempt or confidential information (see 15.4)
- it relates to individual personal circumstances.

If an address or question is rejected by the Head of Law and Governance or the Lord Mayor reasons must be given.

### **11.15 Petitions to full Council**

A petition containing at least 1,500 signatures will be debated at Council if the petition organiser makes a request for a debate in writing directly to the Head of Law and Governance.

Requests must be sent in writing, accompanied by the petition, to Head of Law and Governance at least 3 weeks prior to the Council meeting. Any petition presented as part of an address (see 11.12) directly to Council and that contains at least 1,500 signatures will not be debated at that meeting but at the next ordinary meeting.

Council will receive a report setting out the petition and the steps Council can take.

The petition organiser may address Council upon the petition for up to five minutes before the debate upon the petition at that next ordinary meeting.

If a Member wishes to put a substantive motion/recommendation on a petition they must let the Head of Law and Governance have that motion/recommendation by 10am on the working day before the Council meeting. These would then be published in the Council briefing note. Any amendments to these would have to be with Committee and Members' Services by 11.00am on the day of the meeting.

### **11.16 Reports and questions about organisations on which the Council is represented**

All councillors will be able to ask for a report to be given at Council by the council representative on a significant change or important event provided they make that request by 1.00 pm at least four working days before the meeting.

Members who are Council representatives on external bodies or chairs of council committees who consider that a significant decision or event has taken place, will give notice to the Head of Law and Governance by 1.00 pm at least one clear working day before the meeting to present a written or oral report on the event or the significant decision and how it may influence future events.

Each ordinary meeting of Council shall receive a written report concerning the work of one of the partnerships upon which the Council is represented.

### **11.17 Reports by the Chair of the Scrutiny Committee**

Each ordinary meeting of Council shall receive a written report from the Council's Scrutiny Committee on the work of the Committee. That report shall be included in the agenda of the meeting. The Chair of the Scrutiny Committee may report orally if there are matters arising from the work of the Committee that the Chair considers Council should know about without delay.

### **11.18 Motions on notice**

(a) Giving notice of motions

Some motions may be moved without notice. These are listed at 11.19. For all other motions, the full wording must be emailed to [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk) or received by the Head of Law and Governance by 1.00 pm at least seven clear working days before the meeting. These motions will be reproduced on the agenda for the meeting.

(b) Topic of motions

Motions must be about things the Council is responsible for or something that directly affects people in the city. Where motions require some action on behalf of the Council, such actions must be clearly assigned.

(c) Length of motions

Motions must be limited to a maximum of 300 words.

(d) Listing motions on the agenda

Motions will appear on the agenda in an order that will rotate between the different political groups at each meeting. Subject to this rotation, motions will appear and be taken in the order they were received by the Head of Law and Governance

(e) Time limits

There is a time limit of 60 minutes for dealing with all motions but no time limit for dealing with each motion.

(f) Motion to remove the Leader

Any motion to remove the Leader and replace them with another Leader must be signed by no less than twelve councillors and emailed to [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk) or received by the Head of Law and Governance by 1.00 pm at least seven clear working days before the meeting. This motion will be reproduced on the agenda for the meeting.

(g) Monitoring Officers' advice on motions

For motions to be effective they must be lawful and implementable.

The Monitoring Officer has a duty to ensure that the Council acts lawfully and properly and will review motions and motion amendments submitted by councillors prior to their publication to ensure they are consistent with these principles. If the Monitoring Officer has concerns that the publication or agreement of a motion or motion amendment submitted by a councillor would not be in the Council's interests, within these parameters, the Monitoring Officer will offer advice to the councillor who submitted the motion or motion amendment.

If the Monitoring Officer considers a motion or amendment to be unlawful, vexatious, defamatory, frivolous, offensive, beyond the powers and remit of the Council, related to employees or otherwise improper the Monitoring Officer will return it to the councillor who submitted it along with an explanation in writing about why it cannot be published in its current form.

The Monitoring Officer shall, if need be as a last resort, give a ruling as to whether the motion or amendment can be included on the agenda or briefing note circulated for the meeting.

### 11.19 Motions without notice

There is no need to give notice of motions to:

- appoint a chair of the meeting
- agree or correct the minutes
- change the order of business

- refer something somewhere else
- agree or amend recommendations of the City Executive Board, Council committees or officers
- withdraw a motion
- amend a motion during a debate on it – see 11.20 (g)
- got to next business – see 11.20(k)
- move to a vote – see 11.20(k)
- adjourn a debate or meeting – see 11.20(k)
- suspend a Council procedure – see 11.26 (a)
- hold a discussion in private (when allowed under the access to information and key decision procedures – see 15)
- hear a councillor no further – see 11.24(c)
- exclude a councillor from the meeting – see 11.24(d)
- give Council's agreement when it is required by the Constitution.

### **11.20 Rules of debate**

- (a) No speeches until motion moved and seconded

No speeches can be made on a motion until it has been moved and seconded.

- (b) Secunder's speech

A councillor who formally seconds a motion or amendment can speak later in the debate.

- (c) Contents and length of speeches

Speeches (except for points of order and personal explanations (see 11.20(l) and 11.20(m))) must be about the item being discussed. Speeches will last a maximum of three minutes unless otherwise agreed.

- (d) When a councillor can speak again

A councillor who has already spoken in a debate cannot speak again except to:

- exercise their right of reply – see 11.20(i)
- make a point of order – see 11.20(l)
- make a point of personal explanation – see 11.20(m)

(e) Amendments to motions - relevance

An amendment must be relevant to the motion and must be a proposal:

- to refer a motion somewhere else
- to add, replace or leave out words.

Amendments to add, replace or leave out words must not negate the motion.

(f) Amendments to motions

Substantive amendments to motions must be submitted by 10.00 am on the working day before the Council meeting so that they may be circulated with the briefing note.

Minor technical or limited wording amendments may be submitted during the meeting but must be written down and circulated.

(g) Debate on amendments

The Lord Mayor can allow two or more amendments to be discussed together. But they must be voted on separately.

If any amendment is carried, the amended motion replaces the original motion. Any further amendments will be to the amended motion

If any amendment is not carried, any further amendments will be to the original motion.

The same amendment cannot be moved twice.

(h) Councillor changing their own motion

A councillor can change a motion they have moved without notice if both the meeting and the seconder agree. The meeting will accept or reject the change without discussion.

The councillor can only make changes that could have been made as an amendment.

(i) Right of reply

A councillor who moves a motion has a right to reply at the end of the debate, immediately before the vote.

If an amendment is moved, the councillor who moved the original motion has the right to reply at the end of the debate on the amendment but not before.

A councillor who moves an amendment has the right to reply immediately before the councillor who moved the original motion.

(j) Motions that can be moved during debate

When a motion is being debated, no other motions can be moved except for the following procedural motions:

- to withdraw a motion
- to go to next business – see 11.20(k)
- to move to a vote – see 11.20(k)
- to adjourn the meeting or debate – see 11.20 (k)
- to hold a meeting in private (when allowed under the access to information and key decision procedures – see 15)
- to hear a councillor no further – see 11.24 (c)
- to exclude a councillor from the meeting – see 11.24 (d)

(k) Motions to end or postpone the debate

After a speaker has finished speaking any councillor can move next business or propose to move to a vote or adjourn the debate or meeting. They must do this without comment.

If a motion to go to next business is seconded and the Lord Mayor thinks the meeting has discussed the item enough, the mover of the original motion will have the right of reply. Council will then vote on whether to go to next business. If Council agrees to go to next business, the original motion will not be voted on and will not become a resolution of Council.

If a motion to move to a vote is seconded and the Lord Mayor thinks the meeting has discussed the item enough, Council will vote on whether to take the vote on the original motion. If Council decides to take the vote, the mover of the original motion will have the right to reply. Then Council will vote on the original motion without further debate.

If a motion to adjourn the debate or meeting is seconded and the lord mayor thinks it is not possible to give the item enough discussion at the current meeting, Council will vote on whether to adjourn. The mover of the original motion will not have the right of reply before this vote.

(l) Points of order

A councillor can make a point of order at any time. The Lord Mayor will hear a point of order immediately. A point of order must be about the law or a Council procedure being broken. The councillor must say which law or procedure is being broken and how. The Lord Mayor will consider the Monitoring Officer's advice when deciding on a point of order and the Lord Mayor's decision will be final.

(m) Points of personal explanation

A councillor can give a personal explanation at any time. This must be about something they have said in the past that they feel is now being misunderstood or misrepresented. The Lord Mayor will have the final say over what counts as a personal explanation.

## 11.21 Voting

(a) Majority

Unless the Constitution says otherwise, votes will be decided by a simple majority of councillors in their seats and voting.

(b) Lord Mayor's second or casting vote

If there is the same number of votes for and against, the Lord Mayor will have a casting vote.

(c) Method of voting

Votes can be:

- by the general agreement of the meeting, if there is no one against
- by show of hands
- named or recorded – see (d) and (e).

(d) Named votes

- Any ten councillors present at the meeting can ask for the minutes to name who voted for, who voted against and who abstained on a vote.
- When Council is voting upon setting the Council's budget or setting the Council Tax a named vote must be taken.<sup>2</sup>

(e) Right to have individual vote recorded

Any councillor can ask for the minutes to record whether they voted for or against or abstained on a vote. The request must be made immediately after the vote.

(f) Voting on appointments

If there are three or more candidates for a position and none has more than half the votes, the candidate with the fewest votes will be eliminated and a new vote taken. This will continue until one candidate has more than half the votes.

## 11.22 Officers

Council will consider whether to exclude the public before discussing the conditions, supervision, dismissal or conduct of any officer or former officer.

## 11.23 Excluding the public

The public can only be excluded if it is under the access to information rules (see 15) or if they are making a personal attack (see 11.12 (i)) or disrupting the meeting (see 11.23).

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<sup>2</sup> Regulation 2 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 provides that after any "budget decision meeting" the names of the persons who cast a vote for the decision or against the decision or who abstained from voting must be recorded. A "budget decision meeting" means a meeting of the relevant body at which it -

- (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ, of the Local Government Finance Act 1992; or
- (ii) issues a precept under Chapter 4 of Part 1 of that Act, and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting.

### **11.24 Councillors' behaviour**

(a) Speaking at Council

When they speak at Council, councillors must address the Lord Mayor. Only one councillor may speak at any one time.

(b) Lord Mayor standing

If the Lord Mayor stands during a debate, any councillor who is speaking must stop speaking. The meeting must be silent.

(c) Councillor not to be heard further

If a councillor keeps on disrupting the meeting, the Lord Mayor can move that the councillor is not heard further. If seconded, the motion will be voted on without being discussed.

(d) Councillor to leave the meeting

If Council has voted not to hear a councillor further and the councillor continues to disrupt the meeting, the Lord Mayor can move that the councillor leaves the meeting or that the meeting is adjourned. If seconded, the motion will be voted on without being discussed.

(e) General disturbance

If a group of councillors are making it impossible for Council to do its business, the lord mayor can halt the meeting for as long as necessary.

### **11.25 Disruption by the public**

(a) Disruption by an individual

If a member of the public is disrupting the meeting, the Lord Mayor will warn them. If they carry on disrupting the meeting, the Lord Mayor can halt the meeting until they leave.

(b) Clearing part of the meeting room

If there is a general disturbance in a part of a meeting room open to the public, the Lord Mayor can have the area cleared.

### **11.26 Suspending and changing the procedures in this section**

(a) Suspending the procedures in this section

All the Council procedures in this section can be suspended except 11.8 (changing the order of business), 11.9 (b) (no minutes at annual or special meetings) and 11.20 (e) (right to have individual vote recorded). A procedure can be suspended if at least half of all councillors are present and there is a simple majority in favour. No notice is needed for a motion to suspend a procedure. Procedures can only be suspended until the end of the meeting.

(b) Changing the Council procedures in this section

Any motion to change the procedures in this section must be proposed and seconded. After this, it will not be discussed until the next ordinary meeting of Council.

## **Annex to Section 11**

### **OXFORD CITY COUNCIL PETITIONS SCHEME**

We will treat something as a petition if it is identified as being a petition and if it is formally submitted to the relevant Head of Service or the Head of Law and Governance.

A petition containing at least 1,500 signatures will be debated at full Council if the petition organiser makes a request for a debate in writing directly to Head of Law and Governance, accompanied by the text of the petition and the list of signatures, and a link to the petition if relevant. Petitions run through petition sites must be formally submitted by the organiser at the end of the signature gathering period: simply setting the petition up on such a site does not constitute formal submission.

Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- The name and address and signature of any person supporting the petition. 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. If the petition does not identify a petition organiser, we will not be able to respond to the petition.
- Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted and we will not take any action on these.
- In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale which will apply.
- The Council will consider all the specific actions it can potentially take on the issues highlighted in a petition and may take such action as is appropriate.
- If we can do what your petition asks for, we may confirm what action we have taken.
- If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures can be obtained from the Head of Law and Governance or by telephoning 01865 252230.

- If we are not able to take action (for example if what the petition calls for conflicts with council policy; involves other partners or parties; is not within our control; is unaffordable, impractical or not legal; or conflicts with other priorities of the community), then we will tell you this. You can find more information on the services for which the council is responsible on our About Us page on our website.
- If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body or where possible will work with our partners to respond to your petition.
- If your petition is about something that a different Council or body or agency is responsible for we will tell you and ask you to send the petition to them.

## **12. CITY EXECUTIVE BOARD PROCEDURES**

- 12.1 Who carries out executive responsibilities within the Council?
- 12.2 Date and place of meetings
- 12.3 Quorum
- 12.4 Vacancies on the City Executive Board
- 12.5 How are decisions taken at City Executive Board meeting?
- 12.6 Who chairs City Executive Board meetings?
- 12.7 Order of business
- 12.8 Who can put items on the City Executive Board agenda?
- 12.9 Forward Plan
- 12.10 Councillors speaking at meetings
- 12.11 Councillors speaking on neighbourhood issues
- 12.12 Gaps in these procedures

### **12.1 Who carries out executive responsibilities within the Council?**

Executive responsibilities are carried out by the Leader, the City Executive Board or delegated to officers.

### **12.2 Date and place of meetings**

The City Executive Board meets on dates agreed by the Leader. Meetings are at the Town Hall or another place agreed by the Leader.

### **12.3 Quorum**

The quorum is three. Substitutes are not allowed.

### **12.4 Vacancies on the City Executive Board**

A councillor can resign from the City Executive Board by writing to the Head of Law and Governance. If a City Executive Board member resigns from the City Executive Board or stops being a councillor, the Leader may replace that City Executive Board member and any replacement will become effective upon notification of the name of the new City Executive Board member to the Head of Law and Governance.

### **12.5 How are decisions taken at City Executive Board meeting?**

Decisions are taken by a majority of members present and voting. If there is the same number of votes for and against, the chair can use a casting vote. Voting is by show of hands.

Any councillor can ask for the minutes to record whether they voted for, voted against or abstained on a vote. The request must be made immediately after the vote.

## **12.6 Who chairs City Executive Board meetings?**

The Leader will chair City Executive Board meetings or appoint someone else to chair them.

If the Leader or the person they have appointed is absent, the City Executive Board can appoint another City Executive Board member to act as chair. If the Leader or the person they have appointed arrives part of the way through a meeting, the acting chair will finish the item they are on and hand over the chair.

## **12.7 Order of business**

The order of business will be:

- declarations of interest
- addresses and questions by members of the public, 15 minutes in total.
- Members of the public can submit questions in writing about any item for decision at the meeting. Questions, stating the relevant agenda item, must be received by the Head of Law and Governance by 9.30am two clear working day before the meeting (eg for a Thursday meeting, the deadline would be 9.30am on the Tuesday). Questions can be submitted either by letter or by email (executiveboard@oxford.gov.uk).
- Answers to the questions will be provided in writing at the meeting; supplementary questions will not be allowed. If it is not possible to provide an answer at the meeting it will be included in the minutes that are published on the Council's website within 2 working days of the meeting.
- The Chair has discretion in exceptional circumstances to agree that a submitted question or related statement (dealing with matters that appear on the agenda) can be asked verbally at the meeting. In these cases, the question and/or address is limited to 3 minutes, and will be answered verbally by the Chair or another City Executive Board member or an officer of the Council. The text of any proposed address must be submitted within the same timescale as questions.

- For this agenda item the Chair's decision is final.
- councillor addresses on any item for decision on the City Executive Board's agenda
- councillor addresses on neighbourhood issues (10 minutes)
- reports from the Scrutiny Committee
- items for decision, including reports from City Executive Board members
- items raised by City Executive Board members. Such items must be submitted within the same timescales as questions and will be for discussion only and not for a City Executive Board decision. Any item which requires a decision of the City Executive Board will be the subject of a report to a future meeting of the City Executive Board.
- minutes of the last meeting.

This procedure can be suspended if at least half of all the voting members are present and there is a simple majority in favour. It can only be suspended until the end of the meeting.

### **12.8 Who can put items on the City Executive Board agenda?**

The Chief Executive, Monitoring Officer or Chief Finance Officer can put an item on the agenda if it will help them carry out their duties in those roles. If the item is urgent, they can require a special meeting to consider it.

No one else can put items on the agenda.

### **12.9 Forward Plan**

All matters on the City Executive Board agenda must have appeared on the Forward Plan (See 15.16)

### **12.10 Councillors speaking at meetings**

Oxford City councillors may, when the chair agrees, address the City Executive Board on an item for decision on the agenda (other than on the minutes). The member seeking to make an address must notify the Head of Law and Governance by 9.30am at least one clear working day before the meeting, stating the relevant agenda items. An address may last for no more than three minutes. If an address is made, the City Executive Board member who has political responsibility for the item for decision

may respond or the City Executive Board will have regard to the points raised in reaching its decision.

### **12.11 Councillors speaking on neighbourhood issues**

At each meeting 10 minutes is available for any City Councillor to raise local issues on behalf of communities directly with the City Executive Board. The member seeking to make an address must notify the Head of Law and Governance by 9.30am at least one clear working day before the meeting, giving outline details of the issue. Priority will be given to those members who have not already addressed the City Executive Board within the year and in the order received. Issues can only be raised once unless otherwise agreed by the City Executive Board. The City Executive Board's responsibility will be to hear the issue and respond at the meeting, if possible, or arrange a written response within 10 working days.

### **12.12 Gaps in these procedures**

If there is a gap in these procedures, the chair of the City Executive Board will decide what to do.

## **13. SCRUTINY COMMITTEE PROCEDURES**

- 13.1 Number of scrutiny committees
- 13.2 Membership of the Scrutiny Committee
- 13.3 Co-opted members of the Scrutiny Committee
- 13.4 Scrutiny Committee meetings
- 13.5 Quorum
- 13.6 Chair and Vice Chair of Scrutiny Committee
- 13.7 Programme of work
- 13.8 Agenda
- 13.9 Policy review and development
- 13.10 Reports on scrutiny reviews
- 13.11 Arrangements for the City Executive Board to comment on reports to Council
- 13.12 Scrutiny Committee members' rights to see documents
- 13.13 Duty of City Executive Board members and officers to attend the Scrutiny Committees
- 13.14 Whipping
- 13.15 Order of business at the Scrutiny Committee
- 13.16 **Guest speakers** at Scrutiny Committee
- 13.17 Gaps in these procedures

### **13.1 Number of scrutiny committees**

Council has appointed one Scrutiny Committee

### **13.2 Membership of the Scrutiny Committee**

#### **(a) Members of the Scrutiny Committee**

The Scrutiny Committee has twelve members. The number of members from each political group will be in proportion to its size.

members of the Scrutiny Committee, their substitutes must be councillors but they cannot be members of the City Executive Board.

#### **(b) Conflicts of interest**

Members of the Scrutiny Committee should not scrutinise decisions they have made but such occurrences will be rare because no member of the City Executive Board can be a member of the Scrutiny Committee.

(c) Substitutes

Members of the Scrutiny Committee can send other councillors as substitutes. These will have the powers of an ordinary member of the committee.

Substitutions must be for a whole meeting. A councillor cannot take over from their substitute or hand over to them part of the way through. There is one exception to this: a member of the committee may not send a substitute to a meeting at which a scrutiny review is being conducted and which will continue to be conducted at a subsequent meeting.

If a councillor wants to send a substitute, they must tell the Head of Law and Governance the name of their substitute before the meeting.

Substitutes cannot appoint substitutes of their own. Substitutes cannot be members of the City Executive Board. Substitutes cannot be appointed to attend meetings of a panel or review group established by the Committee.

(d) Procedures when a Councillor resigns from the Scrutiny Committee

A councillor can resign from a committee by writing to the Head of Law and Governance. A replacement member will be appointed at the next Council meeting.

(e) Procedure when a Scrutiny Committee member stops being a councillor

If a Scrutiny Committee member stops being a councillor, a replacement member will be appointed at the next Council meeting.

### **13.3 Co-opted members of the Scrutiny Committee**

The Scrutiny Committee can appoint non-voting co-opted members to serve for a specific policy review or until the next annual Council.

### **13.4 Scrutiny Committee meetings**

The Scrutiny Committee meets on dates set by Council. If it needs to have extra meetings, it sets the dates of these meetings itself.

The Head of Law and Governance or the Scrutiny Committee itself can decide to call a special meeting.

The Head of Law and Governance can be instructed to call a special meeting by the chair of the Scrutiny Committee or any four Councillors. The instruction must be in writing and must describe the business to be done.

The Head of Law and Governance will consult the chair about the time and place of a special meeting.

Special meetings will only deal with the business they have been called to deal with.

If a Scrutiny Committee has nothing to do at one of its fixed meetings, the Head of Law and Governance can cancel it after consulting the chair.

### **13.5 Quorum**

The quorum for the Scrutiny Committee is four.

### **13.6 Chair and Vice Chair of Scrutiny Committee**

#### **(a) Election of Chair and Vice Chair**

The Scrutiny Committee will elect a Chair and Vice Chair from among its voting members at the first meeting after annual Council. The chair of the Scrutiny Committee must be an opposition councillor.

#### **(b) Resignation of Chair or Vice Chair**

If a councillor wants to resign as Chair or Vice Chair, they must write to the Head of Law and Governance. A new Chair or Vice Chair will be elected at the Committee's next ordinary meeting.

### **13.7 Programme of work**

The Scrutiny Committee sets its own programmes of work but must review anything it is asked to review by Council – see 13.8(c).

### **13.8 Agenda**

#### **(a) Putting items on the agenda**

Any councillor can put an item on the Scrutiny Committee agenda if they write to the Head of Law and Governance 10 working days before the meeting. The item must be relevant to the Scrutiny Committee.

- (b) Speaking on agenda items

Any member of the public and any councillor who is not a member of the Scrutiny Committee can speak on an agenda item if the Chair agrees. The Chair will decide how long they can speak for.

- (c) Requests for reviews from Council

The Scrutiny Committee must review anything Council asks it to review as soon as it can make space in its programme of work.

- (d) Requests for reviews from the City Executive Board

The Scrutiny Committee can (but does not have to) review things the City Executive Board asks it to review.

### **13.9 Policy review and development**

The Scrutiny Committee's role in developing the budget and policy framework is referred to in 16.2.

In areas that are not covered by the budget and policy framework, the Scrutiny Committee can suggest policies for the City Executive Board to develop.

The Scrutiny Committee can hold inquiries and consider future policy. This may involve appointing advisers, inviting witnesses, making site visits, holding public meetings, commissioning research or doing anything else that is necessary.

### **13.10 Reports on scrutiny reviews**

- (a) Committee report

At the end of each policy review, the Scrutiny Committee will send a report to the City Executive Board (if it is about executive responsibilities) or to Council (if it is about Council responsibilities).

- (b) Minority report

For each policy review, there can be a minority report giving any dissenting views. The City Executive Board or Council will consider the minority report at the same time as the committee report.

- (c) Which report is the committee report and which is the minority one?

Each committee member can sign one report but no more than one. The report with the most signatures will be the committee report.

(d) Timing

Once a report reaches the Head of Law and Governance:

- the City Executive Board must consider it at its next ordinary meeting if it is about executive responsibilities
- Council must consider it at its next ordinary meeting if it is about Council responsibilities.
- In each case if the next meeting is within seven clear working days of the report reaching the Head of Law and Governance then the report will go to the next meeting after that.

**13.11 Arrangements for the City Executive Board to comment on reports to Council**

When the Scrutiny Committee sends a report to Council, the Head of Law and Governance will send a copy to each member of the City Executive Board. Council must consider City Executive Board member comments on anything that affects the budget and policy framework.

**13.12 Scrutiny Committee members' rights to see documents**

Scrutiny Committee members' rights to see document are set out in 15.11.

**13.13 Duty of City Executive Board members and officers to attend the Scrutiny Committees**

(a) Duty to attend

The Scrutiny Committee can require members of the City Executive Board and officers in the senior management structure (see 9.1) to attend meetings and answer questions about:

- their performance
- decisions they were involved in
- the extent to which they have followed the budget and policy framework

The Scrutiny Committee can also require executive members and their advisors to attend and answer questions about shareholder decisions relating to companies wholly or partly owned by the Council and the performance of those companies.

(b) Procedure for attending

The Head of Law and Governance will tell the councillor or officer that they are required to attend, what it is about and whether they need to produce a report or provide papers.

The councillor or officer must be given reasonable time to compile information.

### **13.14 Whipping**

Political groups should not pressure their members over how they speak or vote at Scrutiny meetings.

### **13.15 Order of business at the Scrutiny Committee**

The order of business will be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)
- Apologies for absence
- Declarations of interest
- Minutes of previous meeting
- Any decisions that have been called in
- Scrutiny work plan
- City Executive Board responses to Scrutiny recommendations
- Anything else on the agenda
- Dates of future meetings

The Chair has the discretion to amend the order of the agenda items.

This order can be suspended if at least half of all the voting members are present and there is a simple majority in favour. It can only be suspended until the end of the meeting.

### **13.16 Guest speakers at Scrutiny Committee**

Guest speakers should be treated with politeness and respect.

### **13.17 Gaps in these procedures**

If there is a gap in these procedures, the Chair will decide what to do.

## **14. OTHER COMMITTEE PROCEDURES**

**14.1 Which committees do these procedures apply to?**

**14.2 Appointment and membership of committees**

**14.3 Quorums and substitutes**

**14.4 Vacancies on committee**

**14.5 Chair and vice chair**

**14.6 Meetings of committees**

**14.7 Substitutes**

**14.8 Speaking on agenda items**

**14.9 Disruption by the public**

**14.10 Voting at committee meetings**

**14.11 Planning committee procedures**

**14.13 Audit and Governance Committee procedures**

**14.14 Standards Committee procedures**

**(a) Who can put items on Standards Committee agendas?**

**The Head of Law and Governance, the Head of Business Improvement and the relevant proper officer can put items on Standards Committee agendas.**

**14.15 Gaps in these procedures**

**14.1 Which committees do these procedures apply to?**

These procedures apply to the:

- Appointments Committee – see also 20 (employment rules)
- area planning committees
- Audit and Governance Committee
- Disciplinary Committee for Chief Executive, Executive Directors and Statutory Officers – see also 20 (employment rules)
- General Purposes Licensing Committee
- General Purposes Licensing Casework Sub-Committee
- Licensing and Gambling Acts Committee
- Licensing and Gambling Acts Casework Sub-Committee
- Planning Review Committee

- Standards Committee

## 14.2 Appointment and membership of committees

Council is responsible for appointing and dissolving committees and for agreeing their membership and roles. Committees are responsible for appointing any sub-committees. Apart from the Licensing and Gambling Acts Committee and any sub-committees it appoints the number of members from each political group on committees will be in proportion to the size of the group.

There must always be at least one scrutiny committee and a committee that carries out responsibilities under the Licensing Act 2003 and the Gambling Act 2005.

## 14.3 Quorums and substitutes

Committee	Size	Quorum	Substitutes
Appointments Committee	5 (including at least one member of the City Executive Board)	3 (including at least one member of the City Executive Board)	Permitted
Planning Committees	9	5	Permitted. Councillors should not sit or substitute unless they have undertaken compulsory planning and development control training (held every two years)
Audit and Governance Committee	7	3	Permitted
Disciplinary Committee for Chief Executive, Directors and Heads of Service	4 (including at least one member of the City Executive Board)	3(including at least one member of the City Executive Board)	Permitted
General Purposes Licensing Committee	10	4	Not permitted
General Purposes Licensing Casework	4	2 (but the meeting	Permitted from members of General

Sub-Committees		can only proceed at quorum if the person appearing before it agrees)	Purposes Licensing Committee. Councillors should not sit or substitute unless they have undertaken compulsory licensing training (held annually)
Licensing and Gambling Acts Committee	15	5	Not permitted
Licensing and Gambling Acts Casework Sub-Committees	3	3	Permitted from members of the Licensing and Gambling Acts Committee. Councillors should not sit or substitute unless they have undertaken compulsory licensing training (held annually)
Standards Committee	7 Councillors 1 non-voting co-opted member representing the Oxford Parish Council	3 Councillors	Permitted

If quorum cannot be made 15 minutes after the advertised start of the meeting, the meeting is cancelled.

#### 14.4 Vacancies on committee

(a) Procedure when a councillor resigns from a committee

A councillor can resign from a committee by writing to the Head of Law and Governance. A replacement will be appointed at the next Council meeting.

(b) Procedure when someone stops being a councillor

If someone stops being a councillor, any replacement committee member will be appointed at the next Council meeting.

## 14.5 Chair and vice chair

### (a) Election of chair and vice chair

The chair and vice chair are elected each year at the first meeting of the committee after annual Council.

The chair and vice chair of all the committees must be councillors.

The voting procedure for the election of Chair (and in so far as the same principles apply, Vice Chair) is as follows:

- i. Each voting member of the committee will be entitled to one vote.
- ii. The Committee and Member Services Officer will invite nominations for Chair, which will need a proposer and seconder.
- iii. Proposers and nominees may be invited to briefly address the committee on why they should be elected.
- iv. Where there are one or two nominations, the Chair will be elected by a majority those present and voting.
- v. Where there are more than two nominations, votes will be taken for each nominee (each member can only vote for one candidate). If one nominee receives a majority of the votes from those members present and voting, then they will be elected as Chair. If not, then the candidate with the lowest number of votes will be eliminated and the committee will vote again (as before each voting members has one vote), until one nominee receives a majority of the votes from those members present and voting.
- vi. In circumstances where there is a tie in the number of votes for nominees, lots will be drawn (or similar). This would also apply to members tied for elimination in circumstances where there are more than two nominees.
- vii. Members can be nominated and elected as Chair in their absence in which case the Vice Chair will assume the chair for the meeting.

### (b) If the chair and vice chair are absent

If the chair and vice chair are absent, a committee can elect another councillor to chair the meeting. If the Chair or Vice Chair arrives part of the way through the meeting, the acting chair will finish the agenda item they are on and hand over the Chair (unless the chair or vice-chair has appointed a substitute) (see 14.7)

- (c) Resigning as chair or vice chair

If a councillor wants to resign as chair or vice chair, they must write to the Head of Law and Governance. A new chair or vice chair will be elected at the committee's next ordinary meeting.

#### **14.6 Meetings of committees**

- (a) **Cancelling or rescheduling a meeting**

If a committee has insufficient business for one of its fixed meetings, the Head of Law and Governance can cancel or reschedule it after consulting the chair of the committee.

- (b) Special meetings

The Head of Law and Governance or the Chief Executive can arrange a special meeting after consulting the chair of the committee.

Special meetings will only deal with the business they have been called to deal with.

#### **14.7 Substitutes**

Substitutes are not permitted for the Licensing and Gambling Acts Committee or the General Purposes Licensing Committee.

Only members of the parent committee can act as substitutes on a licensing sub-committee.

For other committees, a member of the Committee can send another councillor as their substitutes. The substitute will have the powers of an ordinary member of the committee for that meeting.

Substitutions must be for the whole meeting. A member of a committee cannot take over from their substitute or hand over to them part of the way through the meeting.

Substitutes cannot appoint substitutes of their own.

If a member of a committee wants to send a substitute, they must tell the Head of Law and Governance **the name of their substitute** before the meeting.

#### **14.8 Speaking on agenda items**

Specific rules on public speaking apply to meetings of Council, the City Executive Board, the Scrutiny Committee and planning committees and the Licensing and Gambling Acts Casework Sub-Committee.

For all other committees where the press and public are not excluded any member of the public and any city councillor can speak on any agenda item for up to five minutes if the chair agrees. Individuals should register to speak by 4.00 pm on the day of the meeting. Any extra written material should be submitted at least two working days before the meeting.

#### **14.9 Disruption by the public**

(a) Disruption by an individual

If a member of the public is disrupting the meeting, the chair will warn them that unless they desist they will be asked to leave. If they carry on disrupting the meeting, the chair can adjourn the meeting until they leave.

(b) Clearing part of the meeting room

If there is a general disturbance in a part of a meeting room open to the public, the chair can have the area cleared.

#### **14.10 Voting at committee meetings**

The following voting rules will apply other than for voting to elect a Chair or Vice Chair (see 14.5(a))

(a) Majority voting

Votes will be decided by a simple majority of councillors in their seats and voting

(b) Chair's second or casting vote

If there is the same number of votes for or against, the chair will have a casting vote.

(c) Votes can be:

- By the general agreement of the meeting, if there is no one against
- By a show of hands
- Named or recorded

(d) Right to have individual vote recorded

Any councillor can ask for the minutes to record whether they voted for or against or abstained on a vote. The request must be made immediately after the vote.

(e) Recorded votes

Any two councillors present at a meeting can ask for the minutes to name who voted for, who voted against, and who abstained on a vote.

#### 14.11 Planning committee procedures

(a) Appointments to planning committees

Council may not appoint a councillor to more than one planning committee. Any councillor that determines an application at an Area Planning Committee cannot re-determine the same application at the Planning Review Committee.

The East Area Planning Committee shall be responsible for reaching decisions on the matters in 5.3 within the following wards:

- Barton and Sandhills, Blackbird Leys, Churchill, Cowley, Cowley Marsh, Headington, Headington Hill and Northway, Littlemore, Lye Valley, Marston, Northfield Brook, Quarry, Risinghurst and Rose Hill and Iffley

The West Area Planning Committee shall be responsible for reaching decisions on the matters in 5.3 within the following wards:

- Carfax, Hinksey Park, Holywell, Iffley Fields, Jericho and Osney, North, St. Clement's, St. Margaret's, St. Mary's, Summertown, Wolvercote.

(b) Who can put items on planning committee agendas?

The Head of Planning Services, the Head of Law and Governance and the relevant proper officer can put items on planning committee agendas.

(c) Order of business at area planning committee meetings

The order of business at area planning committee meetings will normally be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)

- Apologies for absence
- Declarations of interest
- Applications for decision
- Minutes of the previous meeting
- Forthcoming applications
- Dates of future meetings

The order of business at Planning Review Committee meetings will be:

- Apologies for absence
- Declarations of interest
- Applications for decision that have been called in following consideration by an area planning committee
- Minutes of the previous meeting
- Dates of future meetings

(d) Public speaking at planning committees

Members of the public and councillors (see also 24.17) can speak to planning committees in support of an application, against it, or to request changes or conditions.

Those wishing to speak must register with the Committee Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on, and whether they are objecting to or supporting the application.

Those objecting to an application may speak for up to five minutes in total. Those in support may speak for the same length of time. Where more than one person wishes to speak for or against an application the time will be shared. Unless the persons concerned nominate a spokesperson, priority will be given to the first person to have indicated a wish to speak, or otherwise at the discretion of the Chair.

(e) Written statements at planning committee meetings

Any written statements that members of the public or councillors wish to be considered must be sent to the Planning Officer by noon two working days before the day of the meeting.

Any material received at the meeting will not be accepted or circulated.

## 14.12 Licensing committee procedures

(a) Who can put items on licensing agendas?

The Head of Law and Governance, the relevant head of service and the relevant proper officer can put items on licensing committee and sub-committee agendas.

**(b) Order of business at licensing committee meetings**

The order of business at licensing committee meetings will normally be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)
- Apologies for absence
- Declarations of interest
- Appointments to sub-committees (at the first meeting after annual Council)
- Items for decision or information
- Minutes of the previous meeting
- Dates of future meetings

**(c) Public speaking at Licensing and Gambling Acts Casework Sub-Committee meetings**

Members of the public and councillors can make a representation to object to or support a premises licence application. Only those people who have made representations in writing within 28 days of an application being made can speak at Licensing & Gambling Acts Casework Sub-Committee meetings.

**(d) Written statements at licensing committee and sub-committee meetings**

Any written statements that members of the public or councillors wish to be considered by a licensing committee or sub-committee must be submitted to the Licensing Authority at least two working days before the meeting.

### **14.13 Audit and Governance Committee procedures**

**(a) Who can put items on Audit and Governance Committee agendas?**

The Head of Financial Services, the Head of Law and Governance, the relevant proper officer and the Council's internal and external auditors can put items on Audit and Governance Committee agendas.

**(b) Order of business at Audit and Governance Committee meetings**

The order of business at Audit and Governance Committee meetings will normally be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)
- Apologies for absence
- Declarations of interest
- External audit reports
- Internal audit reports
- Reports from officers
- Minutes of the previous meeting
- Future meeting dates

#### **14.14 Standards Committee procedures**

(a) Who can put items on Standards Committee agendas?

The Head of Law and Governance, the Head of Business Improvement and the relevant proper officer can put items on Standards Committee agendas.

(b) Order of business at Standards Committee meetings

The order of business at Standards Committee meetings will normally be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair is absent)
- Apologies for absence
- Declarations of interest
- Items for decision or information
- Minutes of the previous meeting

#### **14.15 Gaps in these procedures**

If there is a gap in these procedures, the chair will decide what to do with reference to the Council procedures (Section 11) in respect of rules of debate, officers, excluding the public, councillors' behaviour and suspending and changing procedures.

## **15 ACCESS TO INFORMATION AND KEY DECISION PROCEDURES**

- 15.1 Meetings affected by these procedures
- 15.2 Other rights to information
- 15.3 Public's rights to attend meetings
- 15.4 Exceptions to public's right to attend meetings
- 15.5 Reports that are expected to be considered in private
- 15.6 Notice of meetings
- 15.7 Background papers
- 15.8 Access to meeting papers before a meeting
- 15.9 Access to meeting papers after a meeting
- 15.10 Summary of the public's rights
- 15.11 Access to documents by members of scrutiny committees
- 15.12 Extra rights of access to information for councillors
- 15.13 Councillors' duty not to pass on confidential or exempt information
- 15.14 Key decisions
- 15.1 Procedures before taking key decisions
- 15.16 The Forward Plan
- 15.17 Urgent key decisions
- 15.18 Reports to Council on decisions that were not in the Forward Plan
- 15.19 Key decisions taken by officers
- 15.20 Executive decisions taken by officers

### **15.1 Meetings affected by these procedures**

The key decision procedures (see 15.14 to 15.19) apply to executive decisions.

The rest of the procedures in this section apply to Council, City Executive Board and committee meetings.

### **15.2 Other rights to information**

These procedures do not affect any other rights to information under the law and this Constitution.

### **15.3 Public's rights to attend meetings**

The public can attend meetings, except when confidential or exempt information is being discussed (see 15.4). The public also have the right to record meetings that are held in public.

### **15.4 Exceptions to public's right to attend meetings**

(a) Confidential information – must meet in private

The meeting must be conducted in private when confidential information is likely to be discussed.

Confidential information is information that is prevented from being made public by court order or a government department that has provided the information.

(b) Exempt information – can meet in private

The meeting can be held in private when exempt information is likely to be discussed.

The City Executive Board meeting can be held in private provided that 28 days' notice has been given of that meeting in the Forward Plan on the Council's website.

The notice must include a statement of the reasons for the meeting to be held in private.

Any representations made and the Council's response must be included in the agenda for the meeting.

If notice of a private meeting has not been given in the manner specified it can still take place providing:-

- the Chair of the Scrutiny Committee (or the Lord Mayor or the Deputy Lord Mayor in their absence) agrees: and
- it is included in the Forward Plan at the earliest opportunity and reasons are given as to why the decision to be made in private cannot wait.

Where an officer makes an executive decision and the publication of that decision includes exempt information then it must be advertised in the same way.

(c) Information is exempt if it would not be in the public interest to publish it and it falls into one or more of the categories set out below identified in Schedule 12A to the Local Government Act 1972:

- Information about individuals

Information relating to any individual (paragraph 2, Schedule 12A, Local Government Act 1972)

Information which is likely to reveal the identity of an individual (paragraph 2).

- Information about someone's finances or business

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3)

- Labour relations information

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 (paragraph 4)

- Information that could be considered legally privileged

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (paragraph 5)

- Information about legal action

Information which reveals that the authority proposes:

- (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (ii) to make an order or direction under any enactment (paragraph 6)

- Information about action to deal with a crime

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (paragraph 7)

- (d) Disorderly conduct – exclusion of members of the public

A member or members of the public can be excluded from the meeting in order to maintain orderly conduct or prevent misbehaviour.

## 15.5 Reports that are expected to be considered in private

If the Monitoring Officer expects that a report will be considered in private under 15.4, it will not be made available to the public. It will be marked “not for publication” and will say what category of information is involved.

### **15.6 Notice of meetings**

At least five clear working days before each meeting, the Council will post details of the meeting at the Town Hall and on the Council’s website subject to copies being made available to members of the decision-making body first.

### **15.7 Background papers**

Each report will include a list of background papers if there are any. Background papers are papers that have been relied on when writing the report. They do not include published works or documents that contain exempt or confidential information (see 15.4). All background papers will be published on the Council’s website.

### **15.8 Access to meeting papers before a meeting**

The agenda and reports will be available at the Town Hall at least five clear working days before a meeting subject to copies being made available to members of the decision making body first. If an item or report is added later, it will be made available as soon as it is added.

Copies of the agenda, reports and background papers will be available for public inspection. The agenda, reports and background papers will also be available on the Council’s website at least five clear working days before a meeting. Members of the public may register for email alerts of the publication of an agenda and accompanying reports. They may also subscribe annually for paper copies subject to payment of a charge.

### **15.9 Access to meeting papers after a meeting**

For six years after a meeting, the Council will make available:

- The agenda and reports
- The minutes (except for items that were considered in private because they were exempt or confidential). These will be made available within 10 working days of the meeting and, for executive decisions, they will record the reasons for the decision, any alternatives considered and any interests declared

- A summary of any business that was not open to the public if the minutes available to the public do not give a reasonable record.

For four years after the meeting the Council will make available the background papers to a report.

### **15.10 Summary of the public's rights**

A summary of the public's rights to attend meetings and to inspect and copy documents will be available at the Town Hall.

### **15.11 Access to documents by members of scrutiny committees**

Members of scrutiny committees have a right to copies of any documents seen or controlled by the City Executive Board that are relevant to decisions taken by the City Executive Board or key decisions taken by officers except for:

- Advice given by a political assistant
- Exempt or confidential information (unless it is relevant to something being scrutinised)
- Any draft of reports to be considered by the City Executive Board.

### **15.12 Extra rights of access to information for councillors**

Any councillor can look at any documents seen or controlled by the City Executive Board that are relevant to:

- Decisions to be taken by the City Executive Board in public
- Decisions taken by the City Executive Board in private
- Key decisions taken by officers.

But this does not apply to:

- Information about individuals
- Information about the possible terms of a contract the Council is negotiating
- Labour relations information
- Information that could be considered legally privileged
- Information about action to deal with a crime

- Advice given by a political assistant
- Any document in draft form (except for draft documents approved by the City Executive Board for consultation).

This right is additional to any other rights the councillor has.

### **15.13 Councillors' duty not to pass on confidential or exempt information**

Councillors must not pass on exempt information that has not been made public or confidential information (see 15.4). If they do this, they may be breaking the Members' Code of Conduct (see Section 22).

### **15.14 Key decisions**

A key decision is an executive decision likely to:

- Have a significant effect on people living or working in a least two wards or
- Involve spending or saving a significant amount – whether an amount is significant depends on the Council's total budget for the service involved. For this Council 'significant' in budgetary terms is £500,000 or greater.

### **15.1 Procedures before taking key decisions**

When a key decision is taken, it must have been published in the Forward Plan (see 15.16) for a period of 28 days before the decision is taken unless it is urgent (see 15.17).

If a key decision is taken by the City Executive Board or a single executive member, the report must say that it is a key decision.

### **15.16 The Forward Plan**

#### **(a) Period of Forward Plan**

The Head of Law and Governance will prepare a Forward Plan at least every month. Each plan will start with the first day of the next month and cover **at least** four months.

#### **(b) What is in the Forward Plan?**

The Forward Plan will list;

- Any key decisions that are going to be taken.
- Any decisions that are going to be taken by the City Executive Board
- Any decisions that are going to be taken by the City Executive Board where the report, in whole or in part, will be taken in private

For each decision, it will say:

- What the decision is about
- Who will take the decision
- When the decision will be taken
- How to comment and when by

### **15.17 Urgent key decisions**

If a key decision has not been included in the Forward Plan for 28 days, it can still be taken if it is not practicable to put it in the plan and wait 28 days before the decision is taken.

Before taking a key decision that has not been included in the Forward Plan, the Head of Law and Governance must write to the Chair of the Scrutiny Committee (or each member of the committee if there is no chair) and make copies of the letter available to the public at the Council's offices and publish it on the Council's website.

The decision cannot normally be taken until five clear days after the chair is told. But the decision can be taken before that if the chair (or the Lord Mayor if there is no chair) agrees that it is not reasonable to defer it.

As soon as possible after the authority to take the urgent key decision has been obtained the Head of Law and Governance shall make available to the public at the Council's offices and publish on the Council's website a notice saying why 28 days' notice has not been given.

### **15.18 Reports to Council on decisions that were not in the Forward Plan**

The Scrutiny Committee can require the City Executive Board to report to Council if a decision has been taken that the committee considered should have been treated as a key decision, explaining the reasons for it and why the City Executive Board considered the decision not to be key.

Normally the City Executive Board will report to the next ordinary Council meeting. But if the next meeting is within seven days of the request for a report, the City Executive Board will report to the next meeting after that.

At least once a year the Leader must report to the Council on the number and nature of key decision taken under 15.17 **if there have been any.**

### **15.19 Key decisions taken by officers**

When an officer takes a key decision, notice of it must be given in the Forward Plan as required in 15.15. The officer must produce a record of it as soon as possible. The record will then be published by Democratic Services and the deadline for call in will be within two working days of the decision being published. The record of the decision will include the reasons for the decision, any alternatives considered and any interest declared by any City Executive Board member they have consulted. Information does not have to be made public under this rule if it is exempt or confidential – see 15.4.

### **15.20 Executive decisions taken by officers**

When an officer takes an executive decision that is not a key decision they must as soon as possible afterwards produce a record of it. This will include the reasons for the decision, any alternative considered and any interest declared by any City Executive Board member they have consulted. Information does not have to be made public under this rule if it is exempt or confidential – see 15.4. The record of the decision taken and any associated report must be available to the public and published on the Council's website.

## **16. BUDGET AND POLICY FRAMEWORK PROCEDURES**

- 16.1 Responsibilities for the budget and policy framework
- 16.2 Developing the budget and policy framework
- 16.3 Decisions outside the budget or policy framework
- 16.4 Urgent decisions outside the budget or policy framework

### **16.1 Responsibilities for the budget and policy framework**

Council sets the budget and policy framework the City Executive Board and officers must act within it.

### **16.2 Developing the budget and policy framework**

- (a) The amount of consultation on the budget and policy framework must reflect the importance of the proposal. Consultation must last at least four weeks and will include consultation with a scrutiny committee.
- (b) Any reports to the City Executive Board must say what consultation there has been and what the results were. The City Executive Board will consider the response to the consultation and draw up firm proposals. The report to Council will reflect any comments made during the consultation and the City Executive Board's response.
- (c) The City Executive Board's proposals will go to Council as soon as possible.
- (d) Council can:
  - Accept the City Executive Board's proposals
  - Refer the proposals back to the City Executive Board, or
  - Change the proposals, for example by adopting proposals of its own.
- (e) If Council accepts the City Executive Board's proposals without any changes, the decision will come into force immediately.
- (f) If Council changes the City Executive Board's proposals, it will be an in principle decision only.
- (g) The Leader will be given a copy of an in principle decision. The in principle decision will come into force unless the leader objects in

writing to the Head of Law and Governance within five clear working days, giving reasons.

- (h) If the Leader object to an in principle decision, Council will meet again within 10 further working days. At the meeting, Council can accept the City Executive Board's proposals or change them.
- (i) Council's decision will come into force immediately.
- (j) When Council sets the budget, it will also say how much the City Executive Board and heads of service can move between cost centres (see 18.10(b)). Any other changes must be made by Council.

### **16.3 Decisions outside the budget or policy framework**

- (a) The City Executive Board, and any officers carrying out executive responsibilities can only take decisions if they are
  - in line with the budget and policy framework
  - allowed under 16.4 (urgent decisions)
  - allowed under 18.10(b) (moving money between cost centres)
  - necessary to obey the law or ministerial directions or government guidance.

Any other decisions must be recommended to Council.

- (b) The City Executive Board or officers carrying out executive responsibilities will seek the Monitoring Officer or Chief Finance Officer's advice if it is unclear whether proposals are in line with the budget and policy framework.

### **16.4 Urgent decisions outside the budget or policy framework**

- (a) The City Executive Board or officers carrying out executive responsibilities can take a decision that is outside the budget or policy framework if:
  - it is urgent
  - it is not practicable to arrange a Council meeting
  - the Chair of the Scrutiny Committee agrees that the decision is urgent. (If the Chair of the Scrutiny Committee is absent, the Lord Mayor can agree that the decision is urgent. If the Lord Mayor is absent, the Deputy Lord Mayor can agree).

- (b) The record of the decision must say why it was not practicable to arrange a meeting of Council. It must also say that the Chair of the Scrutiny Committee (or Lord Mayor or Deputy Lord Mayor) agreed that the decision was urgent.
  
- (c) The decision taker must take a full report to the next ordinary Council meeting explaining the decision. This must say why the decision was taken, why it was urgent and why it was not practicable to arrange a meeting of Council. If the next meeting is within seven days of the decision being taken the decision taker will report to the next meeting after that

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