

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 – Part 1.4(g))
- (h) Report from the Leader on the appointment of the Deputy Leader, Cabinet 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 (Part 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 Cabinet 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. Nominated Councillors must have served at least four full years as a Councillor. If no suitable Councillor accepts the nomination, a member who has previously served as Lord Mayor, Deputy Lord Mayor or Sheriff may be nominated

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 March 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 their successor unless they are 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 that relate to a decision at the meeting (Part 11.12 and 11.13)
- (h) Any unfinished business from the last meeting (but motions not dealt with in the time available do not count as unfinished business)
- (i) Urgent business (Part 11.25)
- (j) Recommendations from the Cabinet
- (k) Reports for decision by the meeting
- (l) Minutes from the Cabinet
- (m) Questions by councillors to members of the Cabinet and committee chairs (Part 11.11 (b))
- (n) 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

- (o) Public addresses other than those taken in part 1 of the meeting (Part 11.12 and 11.13)
- (p) Consideration of petitions (Part 11.15);
- (q) Reports and questions about organisations the Council is represented on (Part 11.16)
- (r) Report by the Chair of the Scrutiny Committees (Part 11.17)
- (s) Recommendations and reports from scrutiny committees

Part 3 – Motions – Representing the City

- (t) Motions on notice (Part 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 except for those at Part 7(h)(iii) 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) Consideration of any proposed amendments to the budget debate procedure.
- (f) Public 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 Cabinet (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 Cabinet member (15 minutes)
- (ii) Amendments submitted by opposition groups (proposers may speak for up to 10 minutes). These amendments must be received by Committee and Member Services by 1.00pm three 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 Cabinet, 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 Cabinet (as amended).
- (j) Adjournment for at least 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 Manager 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 their discretion.

Special meetings will only deal with the business they have been called for but they may receive addresses by the public (Part 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, including the annual meeting, usually start at 5.00 p.m unless otherwise agreed by the Lord Mayor in consultation with the Monitoring Officer. The times of Special meetings are decided by the Monitoring Officer. Meetings are usually held in the Council Chamber in the Town Hall.

Meetings shall conclude no more than four hours after the published start time.

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 (Part 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.
- (o) Reports and recommendations from the Cabinet will be moved by the Leader or one of the Cabinet 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.
- (p) The person moving a report can withdraw all or part of it, correct mistakes or make minor changes.
- (q) After any questions, statements and amendments to recommendations to Council have been acted upon, the Cabinet or committee or officer recommendation will be voted upon and adopted subject to any agreed amendments.

11.11 Questions and statements by councillors

Questions and statements by councillors may only be directed to and answered by councillors during the meeting. Questions cannot be directed to or answered by officers during the meeting, with the exception of questions relating to matters of the law and procedure, which must be asked through the Lord Mayor who will seek advice from the Monitoring Officer or Chief Finance Officer.

Questions and statements by councillors cannot take longer than three minutes each unless the Lord Mayor agrees. Responses from councillors to whom a question or statement is directed cannot take longer than three minutes unless the Lord Mayor agrees.

(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 Cabinet member about a recommendation, report or action of the Cabinet
 - the Leader or a Cabinet member about a decision of the Cabinet
 - the chair of the Scrutiny Committee about a recommendation, report or action of the committee

Questions on Cabinet minutes (Part 11.3 (k)) are limited to 15 minutes in total.

(c) 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 or received by the Director of Law, Governance and Strategy by 1.00 p.m. at least seven clear working days before the Council meeting.
- Questions must be directed to the Lord Mayor, a Cabinet member or a committee chair and relate directly to their role as the Lord Mayor, a Cabinet member or a committee chair. A Cabinet member can nominate another Cabinet member to reply.
- The Director of Law, Governance and Strategy will determine the order of questions on notice and may group similar questions.

(d) 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.

(e) Answering questions

Members answering questions may answer verbally or offer to provide a written response within 5 working days of the meeting, which will be circulated and added to the minutes.

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.
- Subject to 11.12(b) addresses will be taken in the order in which they are received by the Director of Law, Governance and Strategy 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 (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 (11.3 (n))
 - If the address relates to a motion on notice for consideration at the meeting, during Part 2 of the order of business (11.3(n))
 - 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 spoken at Council within the last 12 months. Supplementary questions from the public will not be allowed.

The public speaker must stick to the submitted address except with the Chair's permission and the Lord Mayor has discretion to curtail the address if the public speaker departs from the submitted address.

(b) Annual meeting

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

(c) 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.

(d) Notice

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

Members of the public who submit an address may withdraw it from consideration at the meeting, provided they notify democraticservices@oxford.gov.uk by 12noon on the day of the meeting that the address is due to be heard at. Before consideration of that item, Council will be informed that the address has been withdrawn, which will be reflected in the minutes.

(e) 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.

(f) 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.

(g) 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 Cabinet or a committee. But the Cabinet member may make a response to an address at the meeting up to a maximum of three minutes if they choose.

(h) 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 Rejecting addresses and questions

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

- It is not in a full prose format but is provided in short bullet points and does not reflect a copy of a speech to be made in its entirety
- it is not about something the Council is responsible for, unless it directly affects people in the City, the Council is able to make representations on the issue.
- In all cases where it is considered potentially defamatory, or otherwise frivolous, trivial or offensive
- it requires the Council to make public exempt or confidential information (Part 15.4)
- it relates to individual personal circumstances
- a substantially similar question or address has been submitted on the topic within the last six months, whether or not by the same individual
- the request is made in relation to a matter for decision before Council but relates solely to the wider topic and not the recommendations for consideration

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

11.14 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 Director of Law, Governance and Strategy. Debate on each petition is limited to 15 minutes in total. Any such petition must be debated individually and cannot be debated alongside any other item on the agenda.

Requests must be sent in writing, accompanied by the petition, to the Director of Law, Governance and Strategy at least 3 weeks prior to the Council meeting. Any petition presented as part of an address (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, any relevant information and, where possible, setting out a recommended course of action for Council.

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 Director of Law, Governance and Strategy have that motion/recommendation by 5pm at least three clear working days before the Council meeting, indicating that the motion/recommendation is submitted in respect of a petition. These would then be published in the Council briefing note. Any such motion/recommendation on a petition will be considered as part of the debate on the petition and will not affect the rotation between the different political groups in relation to the order of Motions on Notice at each meeting. Any amendments to these would have to be with Committee and Members' Services by 10.00am on the day of the meeting.

Following debate on the petition, Council must pass a resolution agreeing the action it wishes to take.

The procedure for Council to discuss a Petition would be as follows:

- Address from the Petition Proposer (5 mins)
- Debate on petition
- Debate on any submitted motion

Where a petition has been submitted with under 1500 signatures, the petition will be responded to during business by officers

11.15 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 5.00 pm at least eight clear working days before a meeting to enable it to be added to the agenda for publication.

Members who make such a request may present a written or oral report on the event or the significant decision and how it may influence future events.

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 Director of Law, Governance and Strategy 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 can receive a written report concerning the work of one of the partnerships upon which the Council is represented.

11.16 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.

11.17 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, with the exception of urgent cross-party motions, the full wording must be set out within the pro forma for motions supplied by officers and emailed by Group Leaders to democraticservices@oxford.gov.uk or received from Group Leaders by the Director of Law, Governance and Strategy by 1.00 pm at least seven clear working days before the meeting. The Director of Law, Governance and Strategy will review motions submitted after the submission deadline has passed and contact proposers by 5.00 pm at least seven clear working days before the meeting to confirm whether their motion is accepted or requires changes in order to comply with the provisions set out in the Constitution. Where changes are required, the Director of Law, Governance and Strategy will provide advice on compliance to proposers and any changes must be emailed to democraticservices@oxford.gov.uk by 10.00 am at least six clear working days before the meeting. If the motion, incorporating the changes, complies with the Constitution it will be accepted; any changes received after 10.00 am at least six clear working days before the meeting will be rejected and the motion will not be listed on the agenda. Accepted motions will be reproduced on the agenda for the meeting.

Councillors are strongly advised to engage with the relevant service areas well in advance of the submission deadline for motions, to ensure that the implications of a motion, if carried, can be determined.

(b) Topic of motions

Motions must be about things the Council is responsible for or something that directly affects people in the city. They must not be ultra vires, unlawful, potentially defamatory or offensive in nature. 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 500 words. All motions where making an assertion of fact may provide references for the facts included. Footnotes are not included in the word limit and must only be used for references.

(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. Political Groups where their motion was heard at the previous meeting will be moved to the end of the rotation.

Subject to this rotation, motions will appear and be taken in the order they were received by the Director of Law, Governance and Strategy:

- all cross party motions will be taken first:
- a cross-party motion is one supported in writing by all the leaders of the political groups on the Council
- a motion supported by fewer than all the political group leaders is not cross party and will be listed in the appropriate order for the proposer's group
- a single motion can be proposed and seconded by members of different political groups
- a single motion from an independent/ non-group councillor will be taken at the end of each 'cycle' of political groups' motions, listed in order of receipt
- The Annual Council in May resets the order of motions

(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.

Where the time limit for dealing with motions has elapsed but Council is part way through debate on a motion, debate on that motion will conclude after the current speaker's time limit has elapsed and Council will immediately move to a vote on that motion unless the Council passes a motion to extend the time limit under 11.19(k).

The Lord Mayor may determine that, on the closure of one motion, there is insufficient time to take the next motion where less than 10 minutes of the 60 minutes remain and move to end the item on motions on notice.

(f) Amendments to motions (see also 11.20 (f))

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. The word limit for the motion, as amended is 650 words.

Amendments to cross-party motions must be supporting in writing by all the leaders of the political groups on the Council.

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

(g) 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 or received by the Director of Law, Governance and Strategy by 1.00 pm at least seven clear working days before the meeting. This motion will be reproduced on the agenda for the meeting.

(h) 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.

- (i) Implementation of any Council motion that has clear financial and/or resourcing implications will be subject to a report to the Cabinet setting out those implications.

11.18 Motions without notice

There is no need to give notice of motions to:

- (a) appoint a chair of the meeting
- (b) agree or correct the minutes
- (c) refer something somewhere else (i.e. refer a matter to another committee, where it falls within the remit of that committee)
- (d) agree or amend recommendations of the Cabinet, Council committees or officers
- (e) withdraw a motion
- (f) amend a motion during a debate on it (11.20 (g))
- (g) go to next business (11.20(k))
- (h) move to a vote (11.20(k))
- (i) adjourn a debate or meeting (11.20(k))
- (j) suspend a Council procedure (11.26 (a))
- (k) hold a discussion in private (when allowed under the access to information and key decision procedures – Part 15)
- (l) hear a councillor no further (11.24(c))
- (m) exclude a councillor from the meeting (11.24(d))
- (n) give Council's agreement when it is required by the Constitution.

11.19 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) Seconder's speech

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

(c) Contents and length of speeches

Speeches (except for points of order and personal explanations (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 (11.20(i))

make a point of order (11.20(l))

make a point of personal explanation (11.20(m))

(e) Amendments to motions - relevance

An amendment must be relevant to the motion and must be a proposal to add, replace or leave out words.

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

(f) Amendments to motions (see also 11.18(f))

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.

Amendments to cross-party 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 and must be supported in writing by all the leaders of the political groups on the Council.

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

Minor spelling or grammatical amendments may be notified at the meeting and accepted without discussion at the Lord Mayor's discretion. They need not 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.

Where an amendment is submitted which the proposer of the original motion wishes to accept, they may change their own motion without notice to reflect the amendment, in accordance with the provisions set out in 11.20(h) provided that any amendment does not take the word count of the motion over 650 words.

Where a minor technical or limited wording amendment is submitted, it will be debated and voted on immediately before debate on the motion or amendment to which it relates.

If any minor technical or limited wording amendment is carried, it will replace the original motion or original amendment and any further amendments will be to the motion or amendment, as amended.

If any minor technical or limited wording amendment is not carried, any further amendments will be to the original motion or original amendment.

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 by way of a vote.

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

The councillor can only change their own motion to accept an amendment submitted and circulated with the briefing note, to propose a minor technical or limited wording amendment, or to make a minor spelling or grammatical amendment (see 11.20(f)).

(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 immediately before the vote 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.

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

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

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

(k) Motions to end or postpone the debate

After a speaker has finished speaking any councillor can move to go to 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. The original motion will not be included on the agenda of the next ordinary meeting unless resubmitted by the proposer in accordance with 11.18(a).

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. If carried, the debate will be adjourned and the item included on the agenda of the next ordinary meeting and will be subject to usual time limits and political group rotations, unless withdrawn by the proposer.

(l) Points of order

A councillor can make a point of order at any time by raising their hand and stating point of order. The Lord Mayor will hear a point of order immediately, but the member must not speak beyond declaring they have a point of order until indicated by the Lord Mayor. 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 by raising their hand and stating they wish to make a personal explanation. The member should not speak further than declaring they have a personal explanation until indicated by the Lord Mayor. 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.

11.20 Voting

1. Majority

(a) 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 (11.21(d) and 11.21(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.¹

(e) Right to have individual vote recorded

1 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.

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.

(g) Voting on reports where the recommendation is 'to note'

Where the recommendations of a report are for Council 'to note' its contents, there is no requirement for a proposer, seconder, or vote and Council may note the report via general assent.

11.21 Excluding the public and officers

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

11.22 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.

11.23 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.

(f) 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.

11.24 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.

11.25 Urgent Business

The Council may deal with business even though it is not on the Agenda so long as:

- (a) the business is raised by a Motion on Notice under Rule 14 (Motions on Notice);
- (b) the Motion on Notice is delivered to the Director of Law, Governance and Strategy not later than 4 hours before the start of the Meeting;
- (c) the Lord Mayor, or Council, if put to a vote, decide that the business is urgent (see Rule a); and
- (d) the agenda relating to the Meeting states that the Council may deal with urgent business at that Meeting.

Should the Lord Mayor determine that a matter is not urgent on the advice of the Monitoring Officer then the decision shall be final, subject to such reasons being explained to the meeting. Where there is no definitive view from the Monitoring Officer any member may, supported by [10] or more member by a show of hands, may request that the matter be put to a vote to determine if it should be heard. Should the majority determine in any vote that the matter is urgent (whether put to the meeting by the Lord Mayor or by a member supported by ten others) then Council will debate it under Rule 11.20 Rules of Debate. Where it is determined that the matter is not urgent, the matter shall be deferred to the next Ordinary Council Meeting (i.e. not to an Extraordinary Council Meeting).

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