

## Part 5: Policy and Procedure Rules

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### 5A Council Procedure Rules

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## **RULE 1: Introduction**

### **1.1 Interpretation**

In these Council Procedure Rules the interpretation of words shall be in accordance with the definitions set out in the Glossary of Terms within the Constitution.

### **1.2 General**

A copy of these Council Procedure Rules shall be made available by the Monitoring Officer to every Member upon acceptance of Office. This may include access to an electronic copy of the rules. A copy is also available on the Council's website.

Any proposal to permanently alter these Council Procedure Rules (other than minor or consequential amendments made by the Monitoring Officer, or in accordance with delegated authority of the Council) other than a motion to implement a recommendation of the Constitution Working Group, shall be in the form of a motion instructing the Constitution Working Group to report to Council upon such proposals. Any such motion, upon being seconded, shall be put to the vote without discussion. The Constitution Working Group shall report to the next Ordinary Council Meeting upon any matter referred to it under this Council Procedure Rule, unless the motion specifies an alternative time frame.

These Council Procedure Rules embody the requirements of the mandatory Standing Orders, as provided for by the Local Government Act 1972, Local Government and Housing Act 1989 and the Local Government Act 2000, together with secondary legislation, where appropriate. These Council Procedure Rules, therefore, constitute the Council's statutory procedural standing orders, and should be interpreted accordingly.

Where any step or action under these Council Procedure Rules is prescribed to be performed by a Designated Officer, that Officer may nominate or authorise another Officer in his/her place.

In implementing and effecting these Council Procedure Rules, the Council will comply with its statutory obligations relating to the use, recording and retention of any personal data that it receives.

### **1.3 Notices**

Any Notice required under these Council Procedure Rules may be given to the Monitoring Officer by email to [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk). The listing of names as signatures on such documents shall be deemed to be signatures.

### **1.4 Person Presiding**

Any ruling of the Person Presiding at any meeting on any point of order, interpretation of these Council procedure Rules, matters arising during the debate or with regard to the admissibility of an explanation, or otherwise, including any logistical arrangements for any meetings, shall be final and not open to discussion. However, in reaching their decision, the person presiding must give due consideration to the advice of the Monitoring Officer, or their representative.

## **RULE 2: Annual Meeting of Council**

### **2.1 Date**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 calendar days of the usual retirement date of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

Subject to these requirements, the meeting will be held at such place, on such date, and at such time, as may be fixed by the Council, subject to Council Procedure Rule 6 below.

### **2.2 Business**

The annual meeting will conduct the following business in the following order:

- (i) Elect a Councillor, other than an Executive Member, to be the Chair of Council;
- (ii) Appoint a Councillor, other than an Executive Member, to be the Vice-Chair of Council;
- (iii) Receive apologies for absences;
- (iv) Receive any declarations of interests;
- (v) Approve the minutes of the last meeting;
- (vi) Receive any announcements from the Chair, Head of Paid Service, Chief Finance Officer and/or Monitoring Officer;
- (vii) Give a vote of thanks to the retiring Chair and Vice-Chair;
- (viii) Elect the Leader of the Council, if the term of office of the current Leader has come to an end;
- (ix) Receive a report from the Leader on the appointment of the Deputy Leader, Executive Members, Joint Executive Arrangements and the Executive Scheme of Delegations;
- (x) In an election year, receive the return of the Returning Officer;
- (xi) Establish such Committees as the Council considers appropriate to deal with matters which are neither reserved to full Council nor are Executive functions, including the Overview and Scrutiny Committee and a Sub-Committee to consider Standards and Ethics;
- (xii) Appoint Councillors to Committees, including Substitute Members;
- (xiii) Adopt the Council's Constitution and agree the Scheme of Officer Delegations, other than those relating to Executive functions;

- (xiv) Approve a programme of Ordinary Meetings of the Council for the year, if not already agreed;
- (xv) Consider any business set out in the notice convening the meeting; and
- (xvi) Consider any matters deemed urgent by the Chair, after having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact to the Council.

## **2.3 Selection of Councillors on Committees**

### **2.3.1 Election of the Chair**

At the annual meeting, the Council will elect a Chair of the Council and appoint a Vice-Chair. The current Chair will preside over the election of the successor, unless they are ineligible to do so, in which case the current Vice-Chair will do so. If both the Chair and Vice-Chair are ineligible to do so the Monitoring Officer will preside for the first agenda item to Elect the Chair.

### **2.3.2 Committees, allocation to seats to political groups and appointments**

The Council at its annual meeting will also decide upon which Committees to establish for the municipal year and the size of those Committees. Having received a report from the Monitoring Officer, it will decide the allocation of seats to political groups in accordance with the political balance rules. It will then receive nominations of Councillors to serve on each Committee and appoint to those Committees, in accordance with the wishes of the political groups and subject to any other statutory requirements, except where appointment to those bodies has been delegated by the Council or is exercisable by the Leader or the Executive.

### **2.3.3 Co-opted Members**

Where appropriate, the Council will also appoint non-voting co-opted members to Committees, including confirming the appointment of the statutory role of the Independent Person(s) for the municipal year.

### **2.3.4 Recommendations from Standards Sub Committee**

In making appointments of Councillors to Committees, the Council will have regard to any recommendations from the Standards Sub Committee as to the appropriateness or otherwise of the appointment of any Councillor to a particular Committee.

### **2.3.5 Training**

In considering nominations for appointments to the Development Control Committee, Licensing Committee and Audit & Governance Committee, in accordance with the Committees and Political Groups Regulations, Group Leaders shall take into account the requirements for training referred to in [Article 5 in Part 2 of the Constitution](#).

### 2.3.6 Sub Committees

Appointments to Sub-Committees are made by the 'parent' Committee, not the Council. Any appointments to Sub-Committees, may only be from membership of the 'parent' Committee.

### 2.3.7 Chairs and Vice-Chairs of Committees

Chairs and Vice-Chairs of Committees are appointed by those Committees. Chairs and Vice-Chairs of Sub-Committees are appointed by those Sub-Committees.

### 2.3.8 Substitute Members

As well as allocating seats on Committees, the Council will appoint substitute members to those Committees.

Subject to the listed exceptions, all Members of each political group not appointed to a particular Committee or Sub-Committee, shall be named as substitute Members for the Member or Members of that group who have been appointed to that Committee or Sub-Committee, subject to provision that substitute Members for Sub-Committees are restricted to Members of the 'parent' Committee (other than in respect of the Area Development Control Sub-Committees).

The exceptions are that:

- No member of the Executive may be appointed as a substitute Member in respect of the Overview and Scrutiny Committee;
- Substitutes on Committees subject to the political balance regulations may only be substituted for Members of the same political party except where a substitute is necessary for the Committee to operate effectively, and the political group does not have sufficient membership to appoint a substitute, or the substitute is not able to attend. In these circumstances the Monitoring Officer may, having regard to the rules of political proportionality, and in consultation with the Member who is unable to attend, invite any other Member who has been designated as a substitute for that Committee, to attend;
- For meetings of the Area Development Control Sub-Committees, the rules in relation to political balance apply. However, Members of the Development Control Committee, on making appointments to the Area Sub-Committees, may indicate that they don't wish to take up their allocation of seats in accordance with the political balance rules. If all members of the Development Control Committee indicate their acceptance, that Committee may agree to appoint to their Sub-Committees, those Members who represent a Ward or part of a Ward of the District which is situated within the area of the relevant Area Sub-Committee. Any Member of the Council, with the requisite training, is permitted to substitute for a Member on the Area Development Control Sub-Committee, in accordance with the wishes of the Member being substituted;
- No member may be appointed as a substitute member of the Development Control Committee or an Area Planning Sub-Committee who does not meet the requirements for training referred to in Article 5 in Part 2 of the Constitution

- No member may be appointed as a substitute member of the Licensing Committee or Sub-Committee who does not meet the requirements for training referred to in Article 5 in Part 2 of the Constitution;
- No member may be appointed as a substitute member of the Standards Sub-Committee who does not meet the requirements for training referred to in Article 5 in Part 2 of the Constitution;
- No Member of the Executive may be substituted.

Any Member of a Committee or Sub-Committee who is unable to attend a meeting of that Committee or Sub-Committee may give notice to Democratic Services that for the duration of that meeting they will be substituted by another Member. They should do so, in advance of the commencement of the meeting, by email to [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk). The names of any substitute Members will be notified to the Committee or Sub-Committee by the Chair of the meeting under the item in the agenda dealing with apologies for absence. If the absence and appointment of substitute is notified to democratic services after the publication of the agenda, it is the responsibility of the Member to provide any relevant documents and information to the Member Substituting for them.

During a meeting substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not automatically exercise any special powers or duties exercisable by the Member they are replacing. For example, if they substitute for the Chair, they shall not automatically have the powers of the Chair, unless voted as Chair by that Committee.

Substitute Members may attend meetings in that capacity only:

- to take the place of the ordinary Member for whom they are the designated substitute Member;
- where the ordinary Member will be absent for the whole of the meeting; and
- after Democratic Services have been notified of the change.

### **2.4 Vacancies on Committees and Sub-Committees**

Any vacancies which arise on Committees and Sub-Committees, for any reason, between annual meetings of the Council shall be appointed to by the Monitoring Officer in accordance with the wishes of the political group to which the vacant seat is allocated. All Members of the Council will be asked to ratify and note the appointment at the next ordinary Council meeting.

## **RULE 3: Ordinary Meetings**

### **3.1 Date**

Ordinary meetings of the Council will take place in accordance with a programme approved by the Council and will be held at such places, on such dates and at such times as may be fixed by the Council, in accordance with Council Procedure Rule 5.

### **3.2 Business**

Ordinary meetings will:

- (i) Elect a person, who is not a Member of the Executive, to preside if the Chair and

- Vice-Chair are not present;
- (ii) Receive apologies for absence;
  - (iii) Receive any declarations of interests from Members;
  - (iv) Approve the minutes of the last meeting;
  - (v) Deal with any business expressly required by statute to be carried out;
  - (vi) Receive any announcements from the Chair, Leader, Members of the Executive, Head of Paid Service, Chief Financial Officer or Monitoring Officer;
  - (vii) Receive any announcements from the Monitoring Officers as to changes to appointment of Members on Committees, for the Council to ratify and note;
  - (viii) Receive any questions from members of the public in accordance with Council Procedure Rule 10;
  - (ix) Receive any Member questions and responses in accordance with Council Procedure Rule 11;
  - (x) Receive any Petitions and consider in accordance with the Council's Petition Scheme;
  - (xi) Deal with any business remaining from the last Council meeting;
  - (xii) Receive reports, and consider any recommendations from the Council's Committees and the Executive to the Council;
  - (xiii) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
  - (xiv) Receive and consider reports from Officers;
  - (xv) Consider motions of which notice has been given in accordance with Rule 12 of these procedures;
  - (xvi) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committee for debate; and
  - (xvii) Consider any matters deemed urgent by the Chair, after having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact to the Council.

The order of business of a meeting of the Council may be varied by the Chair or by the meeting in accordance with Council Procedure Rule 7.

### **3.3 Council Budget Meeting**

These Council Procedure Rules are supplemented by the Budget Procedure Rules at part 5K of the constitution. Where any conflict arises between the two sets of procedural rules, the Budget Procedure Rules will prevail for the annual Budget setting meeting.

## **RULE 4: Extraordinary Meetings of Council**

### **4.1 Calling an Extraordinary Meeting**

Those listed below may require the Chief Executive to summons Members to Council meetings in addition to Ordinary meetings:

- the Council by resolution;
- the Chair of the Council;
- the Leader of the Council;

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- the Head of Paid Service;
- the Monitoring Officer;
- the Chief Financial Officer; and

Any 5 members of the Council, if they have signed a requisition presented to the Chair who has refused or failed to call a meeting within 7 calendar days of presentation of the requisition. Any such requisition will be deemed to have been presented to the Chair if emailed to the Monitoring Officer at [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk).

### 4.2 Business

Extraordinary Meetings will:

- i) Elect a Councillor, who is not a Member of the Executive, to preside if both the Chair and Vice-Chair are not present;
- ii) Receive any apologies for absence;
- iii) Receive any declarations of interests;
- iv) In accordance with Council Procedure Rule 10 receive any questions from the public;
- v) Consider the single item of business specified in the summons to the meeting (a single item may be made up of more than one part provided that they all relate to a single subject);
- vi) Consider any business that the Chair deems to be urgent, having taken advice from the Monitoring Officer or their representative, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact to the Council.

### RULE 5: Time and Location of Meetings

An annual calendar of meetings will be agreed by Council and will detail the dates of all meetings.

#### 5.1 Council

Both the annual and ordinary meetings of Council will commence at 2pm and be held at the Council Chamber at Woodgreen, unless:

- The Council resolves otherwise; or
- For some practical reason this is not possible or appropriate, in which case the meeting will be held at another location, to be decided by the Chief Executive, after consulting the Chair and Leader of the Council.

If an emergency occurs, the Chief Executive may, after consulting with such of the Chair, the Leader of the Council and Leaders of the Political Groups as may conveniently be contacted, vary any arrangement agreed by the Council for the holding of Council meetings.

No meeting of the Council shall, except in an emergency, be held on a Friday evening, Saturday, Sunday, Bank Holiday or day on which the Council shall have granted a general holiday for its employees.

The time and location of Extraordinary Council meetings will be determined by the Chief Executive, in consultation with the Chair and Vice Chair, and will be notified to all Member on the summons to the meeting.

## **5.2 Committees**

The timing of meetings will be agreed by the respective Council Committees and Sub-Committees at their first meeting of the civic year. Such Council Committee meetings will usually be held at Woodgreen.

The timing and location of Executive meetings will be determined by the Leader, in consultation with the Monitoring Officer, and will be notified on the summons to meetings.

The Monitoring Officer is authorised to cancel meetings and to reschedule meetings with reasons and in consultation with the Chief Executive and the relevant Chair of the Council, a Committee or Sub Committee, provided that the agenda for the meeting has not been published.

### **RULE 6: Notice of and Summons to Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules, by publishing the time and location of the meeting on the Council's website. Where the meeting is called by Members of the Council, the notice shall be signed by those Members and shall specify the purpose of the meeting.

At least five clear working days before the day of the meeting, the Chief Executive will send a summons or agenda, signed by or on behalf of him or her, to every Member of the Council, by electronic mail, by post or by leaving it at their usual place of residence. The summons or agenda will give the date, time and location of each meeting and specify the business to be transacted, and will be accompanied by relevant reports, or shall provide access to such reports electronically.

### **RULE 7: Chair of Meeting**

The person presiding at the meeting may exercise any power or duty of the Chair. If it is necessary to choose a Member of the Council (who cannot be a Member of the Executive) to preside in the absence of the Chair and the Vice-Chair, the Monitoring Officer or their representative will preside and call for a motion that a Member of the Council take the Chair. If there is any debate on the motion then that Officer shall have all the powers of the Chair for the purposes of that debate.

The ruling of the Chair, having taken advice from the Monitoring Officer or their representative, as to the construction or application of any of these Rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council. Where these rules apply to Committee and sub-Committee meetings, references to the Chair also include the Chair of Committees and sub-Committees.

The Chair of a Council or Committee meeting can ask the meeting to agree to a change in the order of business on an agenda, except for the first two items at an Annual Council meeting.

### **RULE 8: Quorum**

The quorum of a meeting of the Council will be one quarter of the whole number of Members of the Council.

The quorum of any meeting of a Committee or sub-Committee shall be:

- not less than one quarter of the total membership of the Committee or sub-Committee; and
- subject to a minimum of three

If at any time during a meeting the number of members in attendance falls below the quorum, the person presiding will declare that there is not a quorum present, and the meeting will stand adjourned for 15 minutes. If, after 15 minutes, the person presiding declares that there is still no quorum present, then the meeting will be adjourned and any remaining business considered at the next meeting.

The consideration of all business which is on the agenda of a meeting brought to an end in this way, and which has not been completed before the meeting is brought to an end, shall be postponed to the next meeting, whether Ordinary or Extraordinary insofar as is allowed by law.

### **RULE 9: Duration of Meetings**

Where any meeting of the Council, a Committee or Sub-Committee, has lasted 3 hours, the person presiding will interrupt the meeting and any Member speaking shall stop speaking. The person presiding shall, without discussion, take a vote on whether or not the Members of the meeting wish it to continue.

Unless a majority of members present vote for the meeting to continue, then the person presiding shall, without further discussion, take a vote on the item under discussion and then the meeting shall stand adjourned. The remaining business will be considered at a time and date fixed by the Chair of the Council or Committee at that time, or, if they do not fix a time and date, at the next meeting of the Council or Committee.

If the majority of Members present vote to continue the meeting, then a further vote on whether or not to continue the meeting will take place on an hourly basis thereafter.

This Council Procedure Rule does not apply to meetings dealing with matters arising under the Licensing Act 2003 and the Gambling Act 2005, Committee meetings dealing with staff appointments or staff appeals and Standards Sub-Committee meetings dealing with code of conduct determinations.

### **RULE 10: Questions and Engagement By the Public**

#### **10.1 Questions on Notice by the Public**

A member of the public who lives, works, or studies in West Oxfordshire may ask questions of the Chair of Council, any Member of the Executive or the Chair of any Committee, on any matter in relation to which the Council has powers or duties or which affects the District.

A member of the public is limited to asking one such question at any meeting of the Council, other than Annual Council. No more than one question can be asked on behalf of any organisation or body at any Council meeting.

Notice that the question is to be asked, together with a written copy of the question, must be provided to the Monitoring Officer, via email to [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk), or by post, to be received no later than noon on the seventh working day before the day of the meeting.

No questions from the public will be allowed where the requisite notice has not been given.

## **10.2 Grounds for refusal of a Public Question**

The Monitoring Officer may reject a question if, in their opinion, it:

- Does not relate to a matter for which the Council has responsibility or does not affect the District or his residents, communities or businesses;
- Is Defamatory, frivolous, vexatious or offensive;
- It refers to legal proceedings taken or anticipated by or against the Council;
- It is substantially the same as a question which has been put to a meeting of Council in the previous 6 months;
- It requires the disclosure of confidential or exempt information; or
- It would more appropriately be responded to by the Council under the Freedom of Information Act 2000 or the Data Protection Act 1998 as amended.

## **10.3 Asking the Question and Responding**

Copies of all questions, save for those that have been rejected, will be included in the briefing document circulated to all Members of the Council, and made available to the public attending the meetings via the Council's website, at least one clear working day prior to the meeting.

The member of the public may attend in person to ask their question, as written, or in their absence, or where they prefer, the question may be read out by the Chair of the Council, or the Monitoring Officer or their representative.

Questions will be taken in the order in which they were received by Democratic Services, except that the Chair may group similar questions together.

The response will take the form of:

- A direct verbal answer;
- Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- Where the reply cannot conveniently be given verbally, a written response within 3 clear working days, to be circulated to all Members of the Council.

The response will be recorded and incorporated into the minutes of the meeting.

#### **10.4 Supplementary Questions**

The member of the public may ask a supplementary question, which must arise directly from the question itself or the response provided to the question. The Member may provide a verbal response or provide a written response to the supplementary question within 3 clear working days, to also be circulated to all Members of the Council.

No discussion will take place in respect of any question or supplementary question.

#### **10.5 Time Limits**

There is no time limit for an individual question, but there shall be a maximum total of 15 minutes allowed for questions from members of the public. If the 15 minutes expires during a question or supplementary question, the Chair may allow the question to be heard and responded to, and any supplementary question also to be put and responded to. Where the 15 minutes is not used for this purpose, any remaining time may be used for Member questions in accordance with Rule 11.1.4.

Where a question cannot be responded to during public question time due to a lack of time, it will be dealt with by way of a written response within 3 clear working days, to also be circulated to all Members.

#### **10.6 Referral to the Executive or a Committee**

In addition, any Member of the Council may move that a matter raised by a question, be referred to either the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

This provision shall apply only at Council meetings.

#### **10.7 Petitions**

Petitions, other than statutory petitions, shall be managed in accordance with the Council's Petition Scheme set out in Part 6E of the Constitution.

### **RULE 11: Questions by Members**

#### **11.1 Questions on Notice by Members**

##### **11.1.1 Notice and Scope**

Provided that the Member has given written notice to the Monitoring Officer, via email to [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk), by no later than 12 noon on the seventh working day before the date of the meeting, at a Council meeting, a Member of the Council may ask:

- the Chair;
- a Member of the Executive;
- the Chair of any Committee;
- the Council's representative on any outside body

a question on any matter in relation to which the Council has powers or duties or which affects the District, (subject to Rule 11.2 below).

### 11.1.2 Urgency

Any Member of the Council may ask a question of the Chair or Leader of the Council where it relates to an urgent matter, which could not have been foreseen 7 working days before the meeting and cannot reasonably be left in abeyance until the next scheduled Council meeting, provided they have the consent of the Chair of the Council, and that notice and a written copy of the question have been provided to the Monitoring Officer, via email to [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk), by no later than 10.00am of the day of the meeting.

### 11.1.3 Scope

The Monitoring Officer may reject any such question if it relates to:

- A decision of the Development Control Committee or its Sub-Committees on a specific Planning application;
- A decision of the Standards Sub-Committee on a Standards determination;
- A decision of a Licensing Committee on a specific application, review or similar matter;
- A decision on a staffing appointment or appeal relating to an Individual;
- A matter which is substantially the same as a question which has been put to a meeting of the full Council by a Member of that Council within the previous 6 month period.

### 11.1.4 Asking and Responding to the Question

Every question put and answered shall be without discussion.

The question will be included in writing in a briefing document to all Members, published on the Council website, and circulated at least one clear working day prior to the Council meeting.

The person to whom a written question has been put may refer it to another Member for written response.

The response will be in writing. The written response will also be included in the briefing document and circulated to all Members, and published on the Council's website, at least one clear working day prior to the day of the meeting.

Where the desired information is in a publication of the Council or other published work, the written response may simply be a reference to that publication.

### 11.1.5 Supplementary Question

A Member submitting a question under this Council Procedure Rule may ask one supplementary question, without notice, of the Member to whom the first question was put, or of the Member who provided the written response. The supplementary question must arise directly out of the original question or the response to it. The Member may provide a verbal response or provide a written response to the supplementary question within 3 clear working days. Where a written response is provided, it should be circulated to all Members of the Council.

#### 11.1.6 Referral to the Executive or a Committee

In addition, any Member may move that a matter raised by a question be referred to the Executive or a Committee. Once seconded, such a motion will be voted on without discussion.

#### 11.1.7 Time Limits

Questions will be taken in the order in which notice was given, save that the Chair may group similar questions together.

There is no time limit for each individual question but 15 minutes shall be allowed in total for Member questions. If the 15 minutes expires during a question or supplementary question, the Chair may allow the question to be heard and responded to, and any supplementary question also to be put and responded to. 15 minutes is also allowed for public questions, and if this has not been used, the remainder of this time may be added to the 15 minutes allowed for Member Questions.

Where a supplementary question cannot be responded to during member question time due to a lack of time, it will be dealt with by way of a written response to be circulated to all Members within 3 clear working days.

#### 11.1.8 Record

Questions asked on notice at Council under this procedure rule will be recorded in the minutes, and published on the Council's website, as will any response provided.

This provision shall apply only at Council meetings.

### 11.2 Questions by Members Without Notice

A Member may ask a question, at a meeting of Council, without notice as follows:

- (i) A Member of the Council may ask the Leader or the Chair of a Committee any question on an item on the agenda when that item is being considered. Such questions should be raised prior to the item being moved or seconded;
- (ii) A Member of the Council may ask the Chair, Leader, Member of the Executive or the Head of Paid Service, Chief Financial Officer or Monitoring Officer, a question arising from an announcement made at the meeting;

## RULE 12: Motions on Notice

### 12.1 Notice

Except for motions which can be moved without notice under Council Procedure Rule 13, written notice of every motion, signed by the Member or Members of the Council giving notice, must be delivered to the Monitoring Officer, via email to [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk), no later than noon on the seventh working day before the date of the meeting. An electronic signature will suffice. The Member or Members should ensure they obtain an acknowledgement of its receipt.

Motions will be dated and numbered and entered sequentially in a book which shall be open to public inspection.

## **12.2 Motion set out on agenda**

Accepted motions of which notice has been given will be listed on the agenda, unless the Member or Members giving notice state, in writing, via email to the Monitoring Officer at [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk), by 10am on the date of the meeting, that they propose to move it to a later meeting or withdraw it. All accepted motions shall be published on the Council's website.

Motions will be taken in the order in which they were received, subject to the requirement to rotate motions from each political group. Any motion from the largest political group will be taken first, followed by each other political group in order of size, followed by any motion from a member not part of a political group.

The maximum number of accepted notices to be presented at a Council meeting shall be as follows: 2 each from the 3 largest political groups; 1 each from any other political group; and 1 from any Member not belonging to a political group.

## **12.3 Scope**

Motions must be about matters for which the Council has powers or duties or which affect the District.

Any motion must be limited to 500 words.

A motion may be rejected by the Monitoring Officer, if in their opinion, the motion:

- Is not relevant either to some matter in relation to which the Council has powers or duties or it does not affect the District; or
- Is defamatory, frivolous, unlawful, vexatious or offensive; or
- Refers to legal proceedings taken or anticipated by or against the Council; or
- Is substantially the same as a motion which has been received and accepted in the previous 6 months; or
- Requires to disclosure of confidential or exempt information; or
- Is improper, out of order, or not relevant.

Where a motion is rejected by the Monitoring Officer, they shall return the Motion to the Member of the Council who gave notice of it, stating that it will not be inserted on the agenda, and providing reasons for that decision.

Where the Council is in the process of consulting with the public on a proposal, or responding to a formal consultation process, no notice of motion expressing support or objecting to the proposals shall be accepted.

## **12.4 Time limit**

There will be a total maximum time period for Motions on Notice of 60 minutes but no time limit for dealing with each motion.

### **12.5 Motion not proposed at Meeting**

If a motion set out in the agenda is not proposed either by a Member who gave notice of it or by some other Member acting on their behalf it shall, unless postponed by consent, shown by a majority vote of those present, of the Council, be treated as withdrawn and shall not be further moved without fresh notice. In accordance with Council procedure Rule 12.3 above this cannot be until a period of 6 months has expired.

### **12.6 Action on the Motion**

If the subject matter of any motion of which notice has been given falls within the remit of any Committee of the Council, or of the Executive, when it has been proposed and seconded it shall stand referred without discussion to that Committee or the Executive.

If the matter requires a decision of the Executive, the decision of the Executive shall be available to all Members via the minutes of the Executive meeting. If the matter stands referred to a Committee, the Council may decide whether it shall be decided by that Committee or whether action is to be taken by the Council on report of that Committee to a future Council meeting.

Notwithstanding the above, if the subject matter is to be determined by the Council and is not an Executive matter, the Chair may, if they consider it convenient and conducive to the conduct of business, allow it to be dealt with at the Council meeting at which it is brought forward.

### **12.7 Attendance at Meeting considering Motion**

If a Motion is referred to a Committee of which the proposer, or the seconder in the absence of the proposer, is not a Member, or to the Executive, the proposer shall be entitled to attend that meeting and to explain the Motion. The Member may answer questions from the Executive or Committee, for the purposes of clarification, prior to any debate and may sit with the Committee or Executive for the item in question, subject to the access to information procedure rules. The Member may not partake in the debate, nor vote upon the item.

### **RULE 13: Motions without Notice**

The following motions, and amendments to motions, may be moved without notice:

- to appoint a Chair of the meeting at which the motion is moved;
- in relation to the accuracy of the minutes;
- to change the order of business in the agenda;
- to refer something to an appropriate body or individual, including referring any matter for consideration by the Executive or a Committee;
- to appoint a Committee or Member arising from an item on the summons for the meeting;
- to receive reports or adopt the recommendations of the Executive, Committees or Officers and any resolutions arising from them;
- to withdraw a motion;
- to extend the time limit for speeches;
- to amend a motion;

- to postpone consideration of a motion;
- to proceed to the next business;
- to take an immediate vote on a motion;
- to adjourn a debate;
- to adjourn a meeting;
- that the meeting continue beyond three hours in duration;
- to suspend a particular Council procedure rule;
- to exclude the public and press in accordance with the Access to Information Rules;
- to not hear further a member named under Rule 23 or to exclude them from the meeting under that Rule; and
- to give the consent of the Council where its consent is required by this Constitution;
- motions relating to a vote by way of ballot;
- motions relating to announcements from the Chair, Leader, Members of the Executive, Head of Paid Service, Chief Financial Officer or Monitoring Officer;
- To carry out a statutory duty of the Council which, by reason of special circumstances, the Chair is of the opinion should be considered at the meeting as a matter of urgency;
- To invite a Member to withdraw in accordance with the Members' Code of Conduct.

#### **RULE 14: Rules of Debate for Council**

Rules of debate for the consideration and determination of the annual budget, reference is made to the Council's Budget Procedure Rules in Part 5J of the Constitution.

##### **14.1 Management of the debate**

The Chair shall have the control of any debate and will use discretion to ensure the effective, efficient, fair and orderly conduct of the business.

The Chair will normally follow the rules set out in this Council Procedure Rule but the Chair's interpretation, application or waiver of these rules of debate will be final.

##### **14.2 Speeches and Questions**

Before moving the motion, the proposer will take any questions on the motion from Members. Such questions must directly relate to the motion being proposed and are restricted to questions directly relating to clarity of what is proposed.

No speeches or debate may be made after the mover has moved a proposal or amendment until the motion or amendment has been seconded.

Once a proposal has been moved and seconded, no questions nor answers are permitted, other than in respect of an amendment to the motion prior to such an amendment being moved. Once proposed and seconded, only speeches or debate are permitted.

##### **14.3 Right to require Motion in writing**

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

#### **14.4 Secunder's Speech**

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

#### **14.5 Content and Length of Speeches**

Speeches must be directed to the motion under consideration or to a personal explanation or point of order.

No speech by the proposer of a motion (but not an amendment) shall exceed 10 minutes, when proposing the motion and when exercising the right of reply at the close of debate on a motion. All other speeches in a debate shall not exceed 5 minutes. This rule is subject to the consent of the meeting to extend a speech.

#### **14.6 When a Member may speak again**

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

- to speak once on an amendment moved by another Member;
- to move a further amendment if the motion has been amended since they last spoke;
- if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- in exercise of a right of reply;
- on a point of order; and
- by way of personal explanation.

#### **14.7 Amendments to Motions**

An amendment to a motion must be relevant to the motion and will either be:

- to refer the matter to an appropriate body or individual, including the Executive or a Committee, for consideration or reconsideration;
- to give guidance to the Executive or Committee on a subject determined under delegated powers;
- to amend the wording of the motion, provided that the effect is not to negate the motion or introduce a new proposal into the debate.

If necessary, the Chair, or an Officer supporting them, will read out the amended motion before the amendment is put.

If the Chair is of the opinion that any amendment proposed is of a defamatory, frivolous, vexatious or offensive nature, they may immediately put to the vote a motion that the amendment not be entertained or further permitted. If such a motion is seconded, a vote shall be taken without debate. If carried, the amendment will not be permitted and shall be considered disposed of.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, but the Chair

may permit two or more amendments to be discussed together (but not voted on) if in their opinion this would facilitate the conduct of the business.

If an amendment is not carried, other amendments to the original motion may be moved, provided that no such amendment may have a similar effect to one previously determined by the meeting.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chair or an Officer supporting them, will read out the amended motion before accepting any further amendments.

After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise, as the case may be, prior to the taking of a vote.

#### **14.8 Alteration of Motion**

With the consent of the seconder, and the Council, signified without discussion, a Member may alter: -

- a motion of which they have given notice; or
- a motion which they have moved without notice; or
- an amendment to a motion they have moved.

Only alterations which could be made as an amendment to the motion may be made.

#### **14.9 Withdrawal of Motion**

A Member may withdraw a motion of which they have given notice, by simply not proposing it at the meeting.

A Member may withdraw a motion, or an amendment to a motion, which they have moved, with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the matter after the mover has asked permission to withdraw it unless permission is refused.

#### **14.10 Right of Reply**

The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it. The mover of the amendment shall have a right of reply immediately after the reply on the amendment by the mover of the original motion before a vote is taken.

A Member exercising a right of reply shall confine him or herself to answering previous speakers and shall not introduce new matters or material. The Chair's ruling on this shall be final and not open to discussion.

#### **14.11 Chair may sum up debate**

The Chair may, if they think fit, sum up the debate before putting a motion or amendment to the vote and if such debate involves a question of a legal, administrative or technical nature, they may request the appropriate statutory Officer, or their representative, to draw the attention of the meeting to any relevant factors.

#### **14.12 Motions which may be moved during debate**

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

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to postpone consideration of a motion;
- (iv) to proceed to the next business;
- (v) to take an immediate vote on the motion;
- (vi) to adjourn a debate;
- (vii) to adjourn a meeting;
- (viii) that the meeting continue beyond three hours in duration;
- (ix) to exclude the public in accordance with the Access to Information Rules; and
- (x) to not hear further a Member named under Rule 22 or to exclude them from the meeting under that Rule.

#### **14.13 Closure Motions**

A Member may move, without comment, the following motions at the end of a speech of another Member:

- (i) to proceed to the next business;
- (ii) to take an immediate vote on a motion;
- (iii) to adjourn the debate;
- (iv) to adjourn the meeting;
- (v) to exclude the public from the meeting in accordance with Access to Information Rules; or
- (vi) that a Member be not heard further in accordance with Council Procedure Rule 22.

If a motion to proceed to next business is seconded and the Chair considers the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then move, without further debate, to a vote on the procedural motion to proceed to next item of business. If that motion is carried then the substantive motion before Council is dropped and no decision has been taken on it and none will be recorded.

If a motion to take an immediate vote is put and seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion that the vote now be taken, to the vote, without debate. If the procedural motion is carried, they will give the mover of the original motion a right of reply and then move to the vote on the substantive motion.

If a motion to adjourn the debate or to adjourn the meeting, is proposed and seconded, and the Chair considers the item has not been sufficiently discussed and cannot be reasonably

discussed at that meeting, they shall put the procedural motion to the vote without debate and without giving the mover of the original motion, or amendment, a right of reply. On resuming an adjourned debate, the Member who moved the adjournment is entitled to speak first; the proposer of the substantive motion, or amendment, will have their right of reply in the usual way at the end of the resumed debate. The motion may specify the location, date and time at which the adjourned debate or meeting shall take place, but if it does not, such decisions shall be determined following the meeting by the Chair in consultation with the Monitoring Officer. Members shall be advised in the usual way by notice of summons to the adjourned meeting.

If a motion to exclude the public is moved and seconded, which is not on the agenda, the Chair shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer, or their representative, as to whether members of the public may lawfully be excluded. If they may, the Chair shall put the procedural motion to exclude the public to the vote, without debate and without allowing a right of reply. If the procedural motion is carried, the Chair may, at their discretion, either immediately require the public to leave the meeting room or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.

If a motion that a named Member be not heard further, is proposed and seconded, the Chair shall put the motion to the vote without debate. If it is carried, the named Member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter.

### **14.14 Points of Order**

A Member may raise a point of order at any time by indicating to the Chair. The Chair will hear them immediately, subject to Council Procedure Rule 22.4.

A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member shall be required by the Chair to indicate the Council Procedure Rule or law they consider has been breached and the way in which they consider it has been breached before they are heard.

The ruling of the Chair on the matter will be final and is not open to discussion.

### **14.15 Personal Explanation**

A Member may make a personal explanation at any time, by indicating to the Chair. The Chair shall hear them immediately, subject to Council Procedure Rules 14.14 and 22.4.

A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final and is not open to discussion.

### **14.16 Recommendations to Council from the Executive and Committees**

Any recommendations from, or reports by, the Executive or a Committee, to Council, shall be taken in date order, unless otherwise required. Each recommendation shall be moved by the Leader or relevant Executive Member if Executive, or Committee Chair, if a

Committee, or their representative. After being moved and seconded, the matter shall be open to debate and the rules of debate above shall apply.

## **RULE 15: Motion to Rescind or Amend a Previous Decision**

### **15.1 Motions on Notice to rescind a previous decision or similar to one previously rejected**

A motion on notice to rescind a decision made at a meeting of Council within the past six months, or a motion on notice similar to one previously rejected in that period cannot be moved unless the notice of motion is signed by at least 17 Members of the Council or advice has been given by one of the Council's statutory officers that the matter should be reconsidered.

### **15.2 Motions arising during debate to rescind a previous decision or similar to one previously rejected**

If a motion or amendment is raised during a debate at a meeting of Council, to rescind a decision made at Council within 6 months, or similar to one rejected within the previous 6 months, the Chair shall reject it.

### **15.3 Exceptions**

- Council Procedure Rules 15.1 and 15.2 do not apply;
- To motions moved in pursuance of a recommendation of the Executive or a Committee; or
- To motions to carry out any statutory duty of the Council which, in the opinion of the Chair, is of an urgent nature; or
- Where a decision has been made by another body since the Council's decision, which significantly affects the decision and necessitates reconsideration of the matter.

## **RULE 16: Voting**

### **16.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

Unless a ballot or recorded vote is demanded or required, then the Chair shall take the vote by an electronic vote or a show of hands.

The Chair shall ascertain the number of Members voting for, against or abstaining on any question, shall announce those numbers to the meeting, and declare the result and whether the motion is carried or not. The Chair's declaration as to the result will be final.

### **16.2 Chair's Casting Vote**

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

If there are equal number of votes for and against and the Chair chooses not to exercise their casting vote, then the matter to be determined shall fall.

### **16.3 Ballot**

A ballot is a vote whereby Members signify their vote by writing on a piece of paper issued to them individually for that purpose and the vote of individual Members is not identified as being by that Member. The vote will take place by ballot if a majority of Members present at the meeting demands it, and there has been no valid request for a recorded vote. Such demand to be made by motion without notice, moved, seconded and voted on without debate.

The Chair shall announce the numerical result of the ballot immediately the result is known.

### **16.4 Recording of Voting at Budget Decision Meeting**

At a budget decision meeting of the authority where making a calculation under the relevant sections of the Local Government Finance Act 1992 or issuing the precept as the case may be was included as an item of business on the agenda for that meeting, the minutes of the meeting shall record in respect of each member present whether they voted for a proposition, or against a proposition, or abstained from voting.

The references above to voting are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

Further reference should be made to the Budget Procedure Rules at Part 5J of this Constitution.

### **16.5 Matters for Noting**

Where a meeting of Council is asked to simply note a matter, rather than determine it, or make any substantive decision, the Chair will take the vote by the affirmation of the meeting, provided there is no dissent.

### **16.6 Recorded Vote**

A recorded vote is a vote by way of roll call (which may be taken as an electronic vote) and shall be recorded in the minutes of the meeting to show how each Member present and voting cast their vote. The name of any Member present and abstaining from voting shall also be recorded.

Any Member can request, before the vote is taken, that their individual vote is recorded.

Any Political Group Leader may request, before a vote is taken, that the votes of everyone within that political group are recorded.

If 7 members request a recorded vote, before the vote is taken, then the vote is to be recorded.

## **16.7 Voting on Appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **RULE 17: Council Officers**

### **17.1 Officers Speaking at Council**

Other than in relation to Council Procedure Rule 17.2, no Officer other than:

- The Head of Paid Service;
- The Monitoring Officer, or their representative at a meeting;
- The Chief Financial Officer, or their representative at a meeting.

Shall be called upon to speak at a Council meeting without the consent of the Head of Paid Service. However, where the consent of the Head of Paid Service is given, Officers in addition to those listed above, may be called upon to contribute by way of advice, guidance or presentations on any matter under consideration at the meeting.

### **17.2 Officer Reports to Council**

Where any matter is subject to a report direct to Council, from an Officer, the Officer may introduce the report, answer any questions for the purpose of clarification and provide advice during the debate. The Officer may decline to answer questions which they perceive to be political in nature.

### **17.3 Matters Affecting Officers**

If any question arises at a meeting of Council, the Executive or a Committee at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any officer of the Council, such question shall not be the subject of discussion until the Council, the Executive or the Committee, as the case may be, has considered excluding the public under the Access to Information Procedure Rules and section 100A of the Local Government Act 1972.

## **RULE 18: Representatives on Outside Bodies**

Members of the Council who are appointed to outside bodies as representatives of that Council are encouraged to keep other Members of the Council informed about such meetings they attend on an informal basis.

Where a Member who is a representative on an outside body is of the view that a matter to be considered by that body is of such importance as to require that they are informed as to the Council's opinion on that item, the Member shall be entitled to request the Monitoring Officer to place the item on the agenda of the appropriate Council meeting, the Executive or a Committee. The Member may address the Council, Executive or Committee as in Council Procedure Rule 12.7.

## **RULE 19: Confidentiality of Papers**

Save as provided by the Local Government Act 1972, and the Access to Information Procedure Rules, all summonses, agendas, reports and other documents shall be treated as confidential unless and until either they become public in the ordinary course of the Council publishing its business, or the consent of both the Chair and the Monitoring Officer are obtained.

## **RULE 20: Minutes**

### **20.1 Signing the minutes**

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record, provided that the previous meeting took place more than 10 clear working days prior to the day of the meeting. The only part of the minutes that can be discussed is their accuracy. Any questions as to the accuracy of the minutes as a record shall be raised by motion.

Where there is no ordinary meeting of a Committee or Sub-Committee expected to take place within a period of 6 months after a meeting for which draft minutes have been prepared:

- In respect of a Committee, Council may agree the accuracy of the minutes;
- In respect of a Sub-Committee, the 'parent' Committee may agree the accuracy of the minutes;
- In respect of Committees or Sub-Committees which have ceased to meet and their functions have been subsumed in another Committee or Sub-Committee, the new Committee or Sub-Committee may agree the accuracy of the minutes;

### **20.2 Minutes at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph ie. an Ordinary meeting) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **20.3 Form of Minutes**

Minutes of Council and non-Executive meetings will contain a summary of any debate, setting out the main points that were considered, all motions and amendments in the exact form and order the Chair put them, and the wording of the final decision. Minutes are not intended to be a verbatim record of events.

Minutes of Executive meetings shall contain a summary of the reasons for the decision, the decision and the date for call-in.

## **RULE 21: Status of Draft Records of Decisions and Minutes**

Until such time as the Council, the Executive or a Committee whose record is set out in the draft record or minute confirm that record or minute as an accurate record of their decision, they are a working draft only.

Subject to Council Procedure Rule 20.1, only the body whose record is set out in the draft record or minute may alter or amend the record or minute.

If a Member wishes to propose a recommendation to Council that differs from that set out in the draft record or minute then it must be done by way of an amendment to the motion before Council.

## **RULE 22: Attendance and Conduct of Members**

### **22.1 Record of Attendance**

All Members present during the whole, or part, of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. Any omission may be remedied at the discretion of the Monitoring Officer, or by the amendment of draft minutes of a meeting prior to confirmation, at the next or subsequent meeting in accordance with Council Procedure Rule 20.

### **22.2 Attendance for Part of a Meeting**

Any Member who is not present for the entirety of an agenda item, and has not heard the whole of the presentation and/or debate, is precluded from participating in the vote of that matter.

### **22.3 Speaking at Council**

A Member may indicate their desire to speak at full Council, by raising their hand. When called to speak by the Chair of the meeting, they should stand, where comfortable to do so, and should address the meeting through the Chair. If more than one member indicates a desire to speak, the Chair will attempt to take speakers in the order in which they indicated. Other Members must remain silent whilst a Member is speaking. Other Members must remain seated whilst a Member is speaking, unless they wish to make a point of order or a personal explanation.

### **22.4 Chair standing**

If the Chair stands during a debate, any Member speaking at the time must stop speaking and be seated. The meeting must be silent, whilst the Chair speaks.

### **22.5 Member not to be heard further**

If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may direct the Member to stop speaking. If following such a direction to stop speaking, the Member continues to speak, the Chair may move that the Member be not heard further on the agenda item. If seconded, the Chair shall put the motion to the vote without discussion. If passed, the Member shall not be permitted to speak on the same matter again during that meeting.

### **22.6 Member to leave the meeting**

If a Member persistently disregards the ruling of the Chair by continued irrelevance or repetitions, or by behaving improperly or offensively, or deliberately obstructs business, the Chair may request the Member to leave for the remainder of the meeting. If following a

request to leave the meeting, the Member fails to leave, the Chair may move that the named Member leaves the meeting, or that the meeting is adjourned for a specified period. If seconded, the Chair shall put the motion to the vote without discussion.

### **22.7 General disturbance**

If there is a general disturbance making orderly business impossible, the Chair may, at their discretion, adjourn the meeting for as long as they think necessary.

### **22.8 Electronic Devices**

Members may at any meeting use any device for the recording of the meeting, the sending or receiving of communications in relation to the meeting or the publication of the contents of the meeting, provided that:

- Such device remains silent;
- The Member does not record or communicate any matter or information relating to the contents of any meeting or part of a meeting which is in relation to information which is confidential or which the Members have agreed to exclude the public in accordance with the Access to Information Procedure Rules.
- The use of the device does not disrupt the meeting nor distract members of the public, or any Member from the content of the meeting;
- No oral commentary is recorded;
- The Member complies with statutory provisions relating to data protection and other legislation relating to the recording, use of and retention of personal data.
- If the Member's use of a device does not comply with this Council Procedure Rule, then the Chair of the meeting may take action in accordance with Council Procedure Rule 22.6.

### **22.9 Vacation of office by failure to attend meetings**

If a Member fails for a period of 6 months from the date of their last attendance, to attend a meeting of the authority, they shall, unless the failure was due to a reason approved by the authority before the expiry of that six month period, cease to be a Member of the Council.

Further advice should be sought, in a timely manner, from the Monitoring Officer as to what would constitute attendance at a relevant meeting to prevent section 85 of the Local Government Act 1972 having the effect of vacating the Member from their office.

## **RULE 23: Attendance and Conduct of the Public**

### **23.1 Exclusion of the Public**

Members of the public and press may only be excluded from a meeting of the Council either in accordance with the Access to Information Rules in this Constitution or this Council Procedure Rule.

### **23.2 Removal of member of the public**

If a member of the public interrupts proceedings, causes a disturbance or behaves improperly, or offensively, or by deliberately obstructing business, the Chair will warn the

person concerned. If they continue their conduct after having been warned, the Chair may direct that they leave the meeting room. If necessary or appropriate, the Chair may adjourn the meeting for a short period to enable the person to leave.

### **23.3 General disturbance**

If there is a general disturbance in any part of the meeting room open to the public, the Chair may direct that the part of the meeting room be cleared. If necessary, or appropriate, the Chair may adjourn the meeting to enable the area to be cleared.

### **RULE 24: Delegations**

The Council may delegate non-Executive matters from time to time to Committees as it sees fit or as legislation prescribes. The Leader may delegate Executive matters from time to time to the Executive.

Both the Council and the Leader may delegate matters from time to time to Officers as it sees fit or as legislation prescribes, in addition to those delegated under the Scheme of Officer delegations.

When delegating to the Executive, a Committee or an Officer, the Council may give guidance as to the manner in which the matter should be dealt with, provided that such guidance does not have the effect of causing Council to breach the rules of natural justice, prejudicing the determination by the delegatee required to be judged on its own merits, or of fettering the discretion of the delegatee.

No individual Member, Officer or group of Members or Officers, or both, shall be entitled to exercise any power or function of the Council save as delegated to them by the Council, the Executive, a Committee or another Officer exercising a power or fulfilling a function on behalf of the Council or as detailed in this Constitution.

Whilst the Chair of a Committee and Executive Members can expect to be consulted on matters affecting their areas of responsibility, they shall not have power to act on behalf or, or bind, the Council, unless the Council or the Leader has given them specific delegated powers to do so.

### **RULE 25: Attendance by Members at Meetings of which they are not a Member**

#### **25.1 Attendance by the mover of a motion**

A Member of the Council who has moved a motion which has been referred to the Executive or a Committee shall be given notice by the Monitoring Officer of the meeting at which it is proposed that the motion be considered. The Member shall have the right to attend the Meeting whilst the motion is being considered, to explain the motion and answer questions.

#### **25.2 Attendance by Representative on Outside Body**

Where a Member has requested the Monitoring Officer to place an item on the agenda in accordance with Council Procedure Rule 18, they shall have the right to attend that meeting whilst that item is under consideration.

### **25.3 Attendance of Members at Meetings**

Any Member of the Council may attend, in the public gallery, as an observer, any Committee or Sub-Committee of which they are not a Member. A Member observing may remain in the Meeting where the public are excluded, subject to the provisions of the Access to Information Procedure Rules, provided that they have a need to know about the matter under consideration, and that they do not have a relevant interest in the matter that would preclude their attendance. It is assumed that every Member will have a need to know about the matter under consideration, although this presumption is rebuttable and advice should be taken from the Monitoring Officer.

A Member of the Council who is not a Member of the Executive or a Committee, and has a relevant interest in any item under consideration at a particular meeting, that would prevent them from participating if they were a Member of the Executive or that Committee, is not entitled to be present in any part of the room where the meeting is taking place during the discussion of that item, unless a dispensation has been granted by the Monitoring Officer.

No Member is entitled to attend any of the Meetings below unless they are appointed as a Member of that Committee or are substituting for such a Member. Council Procedure Rule 25.3 therefore does not apply when:

- The Standards Sub-Committee goes into closed session to determine a Member conduct complaint;
- The Licensing Committee or Sub-Committee when they go into closed session to determine an individual quasi-judicial case;
- Any Committee when it goes into closed session to determine the capability or conduct of an individual Officer under the Council's disciplinary or grievance procedure, or any other employment policy;
- Any Committee considering the appointment of a Council Officer.

### **25.4 Speaking by Members at meetings**

Subject to the provisions below, an observer may, at the discretion of the Chair be invited to speak on an item under consideration at that meeting. The Member must have, prior to the commencement of the meeting, notified the Chair of their desire to address the meeting. The Chair shall have total discretion as to whether or not to invite such a Member to address the meeting.

However, a Member who is not a Member of the Development Control Committee may not address that Committee in respect of any planning application, unless a similar right within the Constitution is granted to the applicant, any objector and any supporter.

A Member who is not sitting as a Member of the Licensing Committee or the Licensing Sub-Committee may not address that Committee or Sub-Committee unless they have a right to speak under relevant statutory regulations.

A Member who is not sitting as a Member of the Standards Sub-Committee may not address the Sub-Committee when hearing a code of conduct complainant, unless they are representing or acting as witness for either the Monitoring Officer, Investigating Officer or the Subject Member.

## **25.5 Leader of the Council**

The Leader of the Council, or Deputy Leader in their absence, may attend any meeting of a Committee and speak on any item under consideration as of right, unless they have a relevant interest in the matter that would preclude them from being present.

However Council Procedure Rule 25.5 does not apply to meetings of:

- The Standards Sub-Committee goes into closed session to determine a Member conduct complaint;
- The Licensing Committee or Sub-Committee when they go into closed session to determine an individual quasi-judicial case;
- Any Committee when it goes into closed session to determine the capability or conduct of an individual Officer under the Council's disciplinary or grievance procedure, or any other employment policy;
- Any Committee considering the appointment of a Council Officer.

## **25.6 Voting**

A Member of the Council attending a meeting of the Executive or a Committee on which they have not been appointed to serve, and are not acting as a substitute Member is not entitled to vote on any item under consideration.

### **RULE 26: No Confidence in the Chair of a Committee**

At any meeting of a Committee, a Member of that Committee may move that 'the Meeting has no confidence in the Chair'. If seconded, the motion shall, after debate, be put and, if carried by a majority of at least two thirds of the Members present, the Chair shall immediately stand down and the remainder of the meeting shall be chaired by the Vice-Chair or, in their absence, by a Member elected for that purpose by the Meeting.

During the consideration of such a motion the Chair shall cease to be the Chair of the Committee and shall be an ordinary member of the Committee, and as such, the Chair's casting vote would not apply. The Monitoring Officer, or their representative, will act as Chair of the Committee during consideration of the motion.

Following a successful vote of no confidence in the Chair, they shall not officiate at any subsequent meeting of the Committee prior to the next meeting of the Council. At that meeting, the Council shall consider whether or not to confirm the vote of no confidence. If by a simple majority they decide to confirm the vote, the office of Chair of the relevant Committee shall be declared vacant and a new Chair shall be elected by the Council. If the Council does not confirm the vote by a simple majority, the Member remains as the Chair of the Committee.

### **RULE 27: The Leader of the Council**

#### **27.1 Appointment of the Leader**

The Council shall elect a Leader at each Annual Council Meeting where the term of office of the Leader has come to an end due to the fact that their term of office as a Councillor has ended.

Members present at the Annual Council Meeting shall nominate one or more persons to be Leader, from among the Members. Any nomination which is not seconded, shall not be considered further.

Where there is only one Member nominated and seconded, then the Chair shall provide an opportunity for a debate before calling for a vote which shall require a majority of those present and voting to determine whether the Member shall be elected as Leader.

Where there are 2 Members nominated and seconded then, following the opportunity for debate, the Chair shall call for a vote and the Member who received the largest number of votes shall be elected as Leader.

Where there are 3 or more candidates seeking appointment to a single position, there shall be a vote for each candidate; and

If one of the candidates receives more than half of all the votes cast in the election, that candidate is to be appointed;

If no candidate received more than half of all the votes cast then the candidate with the least number of votes will be eliminated and a new vote taken. This process will continue until there is a majority of votes for one person.

The motion shall be in accordance with Council Procedure Rule 12 and the voting shall be in accordance with Council Procedure Rule 16.

### **27.2 Removal of the Leader**

If a Member wishes at a Council meeting to move a motion of no confidence in the Leader of the Council, the Member must give not less than 10 clear working days' notice to the Monitoring Officer via email at [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk). The motion must be signed by the mover and the seconder.

The Monitoring Officer shall place the motion on the agenda for the next meeting of Council. The motion before the Council shall be considered after the receipt of any declarations of interest, approval of minutes of the last meeting and questions and statements by the public.

The motion shall be in accordance with Council Procedure Rule 12 and the voting shall be in accordance with Council Procedure Rule 16.

### **27.3 Consequence of a Motion of No Confidence**

Where a motion of no confidence is carried, the Leader shall cease to be the Leader of the Council with immediate effect. The Council shall proceed to elect a new Leader at that meeting or the next meeting of the Council.

### **27.4 Term of Office**

The Leader shall hold the office of Leader in accordance with Part 2D of the Constitution (Article 4). Should the Leader resign from their appointment, an Extraordinary Meeting will be called to deal with the appointment of a new Leader in accordance with this Council

procedure Rule. The Deputy Leader will assume the role of Leader until such appointment is made.

## **RULE 28: Chair of the Council**

### **28.1 Election**

The Council shall elect a Chair at each Annual Council Meeting. The existing Chair shall take the Chair for the item on the agenda, unless he is conflicted, when the Vice Chair will take the Chair for the single item of business. If both the Chair and Vice Chair are conflicted, the Monitoring Officer, or their representative, will take the Chair for the election of the Chair.

Members present at that Annual Meeting shall propose one or more persons to be Chair from among the Members. Any proposal which is not seconded shall not be considered further.

Where there is only one Member proposed and seconded, the Chair shall provide an opportunity for a debate before calling for a vote which shall require a majority of those present and voting to determine whether the Member shall be elected as Chair.

Where there are 2 Members proposed and seconded, then a debate on the proposals will follow, then the Chair shall call for a vote and the Member who received the largest number of vote shall be elected as Chair.

Where there are 3 or more Members proposed and seconded, following a debate on the proposals, the Chair shall call for a vote for each Member proposed and:

If one proposed Member receives more than half of all the votes cast in the election, that Member is elected as Chair;

If no Member received more than half of all the votes cast then the Member with the least number of votes will be eliminated and a new vote taken. The process will continue until there is a majority of votes for one person, who shall be elected as Chair.

Voting will take place in accordance with Council Procedure Rule 16.

### **28.2 Removal**

If a Member wishes at a Meeting of Council to move a motion of no confidence in the Chair of the Council, the Member must give not less than 10 clear working days' notice in writing to the Monitoring Officer via email at [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk). The motion must be signed by the mover and the seconder.

The Monitoring Officer shall consider the motion in accordance with the provisions of Council Procedure Rule 12. If accepted, the Monitoring Officer shall place the motion on the agenda for the next meeting of the Council, provided that such a meeting is not an Annual Council Meeting. This may be at an Extraordinary Meeting of the Council if the provisions of Council Procedure Rule 4 have been complied with. The motion before the Council shall be considered as the first item of business after the receipt of any declarations of interest, approval of minutes of the last Meeting and questions by the public.

During the consideration of such a motion, the Chair shall cease to be Chair of the Council and shall be an ordinary Member of the Council. The Monitoring Officer, or their representative, shall act as Chair during consideration of the motion.

After debate, the motion shall be put to the vote and if carried by a majority of at least two thirds of the Members present, the Chair shall immediately stand down and the remainder of the Meeting shall be chaired by the Vice Chair.

### **28.3 Consequence**

Where a motion of no confidence in the Chair of the Council is carried, the Chair shall cease to be the Chair of the Council with immediate effect. The Council shall proceed to elect a new Chair at that meeting of the Council. The item of election of the new Chair shall be chaired by the Monitoring Officer or their representative.

### **RULE 29: Business of an Urgent Nature**

If having consulted both the Chief Financial Officer and the Monitoring Officer, the Chief Executive is of the opinion that urgent action is required, in accordance with the Scheme of Officer Delegations, before a decision could be taken by Council, the Executive or a Committee that has the appropriate authority, they may take the decision in accordance with their urgency power as set out in the Part 4A of the Constitution (Officer Scheme of Delegations).

If the decision is one which would normally be taken by the Council, the Chief Executive will consult with the Leader of the Council and all other Group Leaders, where practicable. If the decision is one which would normally be taken by the Executive, the Chief Executive will consult with the Leader. If the decision is one which would normally be taken by a Committee, the Chief Executive will consult with the Leader and the Chair of that Committee.

Every such decision shall be reported to the next available Ordinary Meeting of the Council, Executive or the Committee that would normally have taken the decision.

### **RULE 30: Filming and recording**

The law allows the proceedings of council meetings which are open to the public to be filmed and/or recorded. Any such filming or recording can be by any member of the public, whether or not they are connected with the media. For more information about this, please see <https://www.westoxon.gov.uk/media/zz2cbxhw/filming-and-recording-of-meetings-protocol.pdf>

### **RULE 31: Suspension and Amendment of Council Procedure Rules**

#### **31.1 Suspension**

All of these Council Procedure Rules except those parts of Rule 16 relating to the right to record an individual vote; and Rule 20 relating to the signing of minutes at an extraordinary meeting, may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### **31.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, where a report will be received with a recommendation from the Monitoring Officer.

#### **RULE 32: Application of Rules to Committees and Sub-Committees**

All of the Council Rules of Procedure apply to meetings of full Council.

None of the rules apply to meetings of the Executive, except where expressly stated.

Subject to any requirements or exceptions set out in them, the following Rules:

- Rule 5 (Time and Location of Meeting)
- Rule 6 (Notice and Summons)
- Rule 7 (Chair of meeting)
- Rule 8 (Quorum)
- Rule 9 (Duration of meeting)
- Rule 10 (Questions and engagement from the Public)
- Rule 11 (Questions by Members)
- Rule 12 (Motions on notice)
- Rule 13 (Motions without notice)
- Rule 14 (Rules of debate for Council)
- Rule 15 (Motion to rescind or amend previous decisions)
- Rule 16 (Voting)
- Rule 20 (Minutes)
- Rule 22 (Attendance and Conduct by Members)
- Rule 23 (Attendance and Conduct by the Public)
- Rule 31 (Suspension and Amendment of Council Procedure Rules)
- Rule 32 (Application of Rules to Committees and Sub-Committees)

shall apply to meetings of Committees and Sub-Committees, including the Overview and Scrutiny Committee and Overview and Scrutiny Sub-Committees