

# Chapter 2 – The Full Council

## Part 1 – The Full Council

### Article 4 – The Council

#### 1. Composition

- 1.1 The Council comprises the 49 directly elected Councillors meeting as a body (or as many of those Councillors who are in office at the time concerned).

#### 2. Functions of the Council

- 2.1 The Council has the following functions:

- (a) Adopting and changing the Constitution, except in so far as this function has been delegated to the Monitoring Officer
- (b) Approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer
- (c) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Chapter 8 of this Constitution, making decisions about the discharge of an Executive Function where the decision-maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget
- (d) Electing or removing the Leader
- (e) Agreeing and/or amending the terms of reference for Committees of Council, deciding on their composition and making appointments to them
- (f) Appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council
- (g) Adopting a scheme for Members' allowances
- (h) Changing the name of the area
- (i) Appointing or dismissing the Chief Executive
- (j) Making, amending, revoking, re-enacting or adopting bylaws, or promoting or opposing the making of local legislation or personal Bills
- (k) All other functions which the Council lawfully decides should be undertaken by itself rather than the Leader / Cabinet and which are set out in this chapter of the Constitution
- (l) All other matters which, by law, must be reserved to Council

### **3. Council meetings**

- 3.1 Council meetings will be conducted in accordance with the Council Procedure Rules in Part 2 of this chapter of the Constitution. Council meetings will be Chaired by the Mayor (or Deputy Mayor where appropriate).

### **4. Responsibility and delegation of functions**

- 4.1 The Council may arrange for the discharge of any of its functions by a Committee of the Council, a Sub-Committee of the Council or by an Officer, subject to certain functions such as setting the Budget and Council Tax, decisions that depart from the Budget and Policy Framework or appointing the Chief Executive which are reserved by statute exclusively to Council. Similarly, a Committee may delegate any of its functions to a Sub-Committee or an Officer, and a Sub-Committee may delegate any of its functions to an Officer.
- 4.2 The Council (in respect of its functions) or the Leader (in respect of Executive Functions) may (subject to any restrictions in regulations under section 236 of the Local Government and Public Involvement in Health Act 2007) arrange for any of their functions to be discharged by an individual Councillor in relation to that Councillor's ward. The Council or Leader have not yet made any such arrangements for ward Councillor decision-making.

### **5. The Policy Framework**

- 5.1 "The Policy Framework" means the plans and strategies which have been approved by the Council to comprise the Policy Framework, and includes, at a minimum, the following:
- (a) Crime and Disorder Reduction Strategy
  - (b) Local Transport Plan
  - (c) Licensing Authority Policy Statement under the Licensing Act 2003 and Gambling Act 2005
  - (d) Plans with Development Plan Document Status
  - (e) Corporate Plan Health and Well-Being Plan
  - (f) Vision and Priorities
- 5.2 The Framework also includes the plans and strategies specified later in this Chapter at Part 3, paragraph 1.2 to 1.4.

### **6. The Budget**

- 6.1 "The Budget" means the authority's Budget as approved by a resolution of the Council and includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

## **Article 5 – The Mayor and the Chair of the Council**

### **1. Election**

1.1 The Council will elect the Mayor annually at its Annual Meeting.

### **2. Mayor's Term of Office**

2.1 The Mayor will remain in office until:

- (a) the election of his/her successor at the next Annual Meeting, notwithstanding that he/she may cease to be a Councillor by reason of non-re-election
- (b) his/her ceasing to be a Councillor by virtue of being disqualified from office, or
- (c) his/her removal from office by a resolution of Council

### **3. Mayor's Functions and Responsibilities**

3.1 The Mayor and in his or her absence the Deputy Mayor will have the following functions and responsibilities:

- (a) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary
- (b) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community
- (c) To exercise a second and casting vote at meetings of the Council in the event of a tied vote
- (d) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not in the Cabinet are able to hold the Leader / Cabinet to account
- (e) To promote public involvement in the authority's activities
- (f) To be the conscience of the authority
- (g) To attend such civic and ceremonial functions as the Council and he/she determines appropriate
- (h) To decide (in the absence of the Chair of the relevant Overview and Scrutiny Committee) whether a matter is so urgent as to allow the Cabinet to take a decision in respect of it even though it is not contained in the Forward Plan and 5 clear days' notice of the decision have not been given; or that decision concerns a plan or strategy forming part of the Budget or Policy Framework and would be contrary to or, in the case of the Budget not wholly in accordance with, that framework.

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## **Part 2 – Council Procedure and Rules**

### **1. Types of Council Meeting**

1.1 There may be five types of Council meeting:

- (a) The Annual Meeting
- (b) Ordinary meetings
- (c) Extraordinary meetings
- (d) State of borough debate
- (e) Themed Council meetings

1.2 These meetings will be conducted in accordance with the procedure Rules set out in this part of the Constitution:

### **2. Annual Meeting of the Council**

#### **Time and Place**

2.1 In a year when there is an ordinary election of Councillors, the Annual Meeting shall take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May.

2.2 Subject to Rule 2.1 above, the Annual Meeting shall be held at such date, time and place as the Council may resolve or, in default of such resolution, as may be determined by the Chief Executive and notified in writing to all Members.

2.3 The Annual Meeting of the Council shall take place at 7pm in the Council Offices at Grays unless otherwise determined by Council.

#### **Business**

2.4 The Annual Meeting will:

- (a) Elect a person to preside if the Mayor and Deputy Mayor are not present
- (b) Receive any apologies for absence from Members
- (c) Approve correct minutes
- (d) Elect a Mayor for the ensuing municipal year
- (e) Consider urgent business
- (f) Elect a Deputy Mayor for the ensuing municipal year
- (g) Receive any declarations of interest from Members and Officers

- (h) Elect a Leader of the Council in any year in which the Leader's term of office expires [see Note below]
- (i) Receive any announcements from the Mayor or the Leader. An announcement being a formal communication of items of news or matters of public interest to the Council and should not take the form of a political statement.
- (j) Establish the following and their size and terms of reference:
  - (i) at least one Overview and Scrutiny Committee for the purposes of section 21 of the Local Government Act 2000, and determine which Overview and Scrutiny Committee or Committees shall have responsibility for Crime and Disorder, for Education, and for Health
  - (ii) a Committee for the purposes of the Licensing Act 2003
  - (iii) Health and Wellbeing Board
  - (iv) such other Committees as may be necessary for the proper discharge of the functions of the Council
- (k) Note the allocation of seats on Committees and Sub-Committees to members of political groups and those seats to be filled by Members who are not in any political group, appoint Members to those allocated Committee seats in accordance with the nominations of the political group Leaders, and appoint Members to the remaining Committee seats from among those Members who are not in any political group
- (l) Appoint any co-opted Members to the Standards and Audit and to any Overview and Scrutiny Committees, and to other Committees as appropriate
- (m) Determine to which Committees substitute Members may be appointed and appoint substitute Members in accordance with the nominations of political group Leaders
- (n) Appoint such Chairs and Vice-Chairs of Committees as it falls to Council to appoint
- (o) Receive nominations for, and make appointments to, those outside bodies to which the Council is entitled to appoint except where that right of appointment is exercisable only by the Leader / Cabinet
- (p) Agree the date, time and place of ordinary meetings of Council for the coming municipal year
- (q) Consider any business set out in the notice convening the meeting

Note: Rule 2.4 (h) above will apply only at annual meeting following an election, or following the removal or death or incapacity or resignation of the Leader.

## **Order of Business**

- 2.5 The order of business at the Annual Meeting may be varied, except in respect of Rules 2.4 (a) to (g).

## **3. Ordinary Meetings**

### **Time and Place**

- 3.1 Ordinary meetings of the Council will take place at such date time and place as may be determined by Council.
- 3.2 The Mayor or Deputy Mayor (if the Mayor is not available) may cancel or postpone an ordinary meeting prior to the issue of public notice of the meeting where, after consultation with the Chief Executive, the Mayor or Deputy Mayor (if the Mayor is not available) considers that there is insufficient business to transact or where an event occurs which the Mayor or Deputy Mayor (if the Mayor is not available) considers would make it inappropriate to hold the meeting on the intended date. If circumstances make it impossible for a meeting to be held as convened, the Mayor or Deputy Mayor (if the Mayor is not available), after consultation with the Chief Executive, may postpone an ordinary meeting and hold the meeting on a date to be agreed with Group Leaders.
- 3.3 All ordinary meetings of the Council shall take place at 7pm in the Council Offices at Grays unless otherwise determined by Council.

### **Business**

- 3.4 Business at ordinary meetings will be to:
- (a) Appoint a person to preside if neither the Mayor nor the Deputy Mayor is present or able to act
  - (b) Receive any apologies for absence from Members
  - (c) Approve as a correct record the minutes of the last meeting
  - (d) Consider any matter which, by reason of special circumstances to be specified in the minutes of the meeting, the Mayor considers should be considered at the meeting as a matter of urgency
  - (e) Receive any declarations of interest from Members
  - (f) Receive any announcements from or on behalf of the Mayor or the Leader. An announcement being a formal communication of items of news or matters of public interest to the Council.
  - (g) Answer questions from members of the public
  - (h) Receive petitions from Members and from members of the public in accordance with the authority's Petition Scheme and Rule 14 below
  - (i) Make any appointments that fall to be made to Committees, Outside Bodies, Statutory and Other Panels

- (j) Deal with any business deferred from the last Council meeting
- (k) Receive any reports from the Overview and Scrutiny Committees, the Standards and Audit Committee, or other Committees of the Council
- (l) Receive reports from the Statutory Officers
- (m) Receive reports from the Cabinet or from Members of the Cabinet
- (n) Receive any reports from the Chairs of Overview and Scrutiny committees
- (o) Answer questions received from Members in the order in which they were received
- (p) Receive reports from Members and Officers attending as the authority's representatives on outside bodies about the business of joint arrangements, boards and partnership bodies and external organisations
- (q) Receive for information the minutes of Committees
- (r) Consider motions from Members in the order in which they were received

3.5 At the first ordinary meeting of the municipal year, an 'Opening of the Municipal Year' debate will be tabled. This item will last for a maximum of 1 hour and will outline the administration's plans for the upcoming municipal year. The Leader will have 10 minutes to introduce the item. There will be 50 minutes for debate, which will be managed by the Mayor.

### **Order of Business**

- 3.6 Where the Monitoring Officer considers that the report or consideration of any item or items of business is likely to disclose confidential or exempt information, he/she may group any such items together on the agenda for convenience.
- 3.7 The Mayor may vary the above order of business at an ordinary meeting of the Council, except in respect of Rules 3.4 (a) to (e).

### **External speakers**

- 3.8 Should he/she consider it conducive to or likely to facilitate the consideration of any item of Council business, the Mayor may invite such speakers to address the meeting of the Council as he/she considers appropriate. All Members will be given proper notice of the speaker's invitation and where any opportunities arise, and are appropriate, the facility to lodge, with notice, written questions to the speaker.

## **4. Extraordinary Meetings**

### **Calling extraordinary meetings**

- 4.1 Those listed below may require the Proper Officer (who for this purpose shall be the Chief Executive) to call Council meetings in addition to ordinary meetings:
- (a) The Council by resolution

- (b) The Mayor
- (c) A Statutory Officer of the authority
- (d) Any five Members may together call the meeting and the Chief Executive shall make arrangements accordingly provided they have signed a requisition specifying the business to be considered at the meeting and presented the requisition to the Mayor and he/she has refused to call a meeting or has failed within seven days of the presentation of the requisition to call a meeting.

4.2 Upon receipt of such requirement, the Chief Executive shall arrange a meeting of Council to be held within 20 working days of receipt by her/him of the request.

### **Time and Place**

4.3 All Extraordinary Meetings of the Council shall take place at 7pm in the Council Offices at Grays unless otherwise determined by Council.

### **Business**

4.4 Business at extraordinary meetings of the Council shall be restricted to the following:

- (a) To appoint a Member to preside at the meeting if neither the Mayor nor the Deputy Mayor are present and able to preside
- (b) To receive apologies for absence from Members
- (c) To receive any declarations of interest from Members and Officers
- (d) To consider any business set out in the notice convening the meeting
- (e) To consider any matter which, by reason of special circumstances to be specified in the minutes of the meeting, the Mayor considers should be considered at the meeting as a matter of urgency.

### **Order of Business**

4.5 Where the Monitoring Officer considers that the report or consideration of any item or items of business is likely to disclose confidential or exempt information, he/she may group any such items together on the agenda for convenience.

4.6 The Mayor may vary the above order of business at an ordinary meeting of the Council, except in respect of Rule 4.4 (a) to (c).

## **5. State of Thurrock Debate**

5.1 Subject to the Council's approval the Leader may call, in consultation with the Opposition Leader, a state of the borough debate annually on a date and in a form to be agreed with the Mayor.

5.2 The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement. This may include holding workshops and other events prior to or during the state of the borough debate.

5.3 The debate will be chaired by the Mayor.

5.4 The results of the debate will be:

- (a) disseminated as widely as practicable within the community and the agencies and organisations in the area, and
- (b) considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year

## **6. Themed Council Meetings**

6.1 In addition to approving a programme of ordinary meetings of the Council for the year the Council, at its annual meeting, may consider whether to hold a meeting on a particular topic on a date to be agreed.

6.2 The meeting shall take the form of a debate which may include provision for the Council to establish a Committee of all the Members of the Council for the purposes of the debate and, subject to the Council's agreement, for other individuals/organisations to contribute at the meeting.

6.3 The debate will be chaired by the Mayor.

6.4 The results of any debate by a Committee of the Council consisting of all Members of the Council may, at its conclusion, be considered by the Council at its resumed meeting as a recommendation of a Committee in accordance with the Council Procedure Rules.

## **7. Notice of Summons and Cancellation of Meetings**

7.1 The Chief Executive will give notice to the public of the date, time and place of any meeting in accordance with the Access to Information Rules.

7.2 At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence or such other address as the Member shall have notified the Chief Executive in writing as the address to which he/she has notified the Chief Executive that he/she wishes summonses to be sent. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where a meeting has been called by Members under Rule 4.1 (d), the notice of the meeting shall be signed by those Members.

NB. The period of "five clear days", excludes any Saturday, Sunday, Bank Holiday, Christmas Day or Good Friday, the day the agenda is sent to the Members and the day of the meeting.

7.3 The Mayor, in consultation with the Chief Executive, may cancel any meeting of Council by written notification to every Member and public notice in accordance with Rule 3.2.

## **8. Person Presiding**

8.1 In this procedure, reference to the Mayor shall include reference to the person presiding at the meeting or part of the meeting where the Mayor, and/or the Deputy Mayor, is absent or

unable to act, and the person presiding shall have all the powers of the Mayor for the purpose of the conduct of the meeting or item of business.

- 8.2 This Rule applies when neither the Mayor nor the Deputy Mayor are present or able to act in respect of any meeting or particular item of business, and it is necessary to elect a person to preside in their absence.
- 8.3 The Chief Executive or in his/her absence an Officer on behalf of the Chief Executive shall exercise the powers of the Mayor in respect of the election of a Member to preside (but shall not have a first or casting vote) and shall invite nominations from Members and conduct an election for a person to preside at the meeting or in respect of the particular item, as necessary.
- 8.4 Where there is an equality of votes on such election, the Chief Executive or his/her representative may adjourn the meeting for up to 15 minutes. If after such adjournment, there is still an equality of votes, the matter shall be determined by the drawing of lots.

## **9. Quorum**

- 9.1 The quorum of a meeting will be one third of the number of Members of the Council – that is, 17, where there are no vacancies amongst the Members.
- 9.2 If, once a meeting has started, the Mayor is aware that a quorum may not be present, he/she shall count the number of Members present and, if a quorum is not present, declare there is not a quorum present. The Mayor shall then adjourn the meeting for not more than 15 minutes to secure the attendance of a quorum or adjourn the meeting to a date, time and place determined by the Mayor. If the Mayor does adjourn the meeting for a maximum of 15 minutes, and at the expiry of that time a quorum is still not present, he/she shall adjourn the meeting to a date, time and place determined by the Mayor.

## **10. Record of Attendance**

- 10.1 All Members present during the whole or any part of a meeting must sign their names on the attendance sheet provided before the conclusion of the meeting.

## **11. Duration of Meeting**

### **Termination of Meetings**

- 11.1 If the business of the meeting has not been concluded by three hours after its start, the Mayor must interrupt the meeting. The Member speaking must immediately sit down and the Mayor will then immediately and without debate take a vote on the item under discussion (including any amendment) and shall then dispose of the remaining business in accordance with Rule 11.2 below.

### **Disposal of remaining business**

- 11.2 Subject to Rule 11.3 below, if there are other motions or recommendations on the agenda that have not been dealt with, they are deemed formally moved and seconded and shall be put to the vote by the Mayor without Debate.

- 11.3 Where a notice of motion submitted under Rule 15 falls to be dealt with under Rule 11.2, the Member giving the notice may either:
- (a) speak to the motion for not more than three minutes before the motion is put by the Mayor without Debate; or
  - (b) require that the motion is deferred to the next available meeting and dealt with as business deferred from the previous meeting
- 11.4 During the process set out in Rule 11.2, the only motions which may be moved are:
- (a) that a matter be delegated or referred to an appropriate body or individual for decision or report
  - (b) that a matter be deferred to the next meeting
  - (c) to move a motion that may be moved during debate, under Rule 19.23
- 11.5 Voting shall be in accordance with these Procedure Rules including those relating to recorded votes.
- 11.6 When all the other motions or recommendations have been dealt with, the Mayor may, at his/her absolute discretion, allow a further fifteen minutes to be added to the meeting to discuss the minutes of Committees and take questions from Members on them. This extra period of time may not be used for any other purpose.

### **Close of the meeting**

- 11.7 When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

## **12. Interests of Members and Officers in matters under consideration**

### **Declaration of Interests – Members**

- 12.1 Members must declare in accordance with the Members' Code of Conduct any non-pecuniary, non-disclosable pecuniary and any disclosable pecuniary interest which they have in any matter which is included in the agenda for the meeting, in accordance with the Members' Code of Conduct and at the item of business on the agenda relating to the declaration of Members' interests.
- 12.2 When declaring an interest Members must also disclose the nature of that interest.
- 12.3 In addition, if during the consideration of any matter, a Member realises that he/she has an interest which he/she should have declared in the matter under consideration, he/she shall declare that interest immediately. Where a Member arrives after the start of the meeting, the Member must make such declarations of interest as soon as possible after arrival and the Mayor shall permit them to do so at the earliest opportunity.

### **Withdrawal from the meeting for Disclosable Pecuniary Interests**

- 12.4 Where a Member has a disclosable pecuniary interest in any matter, he/she must withdraw from the meeting, including withdrawal from the public gallery, for the duration of

the consideration of the matter except where the Member has been granted a dispensation to speak and / or vote in accordance with the Members Code of Conduct.

## **13. Minutes**

### **Signing the minutes**

- 13.1 The Mayor will, at the next suitable meeting, move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy. If approved by the meeting, the Mayor will then sign the minutes.

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

- 13.2 This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under paragraph 3 of schedule 12 of the Local Government Act 1972) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **Form of Minutes**

- 13.3 Minutes of a meeting shall record all motions and amendments in the exact form in which the Mayor put them to the meeting.

## **14. Petitions and Questions**

### **Petitions**

- 14.1 In accordance with the Council's Petition Scheme a petition organiser may request the opportunity to present their petition to the Council.
- 14.2 A petition must:
- (a) identify and be accompanied by contact details, including an address, for the petition organiser
  - (b) contain the name, a valid address and the signature of least 10 local government electors for the administrative area of Thurrock who support the petition – if a petition does not contain the signatures of 10 local government electors in Thurrock, proof of residence in the borough may be checked through Council Tax records, as a secondary measure
  - (c) include a clear and concise statement covering the subject of the petition – it should state what action the petitioners wish the Council to take
  - (d) relate to a matter for which the authority has responsibility and which affects the authority or its area
  - (e) not, in the opinion of the Monitoring Officer, be trivial, defamatory, offensive, be substantially the same as a petition which has been considered under these

Rules within the previous 12 months, name or clearly identify an employee of the authority, or involve the disclosure of confidential or exempt information

- 14.3 A petition may only be presented to Council when notice has been submitted to the Monitoring Officer no later than midday on the working day before that meeting of the Council.
- 14.4 Petitions may be presented to the Council in accordance with the authority's Petition Scheme by the petition organiser, by another signatory of the petition authorised by the petition organiser or by a Member on behalf of the petition organiser.
- 14.5 Any Member or member of the public presenting a petition shall be entitled to address the Council on the matter which is the subject of the petition for up to three minutes. Unless the petition relates to a matter which is to be determined by Council itself, it shall then be referred to the Cabinet, Cabinet Member or Committee, as appropriate, without debate.
- 14.6 The relevant Portfolio Holder or Committee Chair will have the opportunity to speak for up to one minute to acknowledge the petition.

### **Public Questions**

- 14.7 Any resident of the authority's area may submit a question addressed to the Leader, a Member of the Cabinet, a Chair of any Committee or Sub-Committee, or a Member appointed to represent the Council on a Joint Committee by delivering it in writing to the Monitoring Officer, to be received by Democratic Services by 5pm at least six working days prior to a meeting of Council (for example, as the Council usually meets on a Wednesday, the deadline for receipt of a question will be 5pm on the Monday the week before the meeting is due to be held). The question must relate to a matter which affects the authority or residents of the authority's area and in relation to which the authority has powers, and must name the individual to whom it is addressed. A question must be concise and clearly worded and must not extend into a statement. The question must relate to a single proposition and may not contain more than one part. No member of the public may submit more than one question in total for any one meeting of Council or ask or submit questions on behalf of another member of the public.
- 14.8 The Monitoring Officer shall copy the question to the person to whom it is addressed and place it on the agenda for the next meeting of Council unless, in his/her opinion:
- (a) the request does not comply with the requirements of Rule 14.6 above
  - (b) the question is defamatory of an individual, offensive, discloses confidential or exempt information, names or clearly identifies an employee of the authority, or otherwise infringes the proper conduct of local government
  - (c) the question is substantially the same as a question which has been previously received and answered within a 3-month period, and there has been no significant and relevant change of circumstances since the previous question was answered; or
  - (d) the question discloses, or the reply is likely to disclose, confidential or exempt information

- 14.9 The Monitoring Officer shall put the questions on the agenda in the order that they have been received.
- 14.10 Where the questioner is present, the person to whom the question was addressed shall then provide a verbal answer to the question (which may include a more detailed answer in writing). Where the person who submitted the question is not present, the person to whom the question was addressed may provide a written response as an alternative to a verbal response.
- 14.11 Where the person who submitted the question is present, after the initial answer, they may ask one supplementary question arising directly out of the initial question or answer which must not extend into a statement, without notice, and the person who answered the initial question shall respond to the supplementary question.
- 14.12 The time limit for all questions under this Rule at any meeting shall be up to 45 minutes. Where a question is not dealt with at the meeting, the person to whom the question is addressed shall provide a written answer as soon as practicable, but no later than, the next meeting.

### **Members' Questions**

#### **Questions without notice**

- 14.13 Any Member may ask the Leader, a Cabinet Member or the Chair of a Committee any question without notice upon an item of report or recommendation of the Cabinet, Cabinet Member or Committee concerned, immediately following the presentation of that matter.

#### **Questions on Notice**

- 14.14 Any Member may submit a maximum of 2 questions (except for the Leader of the Opposition who can ask 2 questions of the Leader and a further 2 in total of other Members) for the next ordinary meeting of Council addressed to the Leader, a Member of the Cabinet, a Chair of any Committee or Sub-Committee, or a Member appointed to represent the Council on a Joint Committee by delivering them in writing to the Monitoring Officer, to be received by Democratic Services by 5pm at least 6 working days prior to a meeting of Council – for example, as the Council usually meets on a Wednesday, the deadline for receipt of questions will be 5pm on the Monday the week before the meeting is due to be held. The question must relate to a matter which affects the authority or residents of the authority's area and in relation to which the authority has powers, and must name the individual to whom it is addressed. A question must relate to a single proposition and may not contain more than one part. No Member may ask or submit questions on behalf of another Member.
- 14.15 The Monitoring Officer shall copy the question to the Member to whom it is addressed and place it on the agenda for the next meeting of Council unless, in his/her opinion:
- (a) the request does not comply with the requirements of Rule 14.13 above
  - (b) the question is defamatory of an individual, offensive, discloses confidential or exempt information, or otherwise infringes the proper conduct of local government

- (c) the question is substantially the same as a question which has been previously received and answered within the past three months, and there has been no significant and relevant change of circumstances since the previous question was answered.

- 14.16 The Monitoring Officer shall place the questions on the agenda in the order that they have been received. Where the Monitoring Officer considers that the question or the answer is likely to disclose confidential or exempt information, he/she shall place the question in the exempt part of the agenda. A question may be withdrawn by the Member giving notice provided that such notice is in writing and is submitted to the Monitoring Officer before the agenda is published.
- 14.17 At the meeting, the Mayor shall enquire whether the Member submitting the question is present. Where they are present, the Member to whom the question was addressed shall then provide a verbal answer to the question (which may include a promise to provide a more detailed answer in writing). Where the Member who submitted the question is not present, the Member to whom the question was addressed may provide a written response as an alternative to a verbal response. A question may be withdrawn after the agenda has been published but before the meeting if the Member who submitted the question has given notice in writing to the Monitoring Officer. A question may be withdrawn at the meeting in person by the Member who submitted the question before it is to be put.

### **Supplementary Questions**

- 14.18 Where the Member who submitted the question is present, after the initial answer, they may ask two supplementary questions arising directly out of the initial question or answer which must not extend into a statement, without notice, and the Member who answered the initial question shall respond to the supplementary questions.

### **Time Limits**

- 14.19 The time limit for all questions under this Rule at any meeting shall be up to 45 minutes. Where a question is not dealt with at the meeting, the Member to whom the question is addressed shall provide a written answer as soon as practicable after the meeting.

### **Answers**

- 14.20 An answer may take the form of:
- (a) A direct oral answer
  - (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication
  - (c) Where the reply cannot be conveniently given orally, for example because of the absence of the questioner, a written answer circulated.

## **15. Motions on Notice**

- 15.1 Except for motions which can be moved without notice under Rule 16 below, any Member may submit a notice of motion in writing to the Monitoring Officer for the next ordinary

Council meeting, or extraordinary meeting where the meeting is to be convened to consider the subject matter of the notice of motion, to be received by Democratic Services by 5pm at least six working days before the date of the meeting to which it is addressed – for example, as the Council usually meets on a Wednesday, the deadline for receipt of a Motion will be 5pm on the Monday the week before the meeting is due to be held. A notice of motion may be accompanied by a statement of not more than 200 words setting out the reason for the proposed motion.

- 15.2 A notice of motion must relate to a matter which affects the authority or the authority's area and must relate to a matter in respect of which the authority has a relevant function.
- 15.3 A notice of motion may be in more than one part and contain more than one recommendation, but must all relate to the same subject matter.
- 15.4 The Monitoring Officer may reject a notice of motion if, in his/her opinion:
- (a) it does not comply with the requirements of Rule 15.1 above
  - (b) the notice of motion is defamatory of an individual, offensive, or otherwise infringes the proper conduct of local government
  - (c) the recommendation in the notice of motion would be illegal
  - (d) the notice of motion is substantially the same as a question that has been received previously and answered within the past year, and there has been no significant and relevant change of circumstances since the previous question was answered
- 15.5 Where the Monitoring Officer rejects a notice of motion, he/she shall inform the Member submitting the notice of motion as soon as practicable and shall not include the rejected notice of motion in the public record or agenda.
- 15.6 The Monitoring Officer shall record all such notices of motion (not including a rejected notice) in the order in which they are received and such record shall be open to public inspection on request.
- 15.7 The Monitoring Officer shall include all notices of motion and accompanying statements in the agenda for the next relevant meeting of Council in the order received, save that:
- (a) where two or more notices of motion are received from a particular Member for the same meeting, that Member's second notice of motion shall be included after all other Members' first notices of motion, that Member's third notice of motion shall be included after all other Members' second notices of motion, and so on.
  - (b) where he/she considers that the notice of motion, statement or consideration of the notice of motion is likely to result in the disclosure of confidential or exempt information, in which case he/she may group such notices of motion together with other items of business which are, in his/her opinion, likely to involve the exclusion of press and public during their consideration.

- 15.8 The Council shall not debate any motion which would give rise to a significant change to the income of the Council, to its expenditure or to contract terms, unless it has received a report from the Chief Finance Officer or the Monitoring Officer, as appropriate, setting out the legal or financial effect of the motion.
- 15.9 Where a Member submits a notice of motion which would require an accompanying report under Rule 15.8, he/she shall at the same time provide the Chief Finance Officer and /or the Monitoring Officer with sufficient supporting information to enable them to prepare such accompanying report.
- 15.10 Where a motion which would require an accompanying report under Rule 15.8 falls to be moved without such accompanying report being made available to all Members of Council, the motion shall stand adjourned without debate to the next available meeting of Council.
- 15.11 There will be no time limit for moving and debating motions on notice.
- 15.12 Subject to Rule 15.13, if there are other motions or recommendations on the agenda that have not been dealt with by the close of the meeting, they are deemed formally moved and seconded and shall be put to the vote by the Mayor without Debate.
- 15.13 Where a notice of motion submitted under Rule 15 fails to be dealt with under Rule 15.12, the Member giving the notice (or any Member notified as proposing the motion under Rule 19.2) may either:
- (a) speak to the motion for not more than three minutes before the motion is put by the Mayor without Debate; or
  - (b) require that the motion is deferred to the next available meeting and dealt with as business deferred from the previous meeting
- 15.14 If a motion is not moved and seconded, it will not be considered at the meeting to which it has been submitted. Any such motion may be submitted to a future meeting of the Council in accordance with Rule 15.1.

**Automatic reference to the Executive / Cabinet or a Committee**

- 15.15 If the subject matter of a motion is within the remit of the Cabinet or a Committee, upon being moved and formally seconded, it shall stand referred without discussion to the Executive / Cabinet or relevant Committee including Overview and Scrutiny Committees as the Council may determine, for consideration and report to the Council as soon as practical. At that time the motion shall be considered with any such report which shall include any appropriate risk assessments.
- 15.16 The Council may permit a motion to be dealt with at the meeting at which it is brought forward, provided that the subject matter is urgent or that it is appropriate to deal with the matter, subject to proper information regarding the matters referred to above.
- 15.17 If the motion has been moved only formally the mover shall be entitled to speak in introducing it when it is considered by the Council either at the same meeting (if agreed as above) or at the next meeting when the report of the Cabinet or a Committee is also submitted.

### **Motions Affecting Persons Employed by the Council**

- 15.18 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of section 100 (A) (2) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Council or Committee as the case may be, has decided whether or not the power to exclude the public under section 100 (A) (2) of the Local Government Act 1972 shall be exercised.

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

- 15.19 A motion or amendment to rescind, or which has the effect of rescinding, a decision made at a meeting of Council within the past six months, may not be moved except upon a recommendation from the Leader or Cabinet for a variation of the approved Budget or Policy Framework, or where the Monitoring Officer confirms that it is appropriate for the Council to reconsider the matter to comply with law, as a result of a change of law or material change of circumstances.

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

- 15.20 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least five Members. Once the motion or amendment is dealt with, no Member can propose a similar motion or amendment for a further six months.

### **Motion to remove the Leader of the Council from office**

- 15.21 The Leader may be removed from office by resolution of the Council, on a notice of motion signed by fifteen Members and approved, without amendment, by the Council. Any such Motion must be delivered to the Monitoring Officer in writing at least ten working days before the date of the meeting to which it is addressed. If the Council passes such a resolution, a new Leader is to be elected:

- (a) At the meeting at which the Leader is removed from office; or
- (b) At a subsequent meeting

- 15.22 In the event that the Leader no longer holds office as described above, the Deputy Leader will carry out the role and duties of the Leader until the new Leader is elected by the Council.

## **16. Motions without Notice**

- 16.1 The following motions may be moved without notice:
- (a) To appoint a person to preside at the meeting or part of the meeting at which the motion is moved
  - (b) In relation to the accuracy of the minutes
  - (c) To change the order of business in the agenda
  - (d) To refer something to an appropriate body or individual

- (e) To elect a Leader or to appoint any other member to a position of authority, i.e., Chair of a Committee, where a vacancy exists in such office [see note below]
- (f) To appoint a Committee or Member arising from an item on the summons for the meeting
- (g) To receive reports or adoption of recommendations of the Executive / Cabinet, the Overview and Scrutiny Committee, Review and other Committees or Officers and to pass any resolutions following from them
- (h) To withdraw a motion
- (i) To amend a motion
- (j) To proceed to the next business
- (k) That the question be now put
- (l) To adjourn a debate
- (m) To adjourn a meeting
- (n) To suspend a particular Council procedure rule for a period not exceeding the duration of that meeting
- (o) To exclude the public and press in accordance with the Access to Information Rules
- (p) To not hear further from a Member named under Rule 22.5 or to exclude them from the meeting under Rule 22.6
- (q) To move an urgent motion where the Mayor has given consent under Rule 16.2

Note: Rule 16.1 (e) above will apply in respect of the Leader only at the annual meeting following an election, or following the removal or death or incapacity or resignation of the Leader.

16.2 The Mayor shall, notwithstanding this Rule, have the absolute discretion in exceptional circumstances to accept urgent written notices of motion that cannot reasonably await the next meeting of the Council save for motions of no confidence.

## **17. Motions of No Confidence**

17.1 Motions of no confidence in any office holder shall require to be carried by a majority of the Members of the whole Council (that is, 25 Members) in order to be approved.

17.2 Motions proposing that a vote of no confidence be taken in respect of any office holder may not be treated as an urgent matter by the Mayor under Rule 16.2.

## **18. Reports and Recommendations**

18.1 The following persons may make a report and recommendations to the Council:

- (a) The Mayor
- (b) The Leader
- (c) Portfolio Holder
- (d) The Chair of Standards and Audit Committee
- (e) The Monitoring Officer
- (f) A Proper Officer
- (g) Any other Officer, reporting in accordance with a statutory obligation
- (h) A Member or Officer reporting as the Council's representative on any statutory body or authority.

18.2 Except in cases of urgency, such person shall report by delivering the report and recommendation to the Monitoring Officer at least 10 clear working days before the meeting.

18.3 Any person having such right to report (or any other person nominated by them) shall have the right to address Council for 3 minutes on the matter of any report and shall answer any questions from Members thereon.

## **19. Rules of Debate**

### **Requests to change the order in which Motions are considered**

19.1 At any meeting of the Council, a Member may request the Mayor to exercise his / her discretion to change the order in which Motions submitted in accordance with Rule 15 are to be considered. The Mayor will exercise their discretion in deciding upon any such request but will take into account the views of any Member who has submitted a Motion that may not be considered in the order in which it was placed on the Agenda for the meeting.

### **Proposing and seconding motions**

19.2 All motions, including amendments, must be proposed and seconded by Members, or deemed to be so under these Rules, before they may be debated and voted upon. Any motion submitted may be proposed by a Member other than the one who submitted it on notice to Democratic Services no later than midday on the day of the meeting, if the Member who submitted is not attending the meeting. The Member who submitted the motion may nominate another Member to move the motion at the meeting, if both Members are present at the meeting.

19.3 A Member seconding a motion shall indicate his/her intention to second the motion immediately following the proposal of the motion, and may then elect to speak immediately following the proposer, or may elect to reserve his/her speech until later in the debate (subject to the prior termination of the meeting or a resolution that the matter be now put).

19.4 Reports and recommendations from Cabinet, Committees, Sub-Committees and Officers shall be deemed to have been proposed and seconded, and the proposer's speech may

be taken (for Cabinet) by the Leader or another Cabinet Member deputed by the Leader or (for Committees and Sub-Committees) by the Chair, or in his/her absence the Vice-Chair, or in both their absence by a Member of the Committee or Sub-Committee chosen by the Mayor.

- 19.5 If the subject matter of the motion is within the remit of the Executive / Cabinet or a Committee, upon being moved and formally seconded, it shall stand referred without discussion to the Executive / Cabinet or relevant Committee including Overview and Scrutiny Committees as the Council may determine, for consideration and report to the Council as soon as practical. At that time the motion shall be considered with any such report which shall include any appropriate risk assessments.

#### **Right to require motion in writing**

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

#### **Content and length of speeches**

- 19.7 Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- 19.8 No speech may exceed 4 minutes without the consent of the Mayor except:
- (a) the proposer of any motion who shall have 5 minutes to move that motion (except on a motion to amend where the 4-minute time shall apply)
  - (b) The Leader, a Cabinet Member or the Chair or Vice Chair of a Committee who is presenting a report to Council or moving the adoption of minutes or recommendations may speak for 5 minutes
  - (c) At the Meeting of Council at which the authority's Budget is proposed, the Leader shall be allowed 20 minutes to set out his/her priorities or to propose the Budget, and a further 10 minutes to respond to any speech. The Leader of the Opposition shall be allowed 15 minutes to reply to a Leader's speech (but not to the response).
- 19.9 In the event of the absence of the Leader or the Leader of the Opposition, the Mayor shall invite the Deputy Leader or another Cabinet Member (for the Leader) or another Member of the same political group (for the Leader of the Opposition) to exercise the rights of speech of the Leader or the Leader of the Opposition.

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

- 19.10 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- (a) To second formally a motion or amendment, having reserved the right to speak later
  - (b) To speak once on an amendment moved by another Member

- (c) To move a further amendment if the motion has been amended since he/she last spoke
- (d) If his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried)
- (e) In exercise of a right of reply
- (f) On a point of order
- (g) By way of personal explanation.

### **Amendments to motions**

- 19.11 An amendment to a motion must be relevant to the motion and may be in either or both of the following forms:
- (a) To refer the matter to an appropriate body or individual for consideration or reconsideration; or
  - (b) To leave out words and/or add and/or insert words as long as the effect of so doing is not to negate the motion.
- 19.12 Any amendment must be in writing and submitted to the Monitoring Officer by no later than noon on the day of the meeting, except:
- (a) with the consent of the Mayor
  - (b) amendments to motions which have been moved without notice, or
  - (c) amendments to recommendations arising from Officers' reports
- 19.13 Amendments shall be taken in the order in which they have been moved (unless the Mayor determines otherwise for the efficient running of business). 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.
- 19.14 If an amendment is not carried, other amendments to the original motion may be moved.
- 19.15 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.
- 19.16 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, putting it to the vote.

### **Alteration of motion**

- 19.17 A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 19.18 A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. If the seconder is not present, another Member may

second the altered motion on his/her behalf. The meeting's consent will be signified without discussion.

19.19 Only alterations which could be made as an amendment may be made.

#### **Withdrawal of motion**

19.20 A motion may be withdrawn by the person giving notice provided that such notice is in writing and is submitted to the Monitoring Officer before the agenda is published. A motion may be withdrawn after the agenda has been published but before the meeting if the Member who submitted the motion has given notice in writing to the Monitoring Officer. A motion may be withdrawn at the meeting in person by the Member who submitted the motion, before it has been moved.

19.21 A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. If the seconder is not present, another Member may consent to the withdrawal on his/her behalf. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **Right of reply and order of debate**

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

19.23 If an amendment is moved the debate shall proceed in the following manner:

- (a) The mover of the motion shall speak
- (b) The seconder of the motion shall speak unless he or she has reserved their speech
- (c) The mover of the amendment shall speak
- (d) The seconder of the amendment shall speak unless he or she has reserved their speech
- (e) There shall follow such other number of speakers as the Mayor considers appropriate
- (f) If the seconders of the substantive motion and the amendment reserved their speeches, they shall then speak
- (g) The mover of the amendment shall have a right of reply
- (h) The mover of the substantive motion shall have the final right of reply
- (i) A vote shall be taken on the amendment
- (j) A vote shall be taken on the substantive motion, as amended if appropriate, without further debate

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

- 19.24 When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw that motion
  - (b) to amend that motion
  - (c) to proceed to the next business
  - (d) that the question be now put
  - (e) to adjourn a debate
  - (f) to adjourn a meeting
  - (g) to exclude the public and press in accordance with the Access to Information Rules
  - (h) not to hear further a Member named, or to exclude them from the meeting

### **Closure motions**

- 19.25 A Member may move, without comment, any one of the following motions at the end of a speech of another Member:
- (a) to proceed to the next business
  - (b) that the question be now put
  - (c) to adjourn a debate
  - (d) to adjourn a meeting
- 19.26 If a motion to proceed to next business is seconded and the Mayor considers that the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If the procedural motion is carried the meeting will proceed to the next item of business without any further debate.
- 19.27 If a motion that the question be now put is seconded and the Mayor considers that the item has been sufficiently discussed, he/she will put the procedural motion to the vote.
- 19.28 If the procedural motion is passed the Mayor will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- 19.29 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor considers that the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### **Point of Order**

- 19.30 A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. In relation to a breach of the law, the Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

### **Personal explanation**

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

## **20. Voting**

### **Majority**

- 20.1 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.
- 20.2 Votes on a motion of no confidence in any office holder must be passed by a majority of the Members of the whole Council.

### **Motions in several parts**

- 20.3 Where a motion is in several parts, the vote shall be taken on the whole motion, unless the Mayor at his/her discretion determines that each part shall be taken separately, or the meeting so resolves.

### **Mayor's casting vote**

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

### **Show of hands or electronic voting**

- 20.5 The Mayor may take a vote on a show of hands. In all other cases, he/she shall take a vote by use of such electronic voting system as may be available.

### **Recorded vote**

- 20.6 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 require that immediately after any vote relating to the budget or council tax is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting. A recorded vote will therefore be taken on any decision relating to the budget or council tax and will follow the procedure set out at Rule 20.7 below.

20.7 Notwithstanding Rule 20.5, if any five Members present at the meeting demand it by standing to indicate such demand, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The procedure for a recorded vote shall be as follows:

- (a) The Mayor shall put the motion and the Chief Executive shall call out the names of Members and record their votes or abstentions
- (b) The Mayor shall declare the result of the vote and the vote of each Member shall be recorded in the minutes

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

20.8 This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be waived. Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **Voting on appointments**

20.9 If there are more people nominated for any position(s) than there are position(s) to be filled and there is not a clear majority of votes in favour of the required number of people, 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. Where there is an equality of votes for a person to continue in the appointment process, a vote shall be taken between those candidates having an equality of votes to determine which candidate shall continue in the appointment process.

### **Voting on changes to the electoral cycle of the Council**

20.10 Notwithstanding Rule 20.1, two-thirds of the Members present at an Extraordinary Council Meeting must vote in favour of a recommendation to change to whole-council elections for the resolution to be approved.

## **21. Exclusion of Public and Press**

21.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Chapter 8 or Rule 23 below.

## **22. Members' Conduct**

### **Order of Speeches**

22.1 Subject to the Rules of debate, the Mayor shall have absolute discretion as to the order in which he/she calls Members to speak.

### **Standing to Speak**

22.2 When a Member speaks at a Council meeting, he/she shall, unless physically impaired from so doing or with the Mayor's consent, stand and address the meeting through the Mayor. If more than one Member stands to speak, the Mayor shall call a specific Member to speak and all other Members shall then sit. Other Members must remain seated whilst

any Member is speaking, except a Member who stands to signify his/her intention to make a point of order or a point of personal explanation

### **Mayor standing**

- 22.3 When the Mayor enters or leaves the Council Chamber, all Members shall stand. When the Mayor stands to speak during the course of the meeting, all Members shall cease speaking and shall sit down.

### **Telephones and electronic equipment**

- 22.4 Each Member shall ensure that his/her mobile telephone and other electronic equipment is silent during any meeting and that his/her use of such equipment does not interfere with the proper conduct of the meeting.

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

- 22.5 If a Member disregards the ruling of the Mayor by behaving improperly or offensively or obstructs the conduct of the meeting, the Mayor may warn the Member as to his/her conduct. If the Member persists in behaving improperly or offensively or deliberately disrupts the conduct of the meeting despite such warning, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

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

- 22.6 If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **General disturbance**

- 22.7 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

## **23. Disturbance by Public**

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

- 23.1 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor may order their removal from the meeting room.

### **Clearance of part of meeting room**

- 23.2 If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

## **24. Admission to and reporting of meetings**

- 24.1 The Openness of Local Government Bodies Regulations 2014, allow any person to attend and report on meetings, or those parts of meetings, that are open to the public using any

communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities. "Reporting" is defined in the Regulations as:

- (a) Filming, photographing or making an audio recording of proceedings at a meeting
- (b) Using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later
- (c) Reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present

24.2 If, at any time during the meeting, the Mayor feels that filming, recording, reporting or photography is disrupting proceedings, the provisions set out in Rules 22.4, 22.7, 23.1 and 23.2 will apply.

24.3 In any instance where the press and public have been excluded from the meeting in accordance with the provisions set out in Chapter 8 of this Constitution, the Council will not allow reporting on the meeting using methods which:

- (a) can be used without that person's presence at the meeting, and
- (b) enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later

## **25. Suspension and Amendment of Council Procedure Rules**

### **Suspension**

25.1 All of these Council Rules of Procedure except Rules 13.2 and 20.8 (which are mandatory) may be suspended by motion on notice or without notice if at least two thirds of the Members of the Council are present. Suspension can only be for the duration of the meeting.

### **Amendment**

25.2 Any motion to add to, vary or revoke these Council Rules of procedure will, when proposed and seconded, stand adjourned without discussion to the appropriate Committee for consideration and report back to Council at the next ordinary meeting of the Council.

## **26. Interpretation of Rules**

26.1 The ruling of the Mayor as to the construction or application of any of these Rules shall not further be challenged at any meeting of the Council.

## **27. Appointment of Members to Committees**

### **Allocation of seats to Political Groups**

- 27.1 Whenever the authority is required to undertake a review of the allocation of seats to political groups, the Chief Executive shall conduct such review and report to Council setting out the number of seats on each Committee and outside body which are allocated to each political group and the number of seats which remain unallocated, in accordance with the requirements of the Local Government and Housing Act 1989, and shall send a copy of such report to the Leader of each political group and to any Members who are not members of any political group.
- 27.2 Following receipt of a copy of such report, each Leader of a political group shall make nomination to Council of Members for appointment to those seats on each Committee which are allocated to his/her political group. Such nomination may be made in writing to the Chief Executive in advance of the meeting or may be made verbally at the meeting at which such appointments are to be made.
- 27.3 The Leader of any political group may notify the Chief Executive in writing at least ten clear working days before any meeting of Council stating his/her intention to move that a named Councillor be removed from a seat on a particular Committee or outside body which has been allocated to his/her political group and to move the appointment of another Member to that seat, and the Chief Executive shall then include an appropriate item of business in the Council agenda for the next appropriate meeting of Council.

### **Appointment of Members to Committees**

- 27.4 At the meeting of Council where an item of business relating to the appointment of Committees is included on the agenda, the Council shall appoint Members to each Committee in accordance with the nominations made by each group Leader.
- 27.5 The Council will then appoint Members to those seats on Committees which have not been allocated to any political group from amongst those Members who are not members of any political group.

### **Appointment of co-opted Members of Committees**

- 27.6 Where Council determines that a Committee shall include one or more co-opted Member, it shall also specify whether such Member shall be a voting or a non-voting Member, the dates and term of office of any such appointment and the procedure for selection of such co-opted Member(s), which may include advertisement and competition or invitation for nomination from specified bodies.
- 27.7 Co-opted Membership of any Committee shall not be subject to proportionality.

## **28. Appointment of substitute Members**

### **Appointment**

- 28.1 In like manner as for the appointment of full Members of Committees, where the Leader of a political group may nominate a number of Members determined by the Chief Executive for appointment by Council as full Members of the Committee, the Leader of a political

group may also nominate an equal number of Members for appointment as substitute Members of the Committee, and Council shall appoint such substitute Members in accordance with the nominations made by the Leader of the political group. No Member shall be appointed as a full Member and a substitute Member of the same Committee.

- 28.2 In like manner as for full Members of Committees, the Leader of a political group may move that a Member of that political group cease to be appointed as a substitute Member of a specified Committee and move that another Member be appointed as a substitute Member of that Committee, and Council shall make such removal and appointment in accordance with the nominations of the Leader of the group.

### **Substitution**

- 28.3 A substitute Member may attend a particular meeting of the Committee to which he/she has been appointed as a substitute Member, in substitution for a full Member of that Committee from the same political group and with the full powers of a full Member where:
- (a) the full Member for whom the substitute Member will substitute will be absent throughout the whole of the particular meeting; and
  - (b) the substitute Member has notified Democratic Services before the start of the meeting that he/she will be acting as substitute for that meeting, and of the name of the full Member for whom he/she will substitute

### **Powers and duties**

- 28.4 A substitute Member shall have none of the rights of a Member of a Committee unless he/she has been substituted in accordance with Rule 28.3 above.
- 28.5 Once substituted in accordance with Rule 28.3 above, the substitute Member shall have all the powers of a full Member at the meeting.

## **29. Working Groups**

- 29.1 From time to time, the Council may wish to establish Working Groups to consider a specific piece of work or look into a particular issue in more detail outside of the formal meeting. Any such Working Group will comprise of members of the Council, working informally with Officers or other Members and reporting their findings back to the Council. A list of Working Groups will be published and maintained on the Council's website which will state the title, date established, membership, and remit of any Working Groups.
- 29.2 A Working Group established by the Council is not required to conduct its proceedings in accordance with the Scrutiny Procedure Rules in Part 2 of this Chapter or the Access to Information Procedure Rules in Chapter 8 of this Constitution.

## Part 3 – Responsibility for Council Functions

### 1. Functions which by Statute are the Responsibility of Council

The following functions are by statute the responsibility of Council, which it will exercise only in full Council meetings:

- 1.1 Approving which plans and strategies shall form the Policy Framework of the authority, requesting the Executive / Cabinet to prepare a draft (or draft amended) plan or strategy, and approving (or approving amendments to) the plans and strategies contained within the Policy Framework.
- 1.2 The Council has resolved that the following plans and strategies shall comprise the Policy Framework (as required by law):
  - (a) Crime and Disorder Reduction Strategy
  - (b) Local Transport Plan
  - (c) Licensing Authority Policy Statement under the Licensing Act 2003 and Gambling Act 2005
  - (d) Plans with Development Plan Document Status
  - (e) Health and Well-Being Plan
  - (f) Vision and Priorities
- 1.3 In addition to the above, the Council has resolved that the following plans and strategies shall comprise the Policy Framework although not required by law:
  - (a) Any Plan or Strategy that must be approved by the authority and submitted to the Secretary of State or a Minister of the Crown for approval
  - (b) Such other plans and strategies as the Council may decide to adopt
- 1.4 Approving the Budget, (except the technical decision of agreeing the Collection Fund Balance and Council Tax base which have been delegated to the Corporate Director Resources and Place Delivery) including:
  - (a) General Fund Budget, Capital Programme and to note the Housing Revenue Accounts Budget
  - (b) Establishing contingency funds
  - (c) Setting the Council Tax
  - (d) Making decisions relating to the control of the Council's borrowing requirement
  - (e) Approving the Annual Investment Strategy / Annual Treasury Management Strategy
  - (f) Approving the annual policy for making a Minimum Revenue Provision (MRP)

- 1.5 Approving and amending the Constitution.
- 1.6 Subject to the urgency procedure contained in the Access to Information Procedure Rules in Chapter 8 of this Constitution, making any Executive decision which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget.
- 1.7 Appointing and removing the Leader of the Council from office. Note: From May 2011, this Rule will apply only at the Annual Council Meeting following an election, or following the removal or death or incapacity or resignation of the Leader.
- 1.8 Agreeing and/or amending the terms of reference for Committees including any Area or Joint Committees discharging non-Executive Functions, deciding on their composition and making appointments to them.
- 1.9 Agreeing and/or amending the terms of the Local Code of Conduct for Members pursuant to the Localism Act 2011.
- 1.10 Appointing Independent Person(s) for the Standards and Audit Committee.
- 1.11 Adopting a Members' Allowances Scheme in accordance with the Local Authorities' (Members' Allowances) (England) Regulations 2003 following advice from an independent remuneration advisory panel comprising up to five non-elected Members.
- 1.12 Confirming the appointment or dismissal of the Head of Paid Service.
- 1.13 Appointing the Returning Officer and Electoral Registration Officer.
- 1.14 Submitting proposals to the Secretary of State under the Representation of the People Act 2000.
- 1.15 Making, amending, revoking, re-enacting or adopting bylaws, or promoting or opposing the making of local legislation or personal Bills.
- 1.16 Changing the name of the area, or conferring the title of Honorary Alderman or the Freedom of the Borough.
- 1.17 Making any decisions in respect of any change to the electoral arrangements for the authority.
- 1.18 Agreeing the cycle of Council meetings.
- 1.19 Exercising any function under a local Act specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.
- 1.20 Making arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority. Similar arrangements in respect of enabling questions to be put on the discharge of the functions of a fire authority.
- 1.21 Making appointments to the Essex Police Authority under paragraphs 2 to 4 (appointment of Members by relevant Councils) of Schedule Two (police authorities established under Section Three) to the Police Act 1996.

## **2. Functions which the Council has determined shall be discharged by the Council**

The following functions are functions, which the Council has discretion to allocate to Council or to the Executive / Cabinet and has determined that they shall be discharged by Council, which it will exercise only in full Council meetings:

- 2.1 Determinations under the Essex Act 1987, Part VI, and any byelaws under the Act
- 2.2 The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land, insofar as it relates to the other functions of the Council
- 2.3 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, insofar as it relates to the other functions of the Council
- 2.4 Except insofar as the Council agrees that they are a matter for the Cabinet, the appointment of any individual:
  - (a) to any office other than an office in which he is employed by the Authority;
  - (b) to any body other than the Authority or a Joint Committee of two or more authorities; or
  - (c) to any Committee or Sub-Committee of such a body and the revocation of any such appointment