

Chapter 2 – Full Council

This Chapter of the Constitution sets out:

- Part 1 – the role and functions of Full Council and the role of the Mayor;
- Part 2 – the rules of procedure that govern how the Council operates (“Council Procedure Rules”); and
- Part 3 – details of the functions that are required to be discharged by Full Council, and those which the Council has decided should be within its remit.

Full Council refers to a meeting of Council Members. In Thurrock, there are 49 Members who represent 20 electoral Wards.

This body is ultimately responsible for making decisions on behalf of the Council. However, in practice, many decisions are delegated to Committees, other smaller groups of Members, or Officers.

For the meanings of capitalised terms used in this Chapter, see Chapter 1.

Part 1 – Full Council and the Mayor

Full Council

1. Membership

Full Council comprises the 49 Members of the Council.

2. Role of Full Council

Full Council is a forum where Members meet to discuss and debate issues of importance to Thurrock and decide the Council's Budget and Policy Framework.

3. Functions of Full Council

Full Council has the following functions:

- (a) subject to Chapter 1, Part 2, section 3.4 (which allows the Monitoring Officer to amend the Constitution in certain circumstances), adopting and changing the Constitution;
- (b) approving and adopting the Council's Budget and Policy Framework;
- (c) approving an application to the Secretary of State in respect of any housing land transfer¹;
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules, making decisions about the discharge of an Executive Function which is covered by the Policy Framework and which would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget;
- (e) electing and removing the Leader;
- (f) agreeing and/or amending the terms of reference for Committees, deciding their composition and appointing Members to serve on them;
- (g) appointing representatives to Outside Bodies, unless the appointment is an Executive Function or has been delegated by the Council to another Council body or an Officer;
- (h) adopting a scheme for Members' allowances for the purposes of Chapter 11 of the Constitution;
- (i) changing the name of the area;
- (j) appointing or dismissing the Head of Paid Service;

¹ Housing land transfer means the approval or adoption of applications (whether in draft form or otherwise) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person or to dispose of land used for residential purposes where approval is required under relevant legislation.

- (k) making, amending, revoking, re-enacting or adopting bylaws, and promoting or opposing the making of local legislation or personal bills;
- (l) 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 2; and
- (m) all other matters which, by law, must be reserved to Full Council.

4. Council meetings

Council meetings will be conducted in accordance with the Council Procedure Rules in Part 2 of this Chapter 2.

5. Responsibility and delegation of functions

The Council may arrange for the discharge of any of its functions (save those reserved to Full Council by law) by a Committee, a Sub-Committee or by an Officer. 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.

6. Budget and Policy Framework

- 1.2 The Budget and Policy Framework sets out the plans, policies and strategies that are reserved under statute to Council for determination.
- 1.3 Other plans, policies and strategies requiring approval that are not included in the Budget and Policy Framework and are not otherwise reserved by law to the Council will be the responsibility of the Cabinet.
- 1.4 The Council, usually at its Annual Meeting, is responsible for adopting the Budget and Policy Framework.
- 1.5 The Cabinet is responsible for the implementation of the Budget and Policy Framework.
- 1.6 The elements of the Budget and Policy Framework which are reserved to Council (both by law and as determined by the Council) are set out in Part 3 of this Chapter 2.
- 1.7 The process for developing the Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules in Part 3 of Chapter 3 of the Constitution.

The Mayor

1. Election

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

2. Mayor's term of office

The Mayor will remain in office until:

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

3. Mayor's functions and responsibilities

The Mayor has the following functions and responsibilities:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary (taking advice from the Monitoring Officer, as appropriate);
- (b) to preside at Council meetings 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 Council meetings in the event of a tied vote;
- (d) to ensure that Council meetings are 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 act as "first citizen" of the borough;
- (f) to promote public involvement in the Council's activities;
- (g) to be the Council's conscience;
- (h) to attend such civic and ceremonial functions as they, and the Council, decide is appropriate; and
- (i) to decide (in the absence of the Chair of the relevant Overview and Scrutiny Committee) whether a decision that:
 - (i) is not contained in the Forward Plan and has not been submitted with **5 Clear Days'** notice; or
 - (ii) concerns a plan or strategy forming part of the Budget or Policy Framework and would be contrary to the Policy Framework or, contrary or not wholly in accordance with, the Budget,

is so urgent that the Cabinet should take the decision.

4. Deputy Mayor

In the Mayor's absence, their functions and responsibilities (with the exception of acting as "first citizen") will be exercised by the Deputy Mayor.

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TYPES OF MEETING AND THEIR BUSINESS

1. Types of Council meeting

1.1 There are 3 types of Council meeting:

- (a) the Annual Meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings.

1.2 Council meetings will be conducted in accordance with the Council Procedure Rules set out in this Part 2.

1.3 These Council Procedure Rules apply equally to Committee and Sub-Committee meetings, save where the Constitution provides otherwise.

2. Annual Meeting of the Council

Date of Annual Meeting

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 The date of an Annual Meeting will be determined by resolution of the Council, or in the absence of such resolution, by the Chief Executive and notified in writing to all Members.

Business of the Annual Meeting

2.3 The Annual Meeting will:

- (a) elect a person to preside at the meeting if neither the Mayor nor the Deputy Mayor is present or able to act;
- (b) receive any apologies for absence from Members;
- (c) approve the minutes of the last meeting;
- (d) elect a Mayor for the ensuing municipal year;
- (e) consider any urgent business;
- (f) elect a Deputy Mayor for the ensuing municipal year;
- (g) receive any declarations of interest from Members;

- (h) elect a Leader of the Council in any year in which the Leader's term of office expires²;
- (i) receive any announcements from the Mayor or the Leader;
- (j) appoint at least one Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to Full Council nor are Executive Functions;
- (k) agree the Scheme of Delegation, or such part of it as the Constitution determines it is for Full Council to agree;
- (l) receive nominations for, and make appointments to, those outside bodies to which Full Council is entitled to appoint;
- (m) approve a programme of ordinary meetings of Full Council for the coming municipal year including a meeting to determine the Budget and Policy Framework; and
- (n) consider any business set out in the notice convening the meeting.

Selection of Members to sit on Committees

2.4 At the Annual Meeting, Full Council will:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules; and
- (d) receive nominations of Members to serve on each Committee.

3. Ordinary meetings

Postponing and cancelling ordinary meetings

1.2 The Mayor may cancel or postpone an ordinary meeting before a public notice of the meeting is issued if:

- (a) after consultation with the Chief Executive, they consider that there is insufficient business to transact at the meeting; or
- (b) an event occurs which they consider would make it inappropriate to hold the meeting on the intended date.

² 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.

They may also postpone a meeting if, after consultation with the Chief Executive, they consider that circumstances make it impossible for a meeting to be held as convened. In these circumstances, the meeting will be held on a date agreed with Group Leaders.

Business of ordinary meetings

1.3 Business at ordinary meetings will be to:

- (a) appoint a person to preside at the meeting if neither the Mayor nor the Deputy Mayor is present or able to act;
- (b) receive any apologies for absence from Members;
- (c) approve 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;
- (g) answer questions from members of the public in accordance with **Rule 16**;
- (h) receive petitions from Members and from members of the public in accordance with **Rule 15**;
- (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 Committees;
- (l) receive reports from the Statutory Officers;
- (m) receive reports from Cabinet or from Cabinet Members³;
- (n) receive any reports from the Chairs of Overview and Scrutiny Committees;
- (o) answer questions from Members in accordance with **Rule 16**;
- (p) receive reports about the business of Outside Bodies from Members and Officers attending as the Council's representatives on those Outside Bodies;
- (q) receive for information the minutes of Committee meetings; and
- (r) consider motions from Members in accordance with **Rules 17 and 18** and the rules of debate set out in these Council Procedure Rules.

³ The rules concerning receipt of reports are set out in **Rule 19**.

2. Extraordinary meetings

Calling extraordinary meetings

2.1 Those listed below may require the Chief Executive to call an extraordinary meeting:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) a Statutory Officer; and
- (d) any 5 Members where they have presented a signed requisition specifying the business to be considered at the meeting to the Mayor, and the Mayor has refused, or has failed within **7 Clear Days** of the presentation of the requisition, to call a meeting.

2.2 The Chief Executive shall arrange a meeting of Council to be held within **20 Clear Working Days** of receipt of such request.

Business of extraordinary meetings

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

- (a) appointing a person to preside at the meeting if neither the Mayor nor the Deputy Mayor is present and able to act;
- (b) receiving apologies for absence from Members;
- (c) receiving any declarations of interest from Members;
- (d) considering any business set out in the notice convening the meeting; and
- (e) considering 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.

MEETING PRACTICALITIES

3. Time and place of meetings

Council meetings will take place at **7pm** on the scheduled date and will be held in the Council Chamber (unless the Council decides otherwise).

4. Notice of summons to meetings

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

4.2 At least **5 Clear Days** before a meeting, the Chief Executive will email a summons to every Member. 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.

5. Chair of meeting

Person presiding at a meeting

5.1 When the Mayor is present and able to act at a meeting, they will preside at the meeting and act as Chair. In their absence, the Deputy Mayor will preside. If neither the Mayor, nor the Deputy Mayor is present and able to act, a Member will be elected to preside at the meeting.

5.2 The person presiding at a meeting may exercise any power or duty of the Mayor. Where these Council Procedure Rules apply to Committee and/or Sub-Committee meetings, references to the Mayor include references to the relevant Chair.

Appointing a Chair in the absence of the Mayor and Deputy Mayor

5.3 Where it is necessary to appoint a Member to preside at a meeting, the Chief Executive (or, in their absence, an Officer acting on their behalf) will invite nominations for a Chair of the meeting. Members will vote for a Chair who will duly preside at the meeting (or a particular item, as the case may be).

5.4 If there is an equality of votes, the meeting will be adjourned for 15 minutes, then reconvened for a second vote. If there is still an equality of votes, the Chair will be chosen by drawing lots.

6. Quorum

6.1 The quorum for Full Council is **17**.

6.2 If, during a Council meeting, the Mayor counts the number of Members present and declares that there is not a quorum present, the meeting shall be adjourned to a date, time and place determined by the Mayor. If no date is fixed, the remaining business of the meeting will be considered at the next ordinary meeting.

7. Order of business

- 7.1 Where the Monitoring Officer considers that the report or consideration of any item or items of business at a meeting is likely to disclose confidential or exempt information, they may group any such items together on the agenda for convenience.
- 7.2 The Mayor may vary the order of business set out in these Council Procedure Rules at any meeting, except in respect of:
- (a) Rule 2.4 (a) to (g) at the Annual Meeting;
 - (b) Rule 3.4 (a) to (e) at an ordinary meeting; and
 - (c) Rule 4.4 (a) to (c) at an extraordinary meeting.

8. Record of Attendance

- 8.1 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.

9. External speakers

- 9.1 The Mayor may invite such speakers as they consider appropriate to address a Council meeting.
- 9.2 All Members will be given proper notice of any speaker's invitation. Members may, where appropriate, lodge, with notice, written questions to the speaker.

10. Duration of meetings

Time allowed for meetings

- 10.1 Subject to the provisions of this Rule 11, the maximum time allowed to complete the business of a Council meeting is **3 hours**.

Termination of meetings

- 10.2 If the business of the meeting has not been concluded within 3 hours of its start time, the Mayor must interrupt the meeting and the Member speaking must stop immediately.
- 10.3 The Mayor will then immediately and without debate take a vote on the item under discussion (including any amendment).

Disposal of remaining business

- 10.4 Subject to Rule 12.5 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.
- 10.5 Where a notice of motion submitted under Rule 17 falls to be dealt with under Rule 12.4, the Member giving the notice may either:

- (a) speak to the motion for not more than **3 minutes** before the motion is put to the vote 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.

10.6 During the process set out in Rule 12.4, 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; and
- (b) that a matter be deferred to the next meeting.

10.7 Voting on remaining motions shall be in accordance with these Council Procedure Rules including those relating to recorded votes.

10.8 Subject to Rule 12.9, when all the other motions or recommendations have been dealt with, the Mayor may, at their absolute discretion, allow a further **15 minutes** to be added to the meeting to discuss the minutes of Committees and take questions from Members on them.

10.9 The maximum amount of time allowed for the disposal of remaining business is **30 minutes**.

Close of the meeting

10.10 When all motions and recommendations have been dealt with or the 30 minutes allowed under Rule 12.9 have passed (whichever is sooner), the Mayor will declare the meeting closed.

Example agenda for ordinary meeting

Agenda
Open to Public and Press

1 Appointment of Chair in the absence of the Mayor and the Deputy Mayor

2 Apologies for absence

3 Minutes

Approval of minutes from previous meeting(s).

4 Items of urgent business

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.

5 Declaration of interests

To receive any declaration of interests from Members.

THE ORDER OF BUSINESS FOR ITEMS 1-5 MAY NOT BE VARIED

6 Announcements on behalf of the Mayor or the Leader of the Council

7 Questions from members of the public

In accordance with Rule 16.

Time Limit: 45 minutes

8 Petitions from Members and members of the public

In accordance with Rule 15.

9 Appointments to Committees and Outside Bodies, statutory and other panels

10 Business deferred from previous meeting

11 Reports from Committees

12 Reports from Statutory Officers

13 Reports from Cabinet and Cabinet Members

14 Questions from Members

In accordance with Rule 16.

Time Limit: 45 minutes

15 Reports from Members representing the Council on Outside Bodies

16 Minutes of Committees

For noting.

17 Motions

In accordance with Rules 17 and 18 and the rules of debate set out in the Council Procedure Rules.

TOTAL TIME: 3 HOURS

18 Disposal of remaining business

Dealing with motions yet to be debated and any other remaining business.

Time Limit: 30 minutes (including time for item 19)

19 Discussion of, and questions on, Committee meeting minutes

At the discretion of the Mayor.

Time Limit: 15 minutes

CLOSE

TOTAL TIME FOR MEETING: 3 HOURS 30 MINUTES

11. Declarations of interest

Member interests

- 11.1 Members must, when requested during a Council meeting, and in accordance with the Members' Code of Conduct, declare any interest they have in any matter which is included on the agenda for that meeting.

Withdrawal from a meeting for disclosable pecuniary interests

- 11.2 Where a Member has a disclosable pecuniary interest in any matter to be considered at a Council meeting, they must withdraw from the meeting, including from the public gallery, for the duration of the consideration of the matter unless they have been granted a dispensation to speak and/or vote on the matter in accordance with the Members' Code of Conduct.

12. Minutes

Approving Council meeting minutes

- 12.1 The Mayor will, at the next suitable meeting, move that the minutes of the previous meeting be signed as a correct record. The minutes may not be discussed or debated, save to correct an inaccuracy. If approved by the meeting, the Mayor will then sign the minutes.

No requirement to sign minutes of previous meeting at extraordinary meeting

- 12.2 Where a meeting is followed by an extraordinary meeting, its minutes shall not be tabled at that extraordinary meeting but shall be approved and signed at the next Council meeting which is not an extraordinary meeting.

Form of minutes

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

PETITIONS AND QUESTIONS

13. Petitions

Rules for petitions

- 13.1 A petition organiser may request the opportunity to present their petition to the Council in accordance with the Council's rules relating to petitions. These rules can be found on the Council's website at <https://www.thurrock.gov.uk/petitions/rules-for-submitting-petition>.
- 13.2 A petition must:
- (a) identify the petition organiser and be accompanied by their contact details, including an address;
 - (b) contain the name, valid address and signature of at least 10 people who are registered to vote in the borough;
 - (c) include a clear and concise statement covering the subject of the petition setting out what action the petitioners wish the Council to take;
 - (d) relate to a matter for which the Council has responsibility, and which affects the Council or its area; and
 - (e) not, in the opinion of the Monitoring Officer:
 - (i) be trivial, defamatory, offensive;
 - (ii) be substantially the same as a petition which has been considered under these Rules within the previous **12 months**;
 - (iii) name or clearly identify a Council employee; or
 - (iv) involve the disclosure of confidential or exempt information.

Notice of petitions

- 13.3 Notice of a petition must be submitted to the Monitoring Officer no later than **12 noon 1 Clear Working Day before the Council meeting** at which it will be presented.

Presentation of petitions

- 13.4 Petitions may be presented to the Council by the petition organiser, or by another signatory of the petition, or a Member, on behalf of the petition organiser.
- 13.5 A maximum of **3 minutes** is permitted for a person to present a petition to the Council.

Petitions with 1,500 signatures

- 13.6 If a petition has 1,500 signatures, it may qualify for debate by Full Council. If the petition is debated, the person presenting it will have **5 minutes** to address the Council and Members will have a maximum of **15 minutes** to debate the petition.

Petitions with 750 signatures

- 13.7 If a petition has 750 signatures, the petition organiser may request that a senior Officer gives evidence at a public meeting about something for which they are responsible to explain:
- (a) the progress that has been made; and
 - (b) the advice that has been given to Members.
- 13.8 All other petitions will be referred to the Cabinet, the relevant Cabinet Member, or the relevant Committee for consideration. The relevant Cabinet Member or Committee Chair will have the opportunity to speak for up to **1 minute** to acknowledge the petition.

14. Questions

Submission of questions

- 14.1 Any resident of the Council's area, and any Member, may submit a question addressed to:
- (a) the Leader;
 - (b) a Cabinet;
 - (c) the Chair of any Committee or Sub-Committee; or
 - (d) a Member appointed to represent the Council on a Joint Committee.
- 14.2 Questions must be submitted in writing to the Monitoring Officer and must be received by Democratic Services **by 5pm at least 6 Clear Working Days before a Council meeting**⁴.

Nature of questions

- 14.3 Questions must relate to a matter which affects the Council or residents of the Council's area and in relation to which the Council has powers. They must also name the individual to whom they are addressed.
- 14.4 Questions must be concise and clearly worded and must not extend into a statement. They must relate to a single proposition and may not contain more than one part.

Number of questions

- 14.5 Members of the public may only submit **1 question** for any Council meeting and may not ask or submit questions on behalf of other members of the public.
- 14.6 Subject to Rule 16.7 below, Members may submit a **maximum of 2 questions**. Members may not ask or submit questions on behalf of other Members.

Exclusion of questions

⁴ For example, for a Council meeting on a Wednesday, the deadline for receipt of a question would be 5pm on the Monday of the week before the meeting is due to be held.

- 14.7 The Monitoring Officer will 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 their opinion the question:
- (a) does not comply with the requirements of this Rule 16;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been previously received and answered within the last **3 months**, and there has been no significant and relevant change of circumstances since the previous question was answered; or
 - (d) in the case of a question from a member of the public, requires the disclosure or confidential or exempt information.
- 14.8 Where a question from a Member requires disclosure of confidential or exempt information, the Monitoring Officer will add it to an exempt part of the meeting agenda.

Order of questions

- 14.9 Questions will be listed on the meeting agenda, and will be answered during the meeting, in the order that they are received.

Responses to questions

- 14.10 A response may take the form of:
- (a) a direct oral answer (which may be followed by a more detailed written response, if required);
 - (b) where the requested information is in a Council publication or other published work, a reference to that publication; or
 - (c) where a response cannot be conveniently given orally, for example because of the absence of the questioner, a written response.

Supplementary questions

- 14.11 Questioners attending the meeting in person may ask **1 supplementary question**. This must relate directly to the question, or the response provided. The person who answered the initial question shall respond to the supplementary question.

Withdrawal of questions

- 14.12 Members may withdraw a question they have submitted:
- (a) by giving notice in writing to the Monitoring Officer before the meeting agenda is published;
 - (b) by notice in writing to the Monitoring Officer after the meeting agenda has been published but before the meeting; or
 - (c) at the meeting before it is put to the person to whom it is addressed.

Time limit for questions

- 14.13 The time limit for all questions from members of the public is **45 minutes**.
- 14.14 The time limit for all Member questions is **45 minutes**.
- 14.15 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 and **no later than by the date of the next meeting**.

Questions without notice

14.16 Any Member may question:

- (a) the Leader;
- (b) a Cabinet Member; or
- (c) the Chair of a Committee,

about an item of report or recommendation they have presented at a Council meeting. Notice is not required for these questions.

MOTIONS

15. Motions on notice

Notice of motions

- 15.1 Except for motions which can be moved without notice under Rule 18, written notice of every motion must be delivered to the Monitoring Officer **by 5pm at least 6 Clear Working Days before the date of the meeting.**
- 15.2 Motions will be made available for public inspection by the Monitoring Officer.

Content of motions

- 15.3 A motion must relate to a matter for which the Council is responsible, or which affects the Council or the Council's area.
- 15.4 A notice of motion may be accompanied by a statement of up to **200 words** setting out the reason for the proposed motion.
- 15.5 The Monitoring Officer may reject a notice of motion if, in their opinion:
- (a) it does not comply with the requirements of Rule 17.3 above;
 - (b) it is defamatory, frivolous or offensive;
 - (c) the recommendation in the notice of motion would be illegal; or
 - (d) the notice of motion is substantially the same as a question that has been received previously and answered within the past **12 months**, and there has been no significant and relevant change of circumstances since the previous question was answered.

Motions requiring a supporting report

- 15.6 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 and/or the Monitoring Officer, as appropriate, setting out the financial and/or legal effect of the motion.
- 15.7 Where a Member submits a notice of motion which would require an accompanying report under Rule 17.6, they shall at the same time provide the Chief Finance Officer and/or the Monitoring Officer with sufficient supporting information to enable them to prepare the accompanying report.
- 15.8 Where a motion which would require an accompanying report under Rule 17.6 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.

Motions set out in the agenda

- 15.9 Motions for which notice has been given will be listed on the meeting agenda in the order in which notice was received and will be dealt with in the meeting in that order, unless the

Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

- 15.10 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.

Time limit for motions on notice

- 15.11 Subject to the time limit set out in Rule 12, there is **no time limit** for moving and debating motions on notice.

Automatic reference of motions to Cabinet or a Committee

- 15.12 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 Cabinet or relevant Committee for consideration and the relevant body will report to the Council as soon as practical. At that time, the motion shall be considered by Council with any such report, which shall include any appropriate risk assessments.
- 15.13 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 being provided to support the motion.
- 15.14 If a motion referred to in Rule 17.12 has been moved, 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.

16. Motions without Notice

- 16.1 The following motions may be moved without notice:
- (a) to appoint a person to preside at 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 office⁵;
 - (f) to appoint a Committee or Member arising from an item on the summons for the meeting;

⁵ Rule 17.1 (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.

- (g) to receive reports or adoption of recommendations of the Cabinet, 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 24.5 or to exclude them from the meeting under Rule 24.6; and
- (q) to move an urgent motion where the Mayor has given consent under Rule 18.2

Urgent notices of motion

16.2 The Mayor shall have absolute discretion, in exceptional circumstances, to accept urgent written notices of motion that cannot reasonably await the next meeting of the Council. This Rule does not apply to motions of no confidence.

Motions of No Confidence

16.3 Motions of no confidence in any office holder must be carried by a majority **(25)** of all Members.

Motion to remove the Leader

16.4 A motion to remove the Leader must be signed by **15 Members**. Such a motion must be on notice and must be approved, without amendment, by the Council.

16.5 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.

16.6 The Deputy Leader will carry out the role and duties of the Leader until a new Leader is elected.

17. Reports and recommendations

Persons entitled to make reports and recommendations

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

- (a) the Mayor;
- (b) the Leader;
- (c) a Cabinet Member;
- (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; and
- (h) a Member or Officer reporting as the Council's representative on any statutory body or authority.

Delivery of reports

17.2 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.

Presenting reports

17.3 A person presenting a report is permitted to address Council for **3 minutes** and will answer any questions from Members on the report.

18. Rules of debate

No debate until motion or amendment is seconded

18.1 A motion or an amendment may be debated only after it has been seconded by another Member. Where a report is for noting, a seconder is not required.

Right to require motion or amendment in writing

18.2 Unless notice of a motion or amendment has already been given, the Mayor may require it to be written down and handed to them before it is discussed.

Content and length of speeches

18.3 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

- 18.4 No speech moving a motion may exceed **5 minutes** and no other speech (including on a motion to amend made by the proposer of a motion) may exceed **4 minutes** without the consent of the Mayor.
- 18.5 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**.
- 18.6 At the meeting of Council at which the authority's Budget is proposed, the Leader shall be allowed **20 minutes** to set out their 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).

When a Member may speak again

- 18.7 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 they last spoke;
 - (d) 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);
 - (e) in exercise of a right of reply;
 - (f) on a point of order; and
 - (g) by way of personal explanation.

Amendments to motions

- 18.8 An amendment to a motion must be relevant to the motion and may be:
- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration; or
 - (b) to leave out words;
 - (c) to leave out words and add or insert others,
- as long as the effect of (b) or (c) is not to negate the motion.
- 18.9 An amendment must not:
- (a) be a direct negative of a motion; or

- (b) seek to introduce into the motion a new issue unrelated to the subject dealt with in the motion.
- 18.10 Any amendment must be in writing and submitted to the Monitoring Officer by no later than **12 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.
- 18.11 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.
- 18.12 If an amendment is not carried, other amendments to the original motion may be moved.
- 18.13 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.
- 18.14 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

- 18.15 A Member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 18.16 A Member may alter a motion which they have 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 their behalf. The meeting's consent will be signified without discussion.
- 18.17 Only alterations which could be made as an amendment may be made.

Withdrawal of motion

- 18.18 A motion may be withdrawn by the Member who submitted it:
- (a) by notice in writing to the Monitoring Officer before the agenda is published;
 - (b) by notice in writing to the Monitoring Officer after the agenda has been published but before the meeting; or
 - (c) at the meeting in person before it has been moved.
- 18.19 A Member may withdraw a motion which they have 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 their 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

- 18.20 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.
- 18.21 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.

Motions which may be moved during debate

- 18.22 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; and
 - (h) not to hear further a Member named under Rule 24.5, or to exclude them from the meeting under Rule 24.6.

Closure motions

- 18.23 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; or
 - (d) to adjourn a meeting.

Motion to proceed to next business

- 18.24 If a motion to proceed to next business is seconded and the Mayor considers that the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 18.25 If the procedural motion is carried, the meeting will proceed to the next item of business without any further debate.

Motion that the question be now put

- 18.26 If a motion that the question be now put is seconded and the Mayor considers that the item has been sufficiently discussed, they will put the procedural motion to the vote.
- 18.27 If the procedural motion is carried, the Mayor will give the mover of the original motion a right of reply before putting their motion to the vote.

Motion to adjourn

- 18.28 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, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of Order

- 18.29 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. The Member must indicate the Rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

Personal explanation

- 18.30 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.

19. Previous decisions and motions

Motion to rescind a previous decision

- 19.1 A motion or amendment to rescind, or which has the effect of rescinding, a decision made at a meeting of Council within the past **6 months** may not be moved except:
- (a) upon a recommendation from the Leader or Cabinet for a variation of the approved Budget or Policy Framework; or
 - (b) 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 due to a material change of circumstances.

Motion similar to one previously rejected

- 19.2 A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past **6 months** cannot be moved unless the notice of motion or amendment is signed by at least **5 Members**. Once the motion or amendment is dealt with, no Member may propose a similar motion or amendment for a further **6 months**.

20. Voting

Majority

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

Motions in several parts

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

Mayor's casting vote

20.3 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

20.4 The Mayor may choose to take a vote on a show of hands. In all other cases, they shall take a vote by use of such electronic voting system as may be available.

Recorded vote

20.5 If any **5 Members** present at the meeting demand it, the names for and against the motion or amendment, or abstaining from voting, will be taken down in writing and entered into the minutes.

Right to require individual vote to be recorded

20.6 Where any Member requests it immediately after a vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion, or abstained from voting.

Voting on the Budget

20.7 At a Budget decision meeting of the Council, immediately after any vote is taken, the names of Members who voted for or against the decision, and who abstained from voting, must be recorded in the minutes.

20.8 A "Budget decision meeting" is a meeting of Full Council at which it:

- (a) makes a calculation (whether original or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992; or
- (b) issues a precept under Chapter 4 of Part 1 of that Act.

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, the

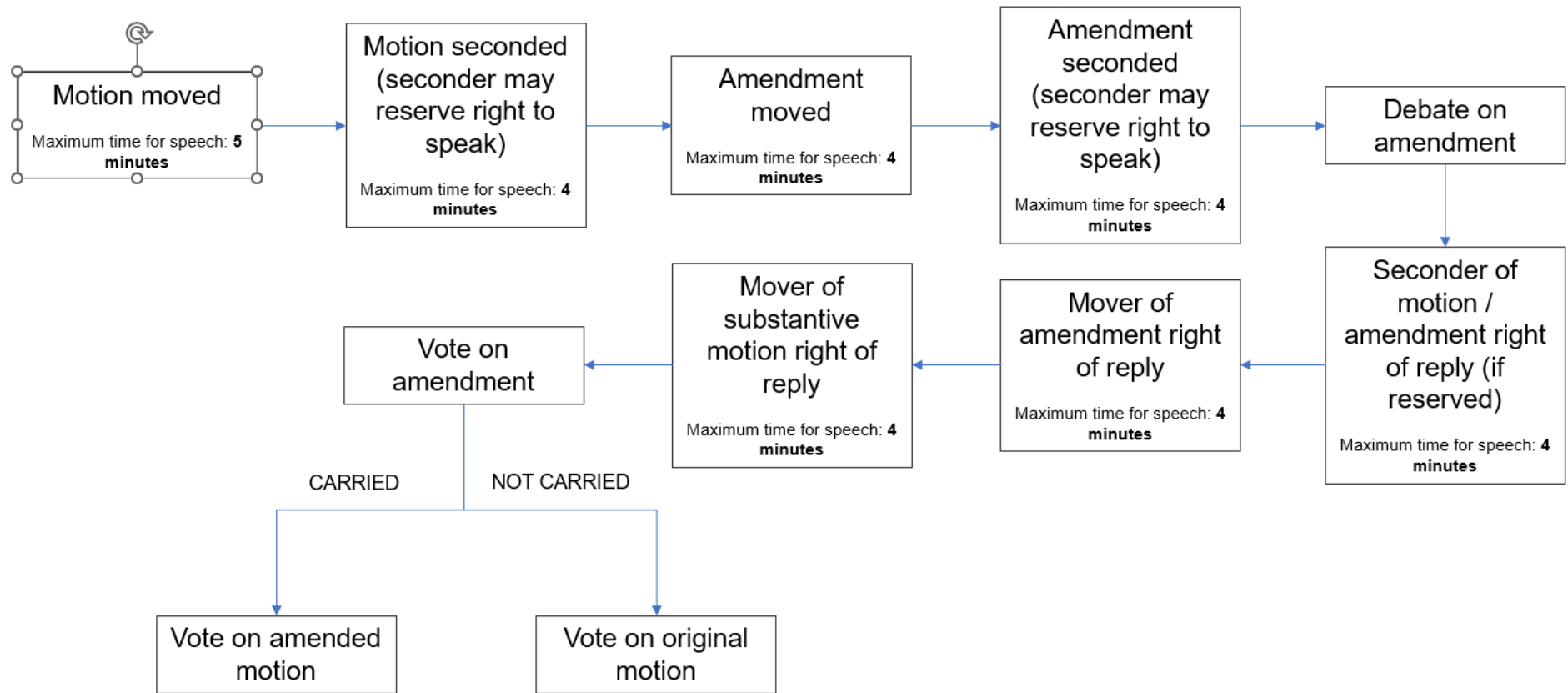
name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

- 20.10 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

- 20.11 Notwithstanding Rule 22.1, two-thirds **(33)** of the Members present at an extraordinary meeting must vote in favour of a recommendation to change to whole-council elections for the resolution to be approved.

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CONDUCT OF MEETINGS

21. Exclusion of Public and Press

Members of the public and press may only be excluded either in accordance with the Access to Information Rules or Rule 25 below.

22. Members' Conduct

Order of Speeches

22.1 Subject to the rules of debate in Rule 20, the Mayor shall have absolute discretion as to the order in which they call Members to speak.

Members speaking at a meeting

22.2 When a Member speaks at a Council meeting, they shall address the meeting through the Mayor. If more than one Member wishes to speak, the Mayor shall call a specific Member to speak and all other Members shall cease speaking. Members must not speak while any Member is speaking, except a Member to signify their intention to make a point of order or a point of personal explanation

Mayor speaking

22.3 When the Mayor enters or leaves the Council Chamber, all Members shall stand if they are able to do so. When the Mayor speaks during the course of the meeting, all Members shall cease speaking.

Telephones and electronic equipment

22.4 Each Member shall ensure that their mobile telephone and other electronic equipment is silent during any meeting and that their 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 their 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 they think 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; or
- (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 24.4, 24.7, 25.1 and 25.2 will apply.

- 24.3 In any instance where the press and public have been excluded from the meeting in accordance with the Council Procedure Rules, they must not report 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 of Council Procedure Rules

- 25.1 All of these Council Procedure Rules except Rules 13.2 and 21.6 (which are mandatory) may be suspended by motion on notice or without notice if at least two-thirds (**33**) of all Members are present. Any such suspension applies only for the duration of the meeting.

Rule 13.2 – No requirement to sign minutes at extraordinary meeting

Rule 21.6 – Right to require individual vote to be recorded

Amendment of Council Procedure Rules

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

26. Interpretation of Council Procedure Rules

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.

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Part 3 – Responsibility for Council functions

1. Functions reserved to Full Council under statute

The following functions are reserved to Full Council under statute:

Budget and Policy Framework

- 1.1 Approving which plans and strategies shall form the Council's Policy Framework, requesting the 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.
- (a) The Council has resolved that the following plans and strategies shall comprise the Policy Framework (as required by law):
 - (i) Crime and Disorder Reduction Strategy;
 - (ii) Local Transport Plan;
 - (iii) Licensing Authority Policy Statement under the Licensing Act 2003 and Gambling Act 2005;
 - (iv) Plans with Development Plan Document Status;
 - (v) Corporate Plan;
 - (vi) Health and Well-Being Plan; and
 - (vii) Council vision and priorities
 - (b) 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:
 - (i) any plan, policy or strategy that must be approved by the Council and submitted to the Secretary of State or a Minister of the Crown for approval; and
 - (ii) such other plans, policies and strategies as the Council may decide to adopt.
- 1.2 Approving the Budget, including:
- (a) approving the General Fund Budget and Capital Programme
 - (b) noting the Housing Revenue Accounts Budget;
 - (c) establishing contingency funds;
 - (d) setting the Council Tax;
 - (e) making decisions relating to the control of the Council's borrowing requirement;

- (f) approving the annual Investment Strategy and Treasury Management Strategy;
and
- (g) approving the annual MRP policy;

The technical decision of agreeing the Collection Fund Balance and Council Tax base is an Officer responsibility.

- 1.3 Subject to the urgency procedure contained in the Access to Information Procedure Rules, making any Executive decision which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget.

The Constitution

- 1.4 Approving and amending the Constitution.

Committees

- 1.5 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.
- 1.6 Appointing Independent Person(s) for the Standards and Audit Committee.

Members

- 1.7 Agreeing and/or amending the terms of the Local Code of Conduct for Members pursuant to the Localism Act 2011.
- 1.8 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 5 non-elected Members.

Appointments

- 1.9 Appointing and removing the Leader of the Council from office⁶.
- 1.10 Confirming the appointment or dismissal of the Head of Paid Service.

Elections

- 1.11 Appointing the Returning Officer and Electoral Registration Officer.
- 1.12 Submitting proposals to the Secretary of State under the Representation of the People Act 2000.

Local arrangements

⁶ This applies 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.

- 1.13 Making, amending, revoking, re-enacting or adopting bylaws, or promoting or opposing the making of local legislation or personal Bills.
- 1.14 Changing the name of the area or conferring the title of Honorary Alderman or the Freedom of the Borough.

Council functions and structure

- 1.15 Making any decisions in respect of any change to the electoral arrangements for the authority.
- 1.16 Agreeing the cycle of Council meetings.
- 1.17 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.

Policing

- 1.18 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.
- 1.19 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 Cabinet and has determined that they shall be discharged by Full Council:

- 2.1 Determinations under the Essex Act 1987, Part VI, and any bylaws under that Act.
- 2.2 Obtaining 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 Obtaining 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, appointing any individual:
 - (a) to any office other than an office in which he is employed by the Council;
 - (b) to any body other than the Council 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.

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