

## SECTION 4

### FULL COUNCIL

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#### 4.1 Functions

4.1.1 **Policy Framework:** The full Council will approve the Policy Framework and any changes to it. The Policy Framework shall consist of the following plans, policies, programmes and strategies:

- Community Strategy
- Crime and Disorder Reduction Strategy
- Local Plan for Mendip and Local Development Framework
- All Local Development Framework-Plan Documents
- The Council's Corporate Plan
- Medium-term Resource
- ~~and~~ Capital Strategy
- Treasury Management Strategy
- ~~Housing Investment Programme~~
- Licensing Statement under the Licensing Act 2003
- Gambling Act Statementg Policy
- ~~—~~
- Any other statutory plans and policies required of the Council
- ~~—~~

When approving the plans, policies, programmes and strategies detailed above, the full Council will also decide which parts of each of these the Cabinet will have delegated authority to change, subject to reporting such changes to the next available meeting of full Council.

4.1.2 **The Budget:** The full Council will approve the Council's overall revenue budget and overall capital budget and any changes to these.

4.1.3 **Other functions of the Council.** In addition to the above, only the full Council will exercise the following functions:

- Adopting and changing the Constitution (except that minor changes and corrections may be made by the Monitoring Officer in accordance with

- any powers delegated to him/her)
- Making any decisions which are not in accordance with the Policy Framework or Budget (except urgent decisions under the Urgent Decisions procedure set out in Section 17). Full Council can only make such decisions in response to a recommendation from the Cabinet or Scrutiny Board.
- Making decisions on other matters referred to full Council by Scrutiny Board under the call-in procedure set out in Section 7.
- Appointing and removing the Leader
- Appointing and removing members of Boards and Committees, complying with any legal requirements as to political balance (except that the Chief Executive and Monitoring Officer may make such appointments in accordance with any powers delegated to them, pending ratification by full Council).
- Agreeing terms of reference for all Boards and Committees
- Adopting an allowance scheme for members (having considered the recommendations of the Independent Remuneration Panel).
- Confirming the appointment and dismissal of the Chief Executive, the Monitoring Officer and the S151 Officer, and deciding on any disciplinary action to be taken against any of them
- Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- Any local choice functions specified in Section 18 as being undertaken by full Council
- All other matters which, by law, must be reserved to full Council

## 4.2. Membership

4.2.1 All elected members of the Council shall be members of full Council.

4.2.2 ***The Chair and Vice Chair of the Council:*** The Chair and Vice Chair of the Council will be elected annually at the Annual Meeting of full Council, or where there is no Chair or Vice Chair, at the first meeting of the full Council after the chair has been vacated

The Chair and Vice Chair of the Council will cease to be Chair or Vice Chair respectively, if he/she resigns, is dismissed by a vote of full Council, ceases to be a member of the Council, or is suspended from membership of the Council.

The Chair and Vice Chair of Council will also have the following roles and responsibilities:

- to uphold and promote the Constitution and to interpret the Constitution when necessary
- 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
- 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 on the Cabinet are able to hold Cabinet members to account

- to promote public involvement in the Council's activities
- to be the conscience of the Council
- to ensure that the Council is effectively represented at civic and ceremonial functions
- to help develop the Scrutiny Board's work programmes and resolve any differences of view between the chair of the Scrutiny Board and the Leader of the Council
- to undertake any other role delegated to him/her under this Constitution.

### **4.3. Frequency of Meetings**

4.3.1 There are three types of full Council meetings:

- the Annual meeting
- Ordinary meetings
- Extraordinary meetings

4.3.2 Full Council shall meet at least four times a year, including the Annual meeting and meetings shall be conducted in accordance with the Rules for Conducting Meetings set out in Section 15.

### **4.4 The Annual Meeting of the Full Council**

4.4.1 **Time of the Annual Meeting:** In any year when there is an ordinary election of councillors the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year the Annual Meeting will take place in March, April or May, as decided by full Council.

4.4.2 **Business to be dealt with at the Annual Meeting of Full Council, in addition to normal business of an ordinary full Council meeting:**

- Elect the Chair of Council
- Elect the Vice Chair of Council
- Elect the Leader
- Appoint the members of the Scrutiny Board, Licensing Board, Planning Board ~~and~~, Audit Committee ~~and Community Partnerships~~, and elect the Chairs and Vice-Chairs of those bodies (only those on the relevant body can elect the Chairs and Vice-Chairs for the body)
- Appoint members to the Standards Committee and the Complaints Panel
- Establish, appoint members to and agree terms of reference for any other boards or committees which the Council considers appropriate
- Confirm the Constitution for the coming year (including the Scheme of Delegation to Officers set out in Section 18) and approve any changes proposed
- Approve a programme of meetings for the Council for the coming year
- Receive a report from the Scrutiny Board on its work during the previous year and its programme of work for the coming year.

- Receive reports from Cabinet, ~~the Community Partnerships~~, the Planning Board and the Licensing Board.
- Review Members' Declarations of Interest

## **4.5 Ordinary and Extraordinary Meetings of the Full Council**

4.5.1 Ordinary meetings of the full Council will take place in accordance with the programme decided at the Council's Annual Meeting.

Ordinary meetings will:

- Elect a person to preside if the Chair and Vice Chair are not present
- Approve the minutes of the last meeting
- Receive any declarations of interest from members
- Receive any announcements from the Chair, Leader or Chief Executive
- Receive Formal Questions from, and provide answers to, the public and members in accordance with Rules 4.7 and 4.8
- Deal with any business from the last Council meeting
- Receive and consider reports from the Cabinet and the Council's Boards and Committees
- Consider motions
- Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Scrutiny Board for debate.

4.5.2 Those listed below may request the Chief Executive to call an extraordinary meeting of the full Council in addition to ordinary meetings:

- The Council by resolution
- The Chair of the Council
- The Monitoring Officer
- Any five members of the Council if they have signed a requisition presented to the Chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

In any of the above cases, the meeting must be held within 14 days of the request being made to the Chief Executive .

An extraordinary meeting of the full Council may conduct any business of an ordinary meeting of the full Council. It may approve the minutes of the previous ordinary meeting, but if this is not done, these may be approved at the next ordinary meeting.

## **4.6 Rules of Procedure for Meetings of Full Council**

- 4.6.1 The rules for conducting meetings set out in Section 15 will apply to meetings of the full Council, with the addition of the rules set out in this section.
- 4.6.2 **Standing to speak:** When a member speaks at full Council they must stand (if able) and address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the others must sit. Other members must remain seated and silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.
- 4.6.3 **Chair standing:** When the Chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

#### 4.7 **Formal Questions by Members of the Public at Meetings of the Full Council**

- 4.7.1 **Who can ask formal questions, who can answer them and when:** Anyone may ask a Formal Question of any member of the Council. Questions will be answered at the first meeting of the full Council after they have been submitted, unless rejected under Rule 4.7.3. These will be answered in the order that they were received, subject to the discretion of the Chair.
- 4.7.2 **Notice of Formal Questions:** A Formal Question may only be asked if a copy of it has been sent in writing or by electronic mail to the Chief Executive to arrive at least 3 working days before the meeting.

The Chair may permit Formal Questions to be asked with less notice, where there is good reason and where sufficient time has been given for the Formal Question to be properly answered.

- 4.7.3 **Number and Scope of Formal Questions:** At any one meeting, no person may submit more than two questions and no more than two questions may be asked on behalf of one organisation.

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the District
- is defamatory, frivolous or offensive
- is substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in circumstances in the meantime.
- requires the disclosure of confidential or exempt information.

If a question is rejected the Chief Executive will inform the questioner why.

- 4.7.4 **Record of Formal Questions:** The Chief Executive will retain a record of each question available for public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

- 4.7.5 **Answering Formal Questions:** The total time available for public participation at full Council meetings, including the time for representations made by members of the public under the rules in Section 15 and the time for asking and answering Formal Questions, shall normally not exceed 20 minutes. The Chair may exceptionally allow more or less time at his/her discretion. Any Formal Questions not answered by the end of the allowed period shall be answered in writing only.

If the question has not been rejected, or withdrawn by the questioner, the Chair will invite the questioner to put the Formal Question to the member named in the notice.

If the questioner is not present the Chair may put the question on the questioner's behalf and indicate that a written reply will be given or decide that the question will not be dealt with.

If the member to whom the question was to be put is not present at the meeting, the question will be dealt with by a written answer.

Unless the Chair decides otherwise, no discussion will take place on any Formal Question.

Any member may move that a matter raised by a Formal Question be referred to the Cabinet or the appropriate board, committee or sub-committee. Once seconded such a motion will be voted on without discussion.

- 4.7.6 **Supplementary Questions:** When a Formal Question has been answered, the person who has put the Formal Question may ask one supplementary question.

A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 4.7.3 above.

## 4.8 Questions by Members of the Council at Meetings of the Full Council

- 4.8.1 A member of the Council may ask the leader or chair of any Council body or working party any question without notice upon an item concerning any report of that body when that item is being received or under consideration by the Full Council.

- 4.8.2 In addition, a member of the Council may ask:
- the Chair of the Council
  - a member of Cabinet
  - the Chair of any Council body or working party

a Formal Question on any matter in relation to which the Council has powers or duties or which affects the District and which falls within their terms of reference.

- 4.8.3 Rules for Members of Council asking Formal Questions at Full Council will be the same as for Members of the Public as given in Section 4.7 except that:
- there is no limit on the number of questions that can be asked
  - only two working days notice in writing is normally required
  - questions of an urgent nature can be put if: they have the consent of the member being questioned; and the question is given to the Chief Executive by noon of the day of the meeting.

#### **4.9 Notices of Motion at Meetings of the Full Council**

- 4.9.1 There are many procedural motions that will arise during a meeting that do not require notice, as set out in Section 15.

A Notice of Motion allows full Council to discuss any matters for which the Council has a responsibility or which affect the District

- 4.9.2 **Submitting Notices of Motion:** Every Notice of Motion must be signed by the member or members submitting it and submitted in writing or by electronic mail to the Chief Executive at least 7 working days before the date of the meeting. These will be entered in a book open to public inspection.

- 4.9.3 The Chief Executive may reject a Notice of Motion if the Motion:
- is not about a matter for which the local authority has a responsibility or which affects the District
  - is defamatory, frivolous or offensive
  - is substantially the same as a motion which has been proposed at a meeting of the Council in the past six months and there has been no material change in circumstances in the meantime
  - contains wording which discloses confidential or exempt information.

If a Notice of Motion is rejected the Chief Executive will inform the member(s) submitting it of the reason.

- 4.9.4 The Chair may permit Motions to be proposed with less notice at his or her discretion.

- 4.9.5 Valid motions will be listed on the agenda for the meeting in the order in which they were received unless the member(s) giving the notice state, in writing, that they propose to move it to a later meeting or withdraw it.

#### **4.10 State of the District Debate**

- 4.10.1 **Calling of debate:** The Leader may call a State of the District debate

annually on a date and in a form collectively decided by group leaders. The arrangements for this debate will be announced at a meeting of the full Council.

4.10.2 **Form of debate:** The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the District debate.

4.10.3 **Chairing of debate:** The debate will be chaired by the Chair of the Council or the Vice Chair in the Chair's absence.

4.10.4 **Results of debate:** The results of the debate will be:  
(i) disseminated as widely as possible within the community and to agencies and organisations in the area; and  
(ii) considered by the leader in proposing the Budget and Policy Framework to the Council for the coming year.