

Section 4 - Full Council

ARRANGEMENTS

4.1 **FORM AND COMPOSITION:** Full Council (“the Council”) consists of all 110 Members.

4.2 **FUNCTIONS AND RESPONSIBILITIES:**

4.2.1 Full Council Responsibilities:

To:

(a) (i) Approve the Constitution annually on the recommendation of the Constitution and Standards Committee. Only Council can change the model of democratic governance or the Council’s Committee structure or the operational arrangements of the Council. Approval of the Constitution is subject to the Leader’s approval of any changes to the Leader and Executive arrangements.

(ii) Subject to (i) above, delegate authority to the Constitution and Standards Committee to approve in-year amendments to specific parts of the Constitution.

(b) Approve the Policy Framework and Budget (see Part 1, Section 1 for definitions of both);

(c) Take any decision which is a departure from the Policy Framework or Budget, subject to the urgency procedure contained in Part 1, Section 8 - Decision-making Arrangements;

(d) Appoint the Chair and Vice Chair of the Council at the Annual General Meeting to hold office until the next Annual General Meeting (usually held in May each year)

(e) Appoint the Leader of the Council to hold office from his/her appointment until the day of the post election annual general meeting (usually a 4 year term of office) , including the power to rescind the appointment;

(f) Consider any issues referred by the Leader or the Scrutiny Committee Chairs for advice, including issues where the Leader and the relevant Committee are not in agreement;

(g) Adopt a Scheme of Members’ Allowances - see Part 2 of the Constitution – Part D;

(h) Appoint Council Committees (including their Chairs and Vice-Chairs as appropriate) and decide their functions annually. The Committees, their functions and operating arrangements are detailed in Part 1, Sections 6, 6A and 6B;

(i) Remove the Chairs and Vice-Chairs where appointed by the Council;

- (j) Receive regular reports from the Executive and the Scrutiny Committees on their work, including an annual report from each Committee;
- (k) Receive an annual report from the Leader of Council, in addition to the Leader submitting any matter for consideration by the Council at any other time. The Leader will also report significant changes made to Executive arrangements to the next available meeting of the Council
- (l) Receive annual reports on the work of the Pensions, Audit and Constitution and Standards Committees, and the Corporate Parenting Board. The annual report of the Constitution and Standards Committee will be taken as the first main item of business on the Council agenda at the AGM. The report of the Corporate Parenting Board will be taken as the second main item of business on the Council agenda at the AGM;
- (m) Receive reports for information on an 'as and when' necessary basis from the Human Resources Committee;
- (n) Approve the annual calendar of meetings for Council and Committee meetings;
- (o) Approve the appointment of the Chief Executive on the recommendation of the Appointments Committee;
- (p) Consider any matter for which the Council has a responsibility or which, in the Council's opinion, affects the authority's area or its inhabitants;
- (q) Appoint or nominate representatives of the Council to serve on joint or outside bodies where these appointments are the responsibility of the Council;
- (r) *The appointment of any individual*
 - (i) *to any office other than an office in which he/she is employed by the authority*
 - (ii) *to any body other than*
 - *the authority*
 - *a Joint Committee of two or more authorities; or*
 - *any Committee or Sub-Committee of such a body,**and the revocation of any such appointment;*
('Local choice' function for appointments which are the responsibility of Council)
- (s) Make an order to implement recommendations made in a community governance review of electoral division arrangements;
- (t) Approve the treasury management policy statement on an annual basis;
- (u) Approve the Council's pay policy statement on an annual basis;
- (v) Receive the Annual Reports of the Heart of the South West Local Enterprise Partnership and the Avon & Somerset Police and Crime Panel following consideration by the Executive, and any other

relevant partnership as requested by the Constitution and Standards Committee;

(w) Deal with all other matters which, by law, must be reserved to Council.

4.2.2 Full Council delegations:

Council delegates functions and responsibilities to:

- (a) Committees of the Council – as detailed in Part 1, Sections 6A and 6B.
- (b) Officers of the Council – as detailed in Part 1, Section 7
- (c) The Council Leader (under the ‘local choice’ provisions) – as detailed in Part 1, Sections 5 and 8.

The Council can also delegate County Council functions to another council or accept functions. A Committee of the Council may do the same.

4.2.3 DESCRIPTION OF EXECUTIVE ARRANGEMENTS: The following parts of the Constitution comprise the ‘executive arrangements’ of the Council which are the responsibility of the Council to agree:

- (a) Part 1, Section 5 – Leader and Executive Arrangements (subject to the approval of the Leader - see note below)
- (b) Part 1, Section 6A – Scrutiny Committee Arrangements
- (c) Part 1, Section 8
 - Paragraphs under 8.5 – Council and Executive Scheme of Delegation to Officers – relevant delegations
 - Paragraphs under 8.6 – Decision-making Access to Information Procedure Rules

Note: The Leader and Executive Arrangements which form part of the Council’s executive arrangements are the responsibility of the Leader to approve.

4.3 FULL COUNCIL MEETINGS: There are 3 types of Full Council meeting:

- (a) The Annual General Meeting - In a 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 either April or May. The Annual General Meeting deals with the annual review of the Council’s Constitution, procedural matters and appointments as well as the usual business of the Council.
- (b) Ordinary Meetings – held 3 times a year normally in February, July and November to deal with the usual business of the Council. In a County Council election year there is an additional meeting in advance of the election.

- (c) Extraordinary (or special) Meetings. These deal specifically with the business for which the meeting has been called. They can be called by:
- (i) The Council;
 - (ii) The Chair of the Council or, in the absence of the Chair, the Vice-Chair of the Council;
 - (iii) Any 5 Members of the Council through a signed request to the Chair of the Council (or the Vice-Chair in the absence of the Chair). The Chair must make arrangements to call an extraordinary meeting within 7 calendar days of receiving the request;
 - (iv) The Monitoring Officer.

4.4 TIME AND PLACE OR FULL COUNCIL MEETINGS: Council meetings usually start at 10.00am and are normally held at Shire Hall, Taunton or such other place as the Council may decide (including virtual or hybrid meetings subject to legislative requirements being met). The dates of Council meetings are published on the Council's website for up to a year in advance of the meetings.

PROCEDURAL RULES

4.5 ELECTION OF CHAIR AND VICE-CHAIR: From the elected Members of the Council, the Council elects the Chair and Vice-Chair at its Annual General Meeting. The Chair shall, unless he/she resigns or becomes disqualified, continue in office until his/her successor becomes entitled to act as Chair of the Council.

If a vacancy in these positions occurs the Council will fill the vacancy at the next available meeting. In the absence of the Chair and the Vice-Chair at a Council meeting, a Chair will be elected for the meeting from the members present.

4.6 CHAIR'S POWERS AND FULL COUNCIL MEETINGS: The Chair may:

- (a) Call an extraordinary meeting of Full Council;
- (b) Vary the order of business for Full Council meetings in advance of the agenda being sent out or at the meeting itself;
- (c) Alter both the start time and the venue of Full Council meetings;
- (d) Decide how and when business from an adjourned meeting is dealt with;
- (e) Exercise discretion over the application of the requirements of the rules for public question time and member debate.

4.7 QUORUM: 28 Members are required for a valid Full Council meeting to be held. If a quorum is not present, the meeting will be adjourned until a quorum is present or any remaining business will be considered at the next Ordinary Meeting or at a time and date fixed by the Chair.

4.8 DURATION OF MEETING: Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for four hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next scheduled meeting.

4.9 FULL COUNCIL MEETING BUSINESS PLAN: The Business Plan for each meeting is contained within the Chair's Schedule which is published on the day of the meeting to members, all other persons attending the meeting and on the Council's website. Public questions or statements to be considered at the meeting shall be published on the Council's website by 5pm on the working day before the meeting is held.

4.10 PROPOSALS REQUISITIONED BY MEMBERS: Any Member can requisition a proposal for consideration by the Council. In order to be formally considered requisitioned proposals must:

- (a) Relate to Council business or be a matter which affects the County and must request the Council to take action;
- (b) Be formally notified to the Monitoring Officer at least 13 calendar days (excluding any bank holidays) before the meeting at which it is to be considered.
- (c) Be formally proposed by the Member who submitted it or, with his/her consent, by another Member;
- (d) Be formally seconded by another Member at the meeting.

A proposal can only be withdrawn by the Member who originally submitted it either in writing in advance of the meeting or verbally at the meeting.

4.11 PUBLIC QUESTION TIME (INCLUDING TREATMENT OF SMALL PETITIONS)

Note: References in this section to petitions relate to petitions which individually or collectively (on the same subject matter) contain under 5000 signatures.

4.11.1 Public representations (questions, statements or a petition) must be received in writing by the Monitoring Officer by 5pm on the Thursday prior to the meeting (for Wednesday Council meetings) to be considered at that meeting. Any questions, statements or petitions received after the deadline will only be considered with the discretion of the Chair of the relevant meeting. The questioner will need to set out reasons for their late submission to be considered at the meeting. If the Chair rejects the late question or statement then a written reply will be provided by the council within 20 working days of the meeting.

Notwithstanding the above, where a question relates to a matter which is included on the agenda for a meeting at which the question is to be put but that agenda or any Officers Report has not been made available before the normal deadline for submission of questions by 5pm three clear working days before the meeting then provided written notice of a question is received within 24 hours of that Agenda or Report having been so published then the question shall be allowed.

4.11.2 If a person submits more than three questions (including any sub-division or component questions ie. Question 1a, 1b and 1c would mean three questions the same as Question 1, 2 or 3) then only the first three questions shall be accepted for a meeting (subject to those questions not duplicating or being similar to other questions received from other persons for the meeting). Where there is duplication or the question or statement is similar then it is proposed that those will be rejected. The Monitoring Officer shall adjudicate on the application of this in consultation with the Chair.

4.11.3 Public representations will be rejected by the Chair of the Council, following consultation with the Monitoring Officer, if they:

- (a) Do not relate to a matter for which the council has a responsibility or which affects the County;
- (b) Are defamatory, frivolous, offensive, vexatious or unlawful;
- (c) Are substantially the same as a public representation which has been put at a meeting of the Council, Executive or a Committee in the past six months;
- (d) Require or request the disclosure of confidential or exempt information in any response;
- (e) Relate to any non-determined planning application or town and village green application
- (f) Name or identify individual service users, members of staff or members of staff of partner agencies
- (g) Are considered to be inappropriate for the particular meeting

The Monitoring Officer can edit public representations in consultation with the author and the Chair. If changes cannot be agreed the Monitoring Officer can reject the representations.

4.11.4 The Chair's Schedule for the meeting includes details of public representations. They are also detailed in the Minutes together with the responses (given at the meeting or provided following the meeting). Up to 20 minutes is allowed for public question time.

4.11.5 Members of the public have up to 3 minutes to introduce and present their representations. If a member of the public is unable to attend a meeting in person, then they will be allowed to arrange for someone to ask the question on their behalf. If no person is able to put the question to the meeting then either the Chair or the Monitoring Officer shall present their question to the meeting.

4.11.6 A Member (usually the relevant Lead Member) will normally provide a brief verbal response to public representations at the meeting. There will be no member debate. If a full response cannot be given at the meeting, then a written response will be provided within 20 working days of the meeting.

4.12 TREATMENT OF LARGE PETITIONS

4.12.1 Petitions of 5000 or more signatures (individually or collectively) qualify for a 15 minute debate at a Full Council meeting if notice is given in accordance with 4.11 above.

4.12.2 The petition will be regarded as having been formally handed over to the Chair and the Council by being placed on the front table at the meeting.

4.12.3 The petition organiser will have a maximum of 5 minutes to introduce the petition. Any related public questions to the petition will then be considered – the normal rules for public questions set out in 4.11 above apply.

4.12.4 The relevant Lead Member has a maximum of 5 minutes to respond to the petition organiser / public questions prior to a member debate which is limited to 15 minutes.

4.13 FILMING OF FULL COUNCIL MEETINGS BY THIRD PARTIES

4.13 Recording and transmission of formal Council meetings by third parties is allowed to in accordance with the Somerset County Council Recording Protocol: Third Party Recording of Committees, Boards and Panels as set out as Appendix I in Part 2 of the Constitution. Details of the provisions are included on all formal meeting agendas and are displayed in the meeting rooms.

4.14 LEADER AND LEAD MEMBER REPORTS - MEMBER QUESTIONS:

Member questions must be received by the Monitoring Officer by 5pm on the Thursday before the meeting (when that meeting is being held on a Wednesday) to guarantee receiving a full response by the Lead Member at the meeting. Questions notified are included in the Chair's Schedule for the meeting. If notice is not given a full answer may be given at the meeting but if this is not possible a written answer will be provided within 20 working days of the meeting. Questions and responses are included in full in an appendix to the Minutes.

4.15 OVERTURNING COUNCIL DECISIONS

4.15.1 A proposal to:

- (a) overturn a decision made within the past 6 months; or
- (b) consider a similar proposal to one that has been rejected in the past 6 months

can only be considered if supported by at least 10 Members at the meeting. Once dealt with, the Council will not consider a similar proposal for 6 months.

4.15.2 Paragraph 4.15.1 above does not apply to recommendations of the Leader, the Executive, a Committee or decisions / proposals made prior to the last main County Council election.

4.16 PROPOSALS AND AMENDMENTS NOT REQUIRING NOTICE:

4.16.1 The following proposals or amendments to proposals can be proposed at a Full Council meeting without giving notice under paragraph 4.10:

- (a) Electing a Chair.
- (b) Referring a matter to the Leader or a Committee.
- (c) Appointing a Committee (or Members to a Committee) when the agenda contains an item to allow Members to do so.
- (d) Requesting approval to withdraw a proposal.
- (e) Amending a proposal submitted under paragraph 4.10 above.
- (f) Amending a recommendation in a report.

- (g) Asking the Council to proceed to the next item on the agenda.
- (h) Asking the Council to move straight to a vote on the issue being discussed (otherwise known as a proposal that the question is put to the vote without delay).
- (i) Adjourning the debate.
- (j) Adjourning the meeting.
- (k) Suspending the Council's procedural rules.
- (l) Excluding the press and public to deal with confidential or exempt business.
- (m) Dealing with disorderly conduct by a Member under paragraph 4.22 that follows below;
- (n) Dealing with disorderly conduct by a member of the public under paragraph 4.23 below.

4.16.2 Significant amendments must, wherever possible, be received by the Monitoring Officer by noon on the Monday before a Wednesday meeting. The Monitoring Officer will approve any amendments and include them in full in the Chair's Schedule. Amendments received after the Monday deadline will only be allowed at the discretion of the Chair.

4.17 **VOTING:**

4.17.1 Decisions are made by a simple majority vote. The Chair will seek a general verbal agreement from those present or request a show of hands or set out other means in which Members can indicate their vote. If the vote is equal, the Chair can exercise a second or casting vote and may cast one or both votes in whatever way he or she chooses. Any Member immediately following a vote can request that their vote is recorded in the Minutes.

4.17.2 If 11 Members present demand it (such as by standing), the names for and against the proposal or amendment and those who didn't vote are recorded in the Minutes.

4.17.3 For any budget proposal or amendment formally considered, the names of the persons who voted for or against, or those who didn't vote, are recorded in the Minutes.

4.17.4 Where there are more than two people nominated for any position and one person fails to achieve a clear majority of votes, then the person with the least number of votes is taken off the list and a new vote taken. The process continues until there is a majority of votes for one person.

4.18 **MINUTES:** Minutes include all proposals, amendments and decisions in the exact form and order considered at the meeting. With the consent of the Council, the Chair will sign the Minutes as a correct record at the next scheduled meeting. Only the accuracy of the Minutes may be discussed. Any signed Minute is sufficient to be received in evidence in a court of law without further proof.

In respect of the Council's audio recordings of its meetings, reference should also be made to the Access to Information Procedure Rules.

No requirement to sign minutes of a previous meeting at an extraordinary meeting - where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

4.19 RECORD OF ATTENDANCE: All Members present must sign the attendance sheets provided at the meeting or alternatively the Monitoring Officer will be required to record Members' attendance at the meeting.

4.20 EXCLUSION OF THE PUBLIC: The public and press can only be excluded for confidential or exempt business or under paragraph 4.23 (Disturbance by the public).

4.21 MEMBERS' RIGHT TO SPEAK

4.21.1 A Member's speech must relate either to the matter under discussion or to a 'personal explanation' or to a 'point of order', as appropriate. A member has up to 5 minutes to speak on an agenda item and shall speak only once on a single item.

4.21.2 Any Member who wants to raise either a point of order or to speak by way of personal explanation will be allowed by the Chair to speak immediately.

- (a) **Points of order** - the Member must immediately state which procedural rule or statutory provision has been broken and in what way.
- (b) **Personal explanation** – a Member has the right to speak to clarify remarks made by him/her earlier in that debate which appear to him/her to have been misunderstood.

Note - there is no automatic right to speak just because a Member has been named and in this instance the relevant Member must seek the Chair's permission to address the Council.

4.21.3 In seconding a proposal or an amendment a Member can reserve his/her right to speak later in the debate.

4.22 MEMBERS' CONDUCT

4.22.1 Members must indicate their wish to speak to the Chair. When invited by the Chair, the Member must stand and address the meeting through the Chair. If the Chair stands or indicates otherwise his request for any Member to stop speaking during a debate, any Member speaking at the time must

immediately be silent and sit down and all other Members must be silent and seated.

4.22.2 If a Member's behaviour disrupts the meeting, the Chair can propose that the Member is silent and if seconded, the proposal will be voted on without discussion. If agreed and the Member continues to behave improperly, the Chair can propose that either the Member is excluded from the meeting or that the meeting is adjourned for a specified period. If seconded, the proposal will be voted on without discussion.

4.22.3 If there is a general disturbance amongst the Members, the Chair may adjourn the meeting for as long as he/she thinks necessary.

4.23 **DISTURBANCE BY THE PUBLIC:** If a member of the public interrupts the meeting, the Chair will invite the person to stop. If they continue to disrupt the meeting, the Chair can order their removal from the meeting. If there is a more general disturbance the Chair may adjourn the meeting for as long as they consider necessary to allow all or part of the meeting to be cleared.

4.24 **SUSPENSION AND AMENDMENT OF COUNCIL MEETING RULES**

4.24.1 Any Full Council meeting rule can be suspended with the agreement of the Council as long as at least 73 of the 110 Members of the Council are present. Suspension can only be for the duration of the meeting or part of the meeting.

4.24.2 Any proposal (other than a recommendation contained in a report) to change any of the Full Council meeting rules will, if seconded, be referred without discussion to the Constitution and Standards Committee for consideration and report to the next scheduled Meeting of the Council.

4.25 **APPLICATION OF THESE RULES TO COMMITTEES OF THE COUNCIL:** Procedural rules 4.5, 4.8, 4.11, 4.17 to 4.20 and 4.22 to 4.23 apply with appropriate modification to meetings of the Committees of the Council. The procedural rules that apply to the Council's 'executive' arrangements are detailed in Part 1, Section 5 of this Constitution.