SECTION A - THE ASSEMBLY

1. Generally, the Assembly may exercise all, or any, of the duties or powers of the Council, irrespective of delegation to other Member meetings or to employees.

2. The following powers and functions are reserved to the Assembly by law and/or statutory guidance and cannot be delegated:

2.1 Adopting and changing the Constitution, or authorising the suspension of any of its Rules;

2.2 Subject to the urgency procedure contained in Article 11 Appendix A paragraph 2.5 in Part B of this Constitution, making decisions about any matter which is normally a Cabinet function but is either contrary to the policy framework or contrary to, or not wholly in accordance with, the budget;

2.3 Appointing the Leader of the Council who shall be the Chair of the Cabinet;

2.4 Setting the overall political structure, agreeing and/or amending the terms of reference of the component parts, deciding on their composition and making appointments to them (including the appointment of Chairs and Deputy Chairs and Lead and Deputy Lead Members where appropriate), with the exception of the makeup of the Cabinet, the responsibility for which lies with the Leader of the Council;

2.5 Appointing statutory co-opted Members to the Children’s Services Select Committee, and independent members to the Standards Committee;

2.6 Considering and making decisions on reports from the Head of Paid Service, Monitoring Officer and the Chief Financial Officer (Section 151 Officer);

2.7 Adopting the Members' Allowances Scheme;

2.8 Appointing the following Panels:

2.8.1 **JNC Appointments Panel** - consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively), the relevant Portfolio Holder(s), plus at least two other councillors to
(i) shortlist candidates for the position of Chief Executive (Head of Paid Service) and Corporate Directors, the appointments of whom to be
made by the Assembly and
(ii) make decisions in respect of acting/interim appointments to the positions of CE and Corporate Directors, as well as the permanent/acting/interim appointment and/or assimilation of all other JNC Officers;

2.8.2 **Joint Appointments Committee** – consisting of eight councillors (four from each of the London Borough of Barking & Dagenham and Thurrock Council [the authorities]) comprising from LBBD the Leader of the Council (as Chair on an alternating basis), the Deputy Leader of the Council, the relevant
Portfolio Holder and one other councillor, in respect of staff employed in posts serving the authorities jointly under a shared service or other arrangement to:

(i) be responsible for the selection and appointment of staff at Chief Officer and Deputy Chief Officer (JNC) level;
(ii) agree a shortlist of candidates drawn from a long list of candidates submitted by the Chief Executive or any appointed consultants;
(iii) interview the agreed shortlist of candidates and agree the appointment of the preferred candidate;
(iv) make recommendation to the two authorities for confirmation of the appointments of the Corporate Directors, the Section 151 Officer and the Monitoring Officer; and
(v) refer any matter back to the two authorities if the Joint Appointments Committee cannot reach agreement.

2.8.3 **JNC Disciplinary Panel** - consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively), the relevant Portfolio Holder(s), plus at least two other councillors to:

(i) make decisions in respect of the dismissal and consider disciplinary action and/or grievances in respect of all JNC Officers with the exception of the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer), whose cases will additionally require the involvement of an independent person, and

(ii) in the case of dismissal, be subject to recommendations to the Assembly.

2.8.4 **JNC Salaries and Conditions Panel** - consisting of the Leader and Deputy Leader of the Council (as Chair and Deputy Chair respectively), the relevant Portfolio Holder(s), the Cabinet Member for Finance, Revenues and Benefits, plus at least two other councillors to consider and make final decisions in relation to salaries and conditions for JNC officers (including the Chief Executive) and the grading of any new JNC posts in line with Council policy.

2.8.5 **JNC Appeals Panel** - consisting of at least two Members of the Cabinet, one of whom shall be appointed as Chair, plus two other councillors, subject to none having participated in any previously appointed Panel relating to the case in question, to:

(i) consider appeals in respect of dismissal, redundancy, disciplinary action and grievances from JNC Officers; and

(ii) consider, with the involvement of a separate independent person, appeals in respect of disciplinary action and grievances against the Chief Executive (Head of Paid Service), Monitoring Officer and Chief Financial Officer (Section 151 Officer).

2.9 Changing the name of the area;

2.10 Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
2.11 Approving or adopting the policy framework, the budget, the Council Tax, and any application to the Secretary of State in respect of any Housing Land Transfer (these are explained in greater detail in Article 2 of Part B of the Constitution);


2.13 Approving and adopting the following Plans and Strategies:

- Community Strategy
- Crime and Disorder Reduction Strategy
- Local Development Frameworks
- Local Implementation Plan (Transport)
- Youth Justice Plan
- Statement of Licensing Policy

2.14 All other matters which, by law, must be reserved to the Assembly.

3. The following powers and functions are reserved to the Assembly by local choice:

3.1 Appointing Members to the following positions on the Council:

- the Chair and Deputy Chair of the Assembly
- the Chair and Deputy Chair of the Development Control Board
- the Chair and Deputy Chair of the Licensing and Regulatory Board
- the Chair and Deputy Chair of the Personnel Board
- the Chair and Deputy Chair of the Standards Committee
- the Lead and Deputy Lead Members of the:
  - Children’s Services Select Committee
  - Health and Adult Services Select Committee
  - Living and Working Select Committee
  - Public Accounts and Audit Select Committee
  - Safer and Stronger Community Select Committee
- any other lead roles as may be considered appropriate by the Assembly

3.2 Appointing representatives to outside bodies and partnerships, with the exception of local authority school governor positions which are reserved to the Leader of the Council and the Cabinet Member for Children's Services in consultation with the Corporate Director of Children’s Services.

3.3 Reviewing Member appointments made in respect of Member meetings in between annual reviews if necessary;

3.4 Adopting the Council’s Codes of Conduct for Members and Employees;
3.5 Agreeing procedures or arrangements relating to the way in which the Council operates, including Financial Rules, the Scheme of Delegation, Contract Rules, the Protocol for Member-Employee Relations, Rules governing Conferences, Visits and Hospitality, the Code of Practice for Land Acquisitions and Disposals, and any other Rules;

3.6 Borrowing money;

3.7 Delegating functions to another local authority and accepting delegations from another local authority;

3.8 Approving and adopting the following plans and strategies:

- Climate Change Strategy
- Council's Community Priorities
- Food Safety Business Plan
- Health & Safety Service Plan
- Trading Standards Service Plan
- Housing Strategy
- The Council Plan
- Lifelong Learning Development Plan

3.9 Confirming the making of any other statutory Plans and Strategies and, where necessary, their submission to the appropriate Government Department for approval;

3.10 Receiving reports, recommendations and/or advice from the various Member meetings and determining matters where required;

3.11 Receiving reports and recommendations from the Council’s External Auditors, the Ombudsman and Government or other Inspectorates relating to Council-wide issues and determining matters where required; and

3.12 Such other matters that the Assembly may from time to time reserve to itself

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