ARTICLE 2

THE ASSEMBLY

1. Legal Status

1.1 The Assembly is a meeting of the full council, but under a different name, as defined in Section 8 and Schedule 12 of the Local Government Act 1972.

1.2 There are certain matters which by law, only the Assembly can carry out. These are contained in the terms of reference as set out in the Scheme of Delegation in Part C of the Constitution.

1.3 All local choice functions which the Assembly has decided it should undertake itself rather than the Cabinet are also set out in the Scheme of Delegation.

2. Role

2.1 The Assembly is the central political focus of the Council and the co-ordinating body for all elements of the political structure. It sets the overall corporate direction, policy framework and financial limits for the Council within which all operations and policies are carried out. It aims to foster a community-focused approach to the formal side of the Council’s business, recognising the wider interests of the community and the need to be accountable to them.

3. Membership

3.1 All Members of the Council.

4. Quorum

4.1 Thirteen Members.

4.2 In respect of the various JNC Panels set up under the Assembly (Appointments, Disciplinary, Appeals and Salaries and Conditions), the quorum is two Members.

5. Chair and Deputy Chair

5.1 The Chair and Deputy Chair are appointed by the Assembly.

5.2 The meetings are controlled by the Chair of the Assembly who is responsible for:

5.2.1 upholding and promoting the purposes of the Constitution, and interpreting it (with the assistance of the Chief Executive);

5.2.2 presiding over meetings of the Assembly so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

5.2.3 ensuring that the Assembly meeting is a forum for the debate of matters of interest to the local community and the place at which all Members are able to question and/or hold Members of the component parts of the Council’s political structure to
account for their actions (for example, the Cabinet, the various Select Committees, the Standards Committee etc.); and,

5.2.4 promoting public involvement in the Council’s activities.

6. Frequency of Meetings

6.1 Programmed every two months.

6.2 The Chair and the Deputy Chair, in consultation with the Leader and Deputy Leader of the Council, can, at their discretion, request the Chief Executive to call a special meeting at any time having regard to statutory requirements.

6.3 Five Members of the Council can, by signed requisition to the Chief Executive and with appropriate reasons, request that a special meeting be called at any time. The decision will be at the discretion of the Chief Executive, in consultation with the Chair.

7. Venue and Time

7.1 The Town Hall, Barking

7.2 7.00 p.m. unless otherwise determined by the Chair and the Deputy Chair, for special reasons.

8. Annual Meeting of the Assembly

8.1 Timing

8.1.1 The annual meeting will be held in May.

8.2 Main Role

8.2.1 The annual meeting will:

8.2.1.1 with the exception of the Cabinet (see paragraph 8.2.1.10) decide on the overall political structure (the Member meetings) and appoint the memberships (including any co-opted or independent members);

8.2.1.2 elect:-

(a) (in each election year for a term of four years) the Leader of the Council, who in accordance with the voting procedure set out in paragraph 9 of this Article, shall be the Chair of the Cabinet.

(b) the Chair and Deputy Chair of the Assembly

(c) the Chair and Deputy Chair of the Development Control Board

(d) the Chair and Deputy Chair of the Licensing & Regulatory Board

(e) the Chair and Deputy Chair of the Personnel Board

(f) the Chair and Deputy Chair of the Standards Committee

(g) the Lead and Deputy Lead Members of the:
• Children’s Services Select Committee
• Health & Adult Services Select Committee
• Living & Working Select Committee
• Public Accounts and Audit Select Committee
• Safer & Stronger Community Select Committee

(h) to any other similar lead positions as may be considered appropriate by the Assembly

8.2.1.3 agree those Councillors to have voting rights on the Barking Housing Forum and the Dagenham Housing Forum;

8.2.1.4 approve the minutes of the last ordinary meeting;

8.2.1.5 agree the Constitution and associated Rules, Schemes, Codes and Protocols relating to the way in which the Council operates;

8.2.1.6 appoint representatives to outside bodies and partnerships taking into account any recommendations of the Cabinet;

8.2.1.7 receive annual reports from Member meetings including the Barking & Dagenham Partnership, and

8.2.1.8 consider any other business set out in the notice convening the meeting.

8.2.1.9 The duly elected Leader of the Council will appoint a Deputy Leader of the Council who, in their absence or following a vote of no confidence (see paragraph 10 of this Article) shall assume the full powers of the Leader.

8.2.1.10 The duly elected Leader of the Council may at any time:
   (i) appoint further Members to serve on the Cabinet up to a maximum of ten and a minimum of three (including the Leader and Deputy Leader of the Council)
   (ii) assign portfolios in defined areas of Council activity to individual Members of the Cabinet
   (iii) appoint in consultation with Cabinet Members as appropriate, other non Cabinet Members (back benchers) to support them in their portfolio work

all such appointments in 8.2.1.9 and 8.2.1.10 to take immediate effect or from a date selected by the Leader of the Council and be reported to the next available Assembly meeting (for information).

8.3 Cabinet Members appointed by the Leader of the Council under 8.2.1.10(i) shall hold office until:
   (i) they resign from office; or
   (ii) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
   (iii) they are no longer Councillors; or
(iv) they are removed from office by the Leader of the Council by notification of removal made in writing by the Leader to the Chief Executive and to the Cabinet Member concerned. The removal will take effect immediately after receipt of the notice by the Chief Executive and will be reported by the Leader to the next available Assembly meeting (for information).

9. Election of the Leader of the Council

9.1 The Monitoring Officer (MO) will invite nominations from the floor for the position of the Leader of the Council. Nominations will be permitted only from constituted political groups having ten or more Members at the time of the meeting.

9.2 The MO will record and read out in alphabetical order the names of the persons nominated and the political group they represent.

9.3 The MO will conduct the vote for the election of the Leader of the Council in accordance with the following procedure:

9.3.1 Each Member present at the time will have one vote

9.3.2 The vote will be taken by way of a roll call and recorded in the Minutes

9.3.3 The MO will call out the name of each nominated person in alphabetical order and invite Members to vote according to their preference; alternatively they may, if they wish, abstain

9.3.4 At the conclusion of the vote the MO will announce the number of votes cast for each nominated person. If any one nominated person receives an overall majority of the votes cast (abstentions will not be counted), they will be declared the winner and be elected as the Leader of the Council.

9.3.5 If no one nominated person receives an overall majority of the votes cast, then the nominated person receiving the least number of votes will be eliminated

9.3.6 The MO will then invite further round(s) of voting as necessary in accordance with the procedures set out in paragraphs 9.3.1 to 9.3.3 above until one nominated person receives an overall majority, for which any abstentions will not be counted

9.3.7 Any Member not present at the start of the first vote (9.3.3) will not be entitled to a vote at a later round (9.3.6) even if they have joined the meeting by that stage.

9.4 Paragraphs 9.2 and 9.3 will be waived if only one nomination is made. Voting will then be by a show of hands.

10. Vote of no confidence in the Leader of the Council

10.1 Any motion of no confidence in the Leader of the Council must be received by the Chief Executive by no later than 4.00 pm on the Wednesday two weeks before the meeting, giving reasons. The motion must be signed by at least one half of the whole of the Council membership, i.e. 26 Members.

10.2 The motion will be listed first on the agenda.

10.3 No amendments to a motion calling for a vote of no-confidence motion in the Leader of the Council will be allowed.
10.4 Voting will be by way of a roll call or via any available automated voting system and recorded in the minutes.

10.5 The Chair or other person presiding at a meeting will have the final decision as to which of the two described voting methods will be used.

10.6 In order to carry the motion, at least two thirds overall majority of those Members present at the Assembly will be required.

10.7 In the event of the motion being carried, the Deputy Leader of the Council will assume the full powers of the Leader of the Council until a new Leader of the Council is appointed by the Assembly.

11. Ordinary Meetings

11.1 Ordinary meetings will exercise the following functions when appropriate:

11.1.1 elect a person to preside if the Chair and Deputy Chair are not present;

11.1.2 approve the minutes of the last meeting;

11.1.3 consider and set the Council’s overall priorities, plans, policy framework and related targets, having regard to (i) recommendations from the Cabinet, (ii) any known concerns of any Select Committees, and (iii) any identified wishes of the community at large following appropriate consultation;

11.1.4 set the Council Tax and Capital and Revenue budgets following recommendations from the Cabinet;

11.1.5 remove the Leader of the Council by way of a vote of No Confidence in accordance with the procedures set out in paragraph 10 of this Article;

11.1.6 in the event that a vote of No Confidence in the Leader of the Council as set out in paragraph 10 of this Article is agreed, elect a new Leader of the Council for the remainder of the term of office;

11.1.7 review any appointments made in respect of Member meetings in between annual reviews if necessary;

11.1.8 make any changes to the appointment of representatives to outside bodies and partnerships taking into account any recommendations of the Cabinet;

11.1.9 agree any changes to the Constitution and associated Rules, Schemes, Codes and Protocols relating to the way in which the Council operates;

11.1.10 oversee the management of the Council, including holding all the component parts to account for their actions and performance;

11.1.11 agree the salaries and conditions of all Chief Officers and Statutory Officers (i.e. the Chief Executive (Head of Paid Service), Corporate Directors, the Monitoring Officer and the Chief Financial Officer (Section 151 Officer) or delegating this to an appropriate panel appointed by the Assembly;
11.1.12 agree the appointments of the Chief Executive and Corporate Directors, having considered recommendations from a JNC Appointments Panel appointed by the Assembly;

11.1.13 dismiss the Chief Executive, the Monitoring Officer and the Chief Financial Officer (Section 151 Officer), having considered recommendations from a Panel appointed by the Assembly;

11.1.14 receive reports from the Cabinet on matters requiring the Assembly’s approval;

11.1.15 receive reports from the Ceremonial Council on matters requiring the Assembly’s approval;

11.1.16 receive reports from any Select Committee on matters requiring the Assembly’s approval and in turn to request any of those Select Committees to deal with specific issues as necessary;

11.1.17 receive reports from the Standards Committee on matters requiring the Assembly’s approval;

11.1.18 receive reports from the Regulatory and other Boards on matters requiring the Assembly’s approval;

11.1.19 receive an annual report of the BAD Youth Forum at the end of each academic year;

11.1.20 receive and consider reports from the Head of Paid Service;

11.1.21 receive and consider reports from the Monitoring Officer;

11.1.22 receive and consider reports from the Chief Financial Officer (Section 151 Officer);

11.1.23 receive and consider reports from Chief Officers as appropriate;

11.1.24 confirm the making of byelaws;

11.1.25 confirm the making of statutory plans and, where necessary, their submission to the appropriate Government department for approval;

11.1.26 promote local legislation;

11.1.27 receive and discuss issues of local importance raised through any other component parts of the Council;

11.1.28 deal with major policy issues;

11.1.29 consider motions;

11.1.30 deal with general questions;
11.1.31 deal with Leader’s questions;
11.1.32 deal with questions in connection with Local Authorities’ Interest in Companies;
11.1.33 deal with any matters referred through the Call-In process which cannot jointly be resolved by the Cabinet and the relevant Select Committee;
11.1.34 deal with any requests to rescind previous decisions of the Assembly or the Cabinet;
11.1.35 deal with any other matters of significance or importance at the discretion of the Chair and Deputy Chair.

12. Assembly Pre meeting

12.1 A pre meeting to brief the Chair and the Deputy Chair of the Assembly will be arranged by the Divisional Director of Legal & Democratic Services at a date and time to be agreed (usually the day before the meeting).

13. Motions regarding Decisions

13.1 Subject to the Call-In procedure (see Article 6A), all decisions of the Cabinet shall stand and can be acted upon once the agreed time period for Call-In has elapsed.

13.2 Subject to the Assembly agreeing otherwise, any motion to rescind or amend any decision of the Assembly or the Cabinet cannot be proposed unless at least six months have elapsed since the decision was made, and at least one third of the Council’s membership (seventeen Members) give notice and seek reconsideration of an issue at the next available meeting of the Assembly.

13.3 When any such motion or amendment has been dealt with by the Assembly, a similar motion may not be proposed within a further period of six months.

14. Motions on issues directly affecting the Borough

14.1 Written notice of any motions must be received by the Chief Executive by no later than 4.00 pm on the Wednesday two weeks before the meeting. The following provisions exclude a motion moving a vote of no confidence in the Leader of the Council (see paragraph 10 for details).

14.2 The Chief Executive in consultation with the Chair, or in their absence the Deputy Chair, of the Assembly may decide not to place on the agenda any motions that he/she considers are of a vexatious or derogatory nature, or contrary to any provision of any code, protocol, legal requirement or rule of the Council; or that do not relate to the business of the Council or are otherwise considered improper or inappropriate.

14.3 The Chief Executive in consultation with the Chair, or in their absence the Deputy Chair, of the Assembly may decide not to place on the agenda any motions the content of which he/she feels forms the basis of a motion already considered at the Assembly within the previous twelve months.
14.4 In the event that the Member who submitted the motion is not present at the Assembly meeting, the motion will be withdrawn.

14.5 Any motions withdrawn as indicated above, or withdrawn at the request of the Member who submitted the motion, either before or during the meeting, may not be resubmitted to the Assembly within a period of six months. This condition will be waived where the Member, or a colleague on their behalf, has notified the Chief Executive by 5 pm on the day of the meeting of their inability to attend due to their ill health or family bereavement.

14.6 Motions will be listed on the agenda in the order in which they are received.

14.7 Motions must be about matters for which the Council has a responsibility or which directly affect the borough.

14.8 Written notice of any amendments to motions must be received by the Chief Executive by no later than 12 noon on the Friday before the meeting. The same criteria and actions as described in paragraphs 14.3, 14.4, 14.5 and 14.6 will apply in relation to any amendments received.

14.9 Any amendments proposed after the time specified in paragraph 14.8 will only be considered for exceptional reasons such as a change in circumstances appertaining to the original motion, in which case the consent of the Chair will be required.

14.10 Order/rules of debate:

1. Except with the Chair’s consent, the debate on each motion shall last no longer than 10 minutes and no individual speech shall exceed two minutes.

2. The mover will move the motion and explain its purpose.

3. The Chair will invite another Member to second the motion

4. If any amendment(s) has been accepted in accordance with paragraphs 14.8 or 14.9, the Chair will invite the relevant Member to move the amendment(s) and explain its (their) purpose.

5. The Chair will invite another Member(s) to second the amendment(s).

6. The Chair will then invite Members to speak on the motion and any amendments.

7. Once all Members who wish to speak have done so, or the time limit has elapsed, the Chair will allow the mover(s) of the amendment(s) a right of reply followed by the mover of the original motion.

8. At the end of the debate, any amendments will be voted on in the order in which they were proposed.

9. If an amendment is carried, the motion as amended becomes the substantive motion to which any further amendments are moved and voted upon.

10. After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

11. If all amendments are lost, a vote will be taken on the original motion.
15. **Closure Motions**

15.1 A member may move, without comment, the following motions at the end of a speech of another Member:

(i) to proceed to the next business;
(ii) that the question/motion be now put;
(iii) to adjourn a debate; or
(iv) to adjourn a meeting.

15.2 If a motion to proceed to next business is seconded the Chair will put this to a vote without further discussion on the original motion or item.

15.3 If a motion that the question/motion be now put is seconded the Chair will call the vote on the original motion or question.

15.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks 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.

16. **Leader’s Question Time**

16.1 Questions to the Leader of the Council may be raised at the meeting at the appropriate stage. All Members will be given an equal and fair opportunity to ask questions but each Member will be restricted to one question.

16.2 Written notice of any questions for the Leader must be received by the Chief Executive by no later than 12 noon on the Wednesday during the week before the Assembly meeting in question.

16.3 The Chief Executive in consultation with the Chair, or in their absence the Deputy Chair, of the Assembly may decide not to place on the agenda any written questions submitted pursuant to paragraph 16.2, that he/she considers are of a vexatious or derogatory nature, or contrary to any provision of any code, protocol, legal requirement or rule of the Council; or that do not relate to the business of the Council, or are otherwise considered improper or inappropriate.

16.4 The Chief Executive in consultation with the Chair, or in their absence the Deputy Chair, of the Assembly may decide not to place on the agenda any written questions submitted pursuant to paragraph 16.2, the content of which he/she feels forms the basis of a question (Leader’s or general) already considered at the Assembly within the previous twelve months.

16.5 In the event that the Member who submitted the question is not present at the Assembly meeting, the question will be withdrawn.

16.6 Any questions withdrawn as indicated above, or withdrawn at the request of the Member who submitted the question, either before or during the meeting, may not be resubmitted to the Assembly within a period of six months. This condition will be waived where the Member, or a colleague on their behalf, has notified the Chief
Executive by 5 pm on the day of the meeting of their inability to attend due to their ill health or family bereavement.

16.7 Subject to any discretion exercised by the Chair, there is no right for the Member who asked the question to ask a supplementary question, nor is there provision for any debate on the issue. The exception to this is any case where, in the view of the Chair, the personal nature of comments made about an individual named Member of the Council warrants an opportunity of reply by that Member if he/she so wishes.

16.8 Where the Leader is unable to respond to any question at the Assembly meeting he/she will explain why not and give an undertaking to respond in writing to all Members at the earliest opportunity.

16.9 In the absence of the Leader of the Council from the meeting, the Deputy Leader of the Council will, where possible, answer questions on the Leader’s behalf. Where this is not possible, the provisions of paragraph 16.10 will take effect.

16.10 Any questions which are not dealt with by the close of the meeting will be responded to in writing to all Members by the Leader of the Council before the next meeting.

17. General Questions

17.1 Questions relating to any matter on the agenda or otherwise to the business of the Council, may be raised at the meeting at the appropriate stage. Questions about individual constituency issues cannot be considered.

17.2 Written notice of any general questions must be received by the Chief Executive by no later than noon on the Monday before the meeting. All questions must indicate the name of the Member asking the question at the time that the written notice of the question is provided.

17.3 The Chief Executive in consultation with the Chair, or in their absence the Deputy Chair, of the Assembly may decide not to place on the agenda any written questions submitted pursuant to paragraph 17.2, that he/she considers are of a vexatious or derogatory nature, or contrary to any provision of any code, protocol, legal requirement or rule of the Council; or that do not relate to the business of the Council, or are otherwise considered improper or inappropriate.

17.4 The Chief Executive in consultation with the Chair, or in their absence the Deputy Chair, of the Assembly may decide not to place on the agenda any written questions submitted pursuant to paragraph 17.2, the content of which he/she feels forms the basis of a question (Leader’s or general) already considered at the Assembly within the previous twelve months.

17.5 Wherever possible, answers will be given at the meeting by the appropriate Member (usually the relevant Cabinet Member or a party Leader). In the event that it is not possible to do so, a written response will be sent to all Members, as soon as possible.

17.6 In the event that the Member who submitted the question is not present at the Assembly meeting, the question will be withdrawn.
17.7 Any questions withdrawn as indicated above, or withdrawn at the request of the Member who submitted the question, either before or during the meeting, may not be resubmitted to the Assembly within a period of six months. This condition will be waived where the Member, or a colleague on their behalf, has notified the Chief Executive by 5 pm on the day of the meeting of their inability to attend due to their ill health or family bereavement.

17.8 Where a Member wishes to exercise the right to ask a question in connection with Local Authorities’ Interest in Companies, he/she should give notice in writing to the Chief Executive at least seven clear working days before the Assembly meeting at which this matter is to be submitted to enable a response to be given at the meeting.

17.9 Subject to any discretion exercised by the Chair, there is no right for the Member who asked the question to ask a supplementary question nor is there provision for any debate on the issue. The exception to this is any case where, in the view of the Chair, the personal nature of comments made about an individual named Member of the Council warrants an opportunity of reply by that Member if he/she so wishes.

17.10 Any questions which are not dealt with by the close of the meeting will be responded to in writing by the appropriate Member before the next meeting.

18. Managing the Meeting

18.1 Indications of Intention to Speak

18.1.1 There are many ways in which a Member can signal their intention to participate in a debate or discussion at the Assembly as follows:

(1) In advance of the meeting - either in writing or orally to the Chair or the Chief Executive;

(2) A Member may indicate the item on which they wish to speak and may express a preference about the timing of their intervention.

18.2 Noting Intentions

18.2.1 The Chair and the Chief Executive will keep a list of all those Members indicating that they wish to speak on any particular issue.

18.2.2 As a general rule, individuals will be brought in in the sequence in which they indicate a wish to speak. However, priority may be given to individuals who have not participated in the debate regarding that item, or have not participated at that meeting, or in recent meetings, ahead of more regular contributors. Also, preference may be given to Members of the Cabinet, Lead Members of the various Select Committees and Leaders of the party groups, particularly on issues of Council policy.

18.2.3 Priority may also be given to members of the public who indicate that they wish to contribute to a debate.

18.2.4 If the Chair of the Assembly wishes to bring in a contribution out of sequence then, in general, the Chair will indicate the reason for this at the time. The Chair will bring
debate to a conclusion if felt that sufficient opportunity has been given for views to be expressed.