

Article 4 – The Full Council

4.01 The Role of Council

Council is the policy making body from which the ~~policy~~ Policy framework Framework will be established and the Budget set. Council has responsibility for ensuring that the correct structures are in place for the effective implementation and delivery of its services. This includes the exercise of overall responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972. Once the structures are agreed and appointments made, the Cabinet will be delegated the responsibility of policy implementation and effective service delivery. The election of the Leader and appointment of Committees (except the Cabinet), will be the responsibility of Council.

Each year the Council will elect a Chairman who shall not then be a member of the Cabinet or the Overview and Scrutiny Committee. The Council shall normally meet six times per year unless a need is identified for any additional meeting.

4.02 Meanings

(a) Policy Framework:

~~(ia)~~ The ~~policy~~ Policy framework Framework means the plans, policies and strategies which must be approved or adopted by the full Council and are, for the time being, the following:~~listed below.~~

~~(b)~~ The Council may add further significant plans, policies and strategies to the Policy Framework as it sees fit from time to time.

Sustainable Community Strategy

Corporate Plan

Local Plan and plans and strategies which together comprise the Local Development Plan Documents

associated Local development documents

Infrastructure Business Plan, incorporating the Community Infrastructure Levy (CIL) Spending Plan

Medium Term Financial Strategy

Crime and Disorder Reduction Strategy

Treasury Management Strategy

Licensing Authority Policy Statement(s)

Senior Pay Policy Statement

(ii) The Council may add further significant plans, policies and strategies to the Policy Framework as it sees fit from time to time.

(b) Budget: The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.03 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution, with the exception of matters allocated to the Cabinet, and related Standing Orders and Procedure Rules and subject to the provisions of Article 15 in relation to minor and consequential amendments and to the powers of the Cabinet and certain Committees to agree protocols;
- (b) ~~deciding the major policies or objectives of the Council, and specifically to approve the budget and financial strategies, and the plans and strategies listed in Article 4.02 under Policy Framework, approving or adopting the policy framework and the budget;~~
- (c) ~~the discontinuance of, or major alterations to, existing services~~Council makes all decisions relating to policy, strategy and overall resource allocation including the discontinuance of, or major alterations to, existing services. In doing so they will have regard to the results of any community consultation.
- (d) subject to the **urgency procedure** contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (e) electing the Leader and removing him or her from office; appointing Committees (except the Cabinet) and their Chairmen and Vice Chairmen; ~~dissolving a Committee or altering its membership or terms of reference, except for any Panel or Forum appointed by the Cabinet.~~
- (f) appointing representatives to outside organisations unless the appointment is made by the Cabinet or has been delegated by the Council;
- (g) adopting an allowances scheme for Councillors under Article 2.05;
- (h) ~~changing the name of the area or a parish;~~
- (i) confirming the appointment of the Chief Officers and Deputy Chief Officers (Heads of Service) and determining the terms and conditions on which they hold office (including procedures for their dismissal);
- (j) designating officers as Head of Paid Service, Monitoring Officer and Section 151 Officer ~~and (appointing officers as proper officers for particular purposes);~~
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l) ~~expressing its views to the Cabinet before the Cabinet resolve to make a compulsory purchase order;~~

Comment [PC1]: link

Comment [PC2]: Covered by (p)

Comment [PC3]: Paul queries whether this is (or should be) reserved to full Council

Comment [PC4]: Steve Carvell queries whether this is a legal requirement. It is not, but TFG believes it should be retained.

- (m) all local choice functions which the Council decides should be undertaken by itself rather than the executive, and not listed in Part 3 of this Constitution;
- (n) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area;
- (o) functions relating to elections which are not carried out by the Chief Executive;
- (p) functions relating to name and status of areas and individuals as set out in Schedule 1 to the Functions Regulations; major decisions relating to district, county, parish or other boundaries.
- (q) approval of all development plan documents associated with the Local Plan prior to public consultation on them (but not, for the avoidance of doubt, local development documents, such as supplementary planning documents, that are not development plan documents);
- (r) Adopting, revising or replacing a-the Members' code of conduct expected-of Members-of-the-Council-when-they-are-acting-in-that-capacity; approving arrangements under which allegations that a Member has failed to comply with the code of conduct can be investigated and decided upon; appointing an independent person or persons as required by Section 28 of the Localism Act 2011; and
- (s) all other matters which, by law, must be reserved to Council.

Comment [PC5]: Paul asks whether it's a legal requirement that this should be full Council No It may be but need not be the responsibility of the Cabinet.

4.04 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) special meetings.

They will be conducted in accordance with the Procedural Standing Orders in Part 4 of this Constitution.

Comment [PC6]: Link

4.05 Responsibility for functions

The Council will determine the responsibilities for the Council's functions which are not the responsibility of the executive.

4.06 References

Local Authorities (Functions and Responsibilities) (England) Regulations 2000
Chapters 2, 5 and 9 – DETR Guidance