

Part 2 – Section 2: Responsibility for Council Functions (Functions not to be the responsibility of the Executive)

1 FUNCTIONS OF THE COUNCIL

- 1.1 Only the Council will exercise the following functions:
- 1.1.1 Electing the Chair and appointing the Deputy Chair;
 - 1.1.2 Electing and removing the Leader of the Council;
 - 1.1.3 Appointing to such other offices and/or positions as may be required under this Constitution or by law;
 - 1.1.4 Agreeing and/or amending the terms of reference for committees, deciding on their composition, allocating the chair and vice-chair for each Council committee (and, where required, their political balance);
 - 1.1.5 Agreeing the basis on which appointments to outside bodies should be made and appointing to outside bodies except where appointment to those bodies an **executive function** is or has been otherwise delegated;
 - 1.1.6 Adopting the Constitution and making significant changes to the Constitution, including agreeing and/or amending the officer scheme of delegation with respect to **non-executive functions** except where specifically delegated to the Monitoring Officer;
 - 1.1.7 Approving and adopting the Budget and Policy Framework;
 - 1.1.8 Approving the Council's Budget and levying Council Tax (nb. the setting of rents and service charges for Council properties is to be determined by the Executive);
 - 1.1.9 Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates within the Treasury Management Strategy Statement;
 - 1.1.10 Making or revising a Council Tax Reduction Scheme;
 - 1.1.11 Approval of the Community Infrastructure Levy Charging Schedule;
 - 1.1.12 Making decisions about any matter in the discharge of an **executive function** where the **Executive** is minded to make the decision contrary to the Policy Framework or not wholly in accordance with the budget (subject to urgency procedures contained in the Budget and Policy Framework Procedure Rules in **Part 3**);
 - 1.1.13 Considering any matter which has been referred or submitted to it by the Executive for information, views or debate (but recognising that an

Executive matter remains the sole responsibility of the **Executive** and the Council cannot make a decision in relation to it)

- 1.1.14 Determining any matter which is properly referred to it for determination by a committee or sub-committee in relation to **non-executive functions**;
- 1.1.15 Adopting and/or amending a Members' Allowances Scheme following a report from the Independent Remuneration Panel;
- 1.1.16 Changing the name of the area, and conferring the title of Honorary Alderman or Honorary Freeman;
- 1.1.17 Approving the Annual Pay Policy Statement;
- 1.1.18 Making payments or providing other benefits in cases of maladministration under Section 92 of the Local Government Act 2000, except where delegated to the Monitoring Officer;
- 1.1.19 Appointing the **Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer)** and dismissing the Head of Paid Service, Monitoring Officer or Chief Finance Officer (Section 151 Officer);
- 1.1.20 Appointing the Electoral Registration Officer and Returning Officer;
- 1.1.21 Approving the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and the discharge of Council functions;
- 1.1.22 Designating streets for street trading under the Local Government (Miscellaneous Provisions) Act 1982;
- 1.1.23 Determining whether functions which are classified as "Local Choice" functions should be reserved to the **Council** or exercised by **Executive**;
- 1.1.24 Adopting the Council's Code of Conduct for Councillors, Code of Conduct for Officers and the Councillor Officer Protocol;
- 1.1.25 Adopting (or otherwise) Motions submitted in accordance with the Council Procedure Rules except those that relate solely to an **executive function**;
- 1.1.26 Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- 1.1.27 Approving **Development Plan Documents** (DPDs) prior to submission to the Secretary of State;
- 1.1.28 Approving any application to the Secretary of State in respect of any Housing Land Transfer pursuant to the Housing Act 1985;

- 1.1.29 Opting into arrangements for an appointing person or appointing an Auditor Panel pursuant to the Local Audit and Accountability Act 2014 to select an external auditor, manage the relationship and provide advice and recommendations to the Audit Committee;
 - 1.1.30 Discharging all licensing functions and such other matters which must be reserved to the Council as specified in the Licensing Act 2003 or any Regulations published in relation to that Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy;
 - 1.1.31 Discharging all functions which must be reserved to Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:
 - (a) approving and revising any Statement of Gambling Policy; and
 - (b) resolving not to issue any casino premises licences in the next three years.
 - 1.1.32 All other matters which, by law, are reserved to the Council save where specifically delegated in this Constitution to an officer.
- 1.2 **Non-executive functions** may still be exercised by the Council even where delegated to a committee, sub-committee, body or officer elsewhere in this Constitution, subject to specific exceptions (for example Licensing Sub-Committee).

2 COUNCIL MEETINGS

- 2.1 There are three different types of Council meeting:
 - 2.1.1 The Annual Meeting of the Council, which will usually be held in April or May;
 - 2.1.2 Ordinary meetings; and
 - 2.1.3 Extraordinary meetings.
- 2.2 All Council meetings will be conducted in accordance with the Council Procedure Rules.

3 BUDGET

- 3.1 The Council sets the Council's Budget each year. The Budget has a number of elements as follows:
 - 3.1.1 The allocation of financial resources to different services and projects;

- 3.1.2 Proposed contingency funds;
 - 3.1.3 The Council tax base;
 - 3.1.4 Setting the Council Tax;
 - 3.1.5 The Council's borrowing requirement;
 - 3.1.6 The Council's capital expenditure; and
 - 3.1.7 The setting of virement limits.
- 3.2 The Budget Framework is set out in the following:
- 3.2.1 Medium Term Financial Strategy;
 - 3.2.2 Treasury Management Framework (including relevant policies and strategies); and
 - 3.2.3 Capital and Investment Strategies.

4 POLICY

- 4.1 The Policy Framework is a list of those plans and strategies that must be adopted by a meeting of the full Council and, once agreed, set the boundaries within which an executive decision may be made without either referral back to Council for consent or following urgency procedures. The process for formulation and approval of a plan or strategy within the Policy Framework, and the process to be followed where a decision maker is minded to determine a matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the Authority, is set out in the Budget and Policy Framework Procedure Rules at Part 3 (Section 4) of this Constitution.
- 4.2 The Policy Framework is formed of the following:
- 4.2.1 Those plans and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) to be approved or adopted by the Council, namely:
 - (a) Crime and Disorder Reduction Strategy;
 - (b) Development plan documents, including
 - (i) Local Plan;
 - (ii) Core Strategy and Development Plan; and
 - (iii) Minerals and Waste Local Planand for the purposes of public consultation or for the purposes of submission to the Secretary of State or any Minister of the Crown;
 - (c) Licensing Authority Policy Statement;
 - (d) Gambling Authority Policy Statement;

- (e) Local Transport Plan;
- (f) Youth Justice Plan;
- (g) Pay Policy Statement; and
- (h) any plan or strategy for the control of the authority's borrowing, investments or capital expenditure.

4.2.2 Other plans or strategies which Council has determined that the decision should be taken by them as to whether that plan or strategy should be adopted or approved (including those subject to a recommendation in Government Guidance that should be adopted by the Council as part of the Policy Framework), namely:

- (a) The Council Plan; and
- (b) such other plans and strategies to be submitted to full Council by the Executive as Council may from time to time determine.