

## ARTICLE 4 – THE FULL COUNCIL

### MATTERS TO BE DETERMINED BY COUNCIL

#### 4.1 General

Full Council is responsible for the adoption and approval of various documents. In addition, some other matters have also been identified for formal decision at Full Council. All such matters are identified below. This does not prevent Full Council from determining any other matter which it can legally determine (whether also delegated to any Committee, Sub-Committee, Officer or other body).

#### *Meanings*

#### 4.2 Policy Framework

For the purposes of this Constitution, “Policy Framework” shall unless the context otherwise expressly requires mean the following plans and strategies:

- (a) those policies and strategies required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) not to be the sole responsibility of the Executive:
  - (i) Children and Young People’s Plan;
  - (ii) Crime and Disorder Reduction Strategy;
  - (iii) Development plan documents;
  - (iv) Licensing Authority Policy Statement (Gambling Act 2005);
  - (v) The Housing Strategy and the Housing Allocation Policy;
  - (vi) Local Transport Plan; and
  - (vii) Youth Justice Plan,
- (b) those required by any other relevant legislation to be determined by Full Council, and/or that the Council identifies (from time to time) should be adopted by Full Council (whether expressly required by legislation or otherwise), including:
  - (i) Pay Policy Statement;
  - (ii) Statement of Licensing Policy (Licensing Act 2003); and
  - (iii) Corporate Plan.

#### 4.3 Budgetary Framework

For the purposes of this Constitution, “Budgetary Framework” shall unless the context otherwise expressly requires means:

- (a) the Revenue Budget;

- (b) the Capital Programme;
- (c) the Capital Strategy;
- (d) Medium Term Financial Plan;
- (e) the Budget which means the annual allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and the setting of virement limits; and
- (f) to the extent it is not covered by (a) to (e) above:
  - (i) any plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; and
  - (ii) any other financial requirements that legislation expressly requires to be determined by Full Council.

#### 4.4 **Housing Land Transfer**

For the purposes of this Article, "Housing Land Transfer" means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for consent to dispose of land held or used for residential purposes (as the case may be) where approval is required under sections 32 or 43 of the Housing Act 1985.

#### 4.5 **Other Miscellaneous provisions**

For the purposes of this Article, "Other Miscellaneous Provisions" shall unless the context otherwise expressly requires means:

- (a) making a request to the Local Government Boundary Commission for England under section 57 Local Democracy, Economic Development and Construction Act 2009 in relation to single-member electoral areas;
- (b) a resolution to change a scheme for elections under sections 32, 37 or 39 Local Government and Public Involvement in Health Act 2007; and
- (c) functions relating to a community governance review under Local Government and Public Involvement in Health Act 2007.

#### 4.6 **Functions of Full Council**

Only Full Council will exercise the following functions:

- (a) the approval / undertaking of those matters identified as falling within the express meaning of:
  - (i) the Policy Framework;
  - (ii) the Budgetary Framework;
  - (iii) a Housing Land Transfer; and

## (iv) Other Miscellaneous Provisions; and

in the case of any of those matters identified as being excluded from the responsibility of the Executive in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) includes any final determination to amend, modify, vary, replace or revoke such matters unless such amendment, modification, variation, replacement or revocation (as the case may be):

- (i) is necessary for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for approval, or to any part submitted; or
  - (ii) is authorised by a determination of Full Council to be dealt with by another Committee/Sub-Committee/Board/person at the time when Full Council approves or adopts the plan or strategy (as the case may be);
- (b) adoption and changes to the Constitution (other than changes which are expressly delegated to any other Committee / Officer elsewhere within the Constitution or pursuant to the law);
- (c) in relation to each Committee, Board (other than as otherwise provided for in the Constitution):
- (i) agreeing its terms of reference;
  - (ii) deciding upon its composition; and
  - (iii) appointing Members to it (subject as provided for in the Constitution to any right of a Committee to appoint a co-optee and / or for a Member to have a substitute);
- (d) appointing and removing the Leader;
- (e) appointing the Chair and Vice-Chair of each Committee of the Council where provided for in the Articles/Council Procedure Rules of this Constitution;
- (f) confirming the appointment of the Head of Paid Service;
- (g) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (h) adopting the local Code of Conduct for Members;
- (i) the hearing of deputations and acceptance of petitions referred to Full Council as provided for in Part 2 of this Constitution;
- (j) appointing of the Monitoring Officer and Section 151 Officer;
- (k) so far as the law requires appointment of a local auditor at least once every five years;
- (l) the appointment of independent person(s) to the extent required for the purposes of issues arising in relation to any Members' Code of Conduct (including in respect of Parish and Town Councils) and/or arrangements

relating to the dismissal of the Head of Paid Service, Monitoring Officer and/or Section 151 Officer;

- (m) conferring the title of Honorary Alderman/Alderwoman and/or admitting an Honorary Freeman/Freewoman;
- (n) adopting the Scheme of Members' Allowances - Part 5 of the Constitution;
- (o) changing the name of the area;
- (p) appointment of Electoral Registration Officer;
- (q) appointment of Returning Officer;
- (r) those local choice functions as set out in Part 3 of the Constitution as being for determination by Full Council; and
- (s) all other matters which by law must be reserved to Council.

#### 4.5 **Council meetings**

- (a) There are three types of Council meeting:
  - (i) the annual meeting;
  - (ii) ordinary meetings;
  - (iii) extraordinary meetings,which will be conducted in accordance with the Council and Committee Procedure Rules - Part 2 of the Constitution.
- (b) Full Council will normally have 5 ordinary meetings a year plus the annual meeting unless it determines otherwise.

