

# Article 4

## The Full Council

### Introduction

**This Article defines the functions that are reserved for decision by the full Council.**

**The Council is responsible for approving the policy framework and the annual revenue and capital budget. The Council also retains responsibility for (i) regulatory functions (which include planning, licensing and health and safety at work); (ii) certain constitutional and quasi-legislative functions (primarily the conduct of elections and making of by-laws) and (iii) most of the local choice functions which the Council is free to decide whether they are the responsibility of full Council or the Executive. The Council also has a role in holding the Executive to account.**

### 4.01 Meanings

#### (a) Policy Framework

The policy framework means the following plans and strategies:

- (i) Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended):
  - Children and Young People's Plan
  - Community Safety Plan
  - Gambling Policy
  - Licensing Authority Policy Statement
  - Licensing Policy
  - Local Implementation Plan (formerly the Local Transport Plan)
  - Plans and strategies which together comprise the Development Plan
  - Sustainable Community Strategy
  - Youth Justice Plan

- (ii) Further Plans, which the Council considers, should be subject to Council approval:
  - Council's Corporate Plan
  - Corporate Equalities Objectives

**(b) Budget**

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

**(c) Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications to the Secretary of State for approval to a programme of disposal of 500 or more Council properties under the Leasehold Reform, Housing and Urban Development Act 1993, or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

**4.02 Functions of the full Council**

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget (including setting the Council Tax);
- (c) approving the statement of accounts;
- (d) approving any application to the Secretary of State in respect of any Housing Land Transfer;
- (e) appointment of the Mayor;
- (f) appointing the Leader of the Executive;
- (g) approving annually the Allocation of Responsibilities in Part 3 of the Constitution;
- (h) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any Executive functions which are contrary to the policy framework or contrary to or not wholly in accordance with the budget;

- (i) agreeing and/or amending the terms of reference for the Committees of the Council, deciding on their composition and making appointments to them;
- (j) adopting the Scheme of Members' Allowances set out in Part 6 of the Constitution;
- (k) appointing the independent members of the Standards Committee;
- (l) changing the name of the area, conferring the title of honorary alderman or freedom of the Borough;
- (m) confirming the appointment of the Head of Paid Service or the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer;
- (n) deciding whether to reject or uphold an appeal against a disciplinary sanction (including dismissal) imposed on an officer by the Chief Officers' Employment Panel;
- (o) making, amending, revoking, re-enacting or adopting by-laws and promoting or opposing the making of local legislation or personal bills;
- (p) determining the meaning of "significant" in relation to "key" decisions (Article 13 refers);
- (q) deciding whether to accept a delegation of a non-Executive function or accept a delegation of a non-Executive function from another Authority;
- (r) to receive reports and consider recommendations from the Executive, Scrutiny, Standards and other Committees as appropriate;
- (s) making appointments of Members to outside bodies; and
- (t) all other matters which by law must be reserved to Council.

#### **4.03 Council Meetings**

There are three types of Council meetings:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings,

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

#### **4.04 Responsibility for functions**

The allocation of responsibilities to the Cabinet and various Council Committees is found in Part 3 of the Constitution.

The Council will maintain the Schedule in Part 3A-1 of this Constitution setting out the responsibilities for the Council's functions, which are not the responsibility of the Executive.

Part 3B lists the allocation of responsibilities to officers of the Council.