

## Article 4 – The Full Council<sup>i</sup>

### 4.1 Introduction

The full Council is a formal meeting of all Councillors. The full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax, and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of specific matters.

The full Council provides a central forum for debate and gives the opportunity for Councillors and members of the public to ask questions about the Council or matters affecting the Council.

### 4.2 The Council

A meeting of the Council is one in which all 41 members are entitled to attend to speak and vote. The Council is responsible for the determination of the Budget and Policy Framework of the Council and for all of the functions which are not the responsibility of the Executive. It will carry out some functions itself but others will be delegated to Committees or named officers.

The Council is responsible for regulatory and other non-Executive functions, for example planning and licensing, and has a role in holding the Executive to account.

### 4.3 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:

(i) those required by law to be adopted by the Council:

- Council Plan;
- Sustainable Community Strategy;
- Crime Reduction Strategy;
- Plans and strategies which together comprise the Local Development Framework;

(ii) those recommended should be adopted by the Council as part of the Policy Framework:

- Food Law Enforcement Service Plan;
- The plan and strategy which comprise the Housing Investment Programme;

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- Local Agenda 21 Strategy;
- (iii) other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice:
- E-government strategy;
  - Policy for use of powers given by the Regulation of Investigatory Powers Act 2000.
- (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 and supplementary estimates.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person 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.

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#### 4.4 Functions of the Full Council

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Only the Council will exercise the following functions:

- (a) adopting and changing any part of the Constitution unless stated otherwise;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of the Constitution, making decisions about any matter **where the Executive is proposing** to make **a decision** which would be contrary to the **Policy Framework** or contrary to/or not wholly in accordance with the **Budget**;
- (d) appointing the Leader;
- (e) assessing the performance of the Cabinet and passing a resolution to remove the **Leader** from office;

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- (f) approving the scheme of delegations, save for the delegation of executive functions;
- (g) agreeing and/or amending the terms of reference for the Scrutiny Committee and other committees, deciding on their composition and making appointments to them;
- (h) appointing representatives to outside bodies unless the power of appointment has been delegated by the Council as part of the Executive arrangements;
- (i) adopting an allowances scheme for members under Article 2.5;
- (j) changing the name of the Council's area;
- (k) the conduct of elections, electoral registration, boundary/electoral reviews and associated matters, unless these have been delegated to officers under the Scheme of Delegation (see Part 9);
- (l) confirming the appointment of the Head of Paid Service; and designating the Chief Finance Officer and the Monitoring Officer.
- (m) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (n) to consider reports on lawfulness and maladministration;
- (o) adopting a Code of Conduct for members;
- (p) matters relating to local government pensions;
- (q) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- (r) all other matters which, by law, must be reserved to Council.

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#### 4.5 Council Meetings

There are three types of Council meeting:

- (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.

#### 4.6 Council Procedure

At Council meetings (including the Annual Council) the business of the Council will be conducted without any civic ceremony.

The Chair may wear the Chain of Office or badge at Council meetings if s/he so wishes.

The Chair will be seated at the start of the Council meeting and will call the proceedings to order.

There will be no prayers – but the Chair will ask for a period of silence before the meeting begins to enable councillors to focus their thoughts on the meeting or to pray silently.

The Chair will conduct Council meetings in accordance with the words and spirit of the Constitution; balancing the need to expedite business in an efficient and effective manner with the requirement to ensure full and adequate debate.

The Annual Council Meeting will be a business meeting without ceremony. At the start of the meeting, the Leader of the Council will give a brief speech thanking the outgoing Chair for his/her work on behalf of the Council. The outgoing Chair will give a brief speech in response. Once elected, the new Chair and Vice-Chair will then sign their declarations of acceptance of office without ceremony and the business of the Council will start immediately.

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<sup>i</sup> **References:**

[Local Authorities \(Functions and Responsibilities\) \(England\) Regulations 2000 Chapters 2 and 9, DETR Guidance](#)

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4.4 Responsibility for Functions¶

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.¶

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