

## Appendix B

### Article 4 – The Full Council

#### 4.01 Meanings

(a) **Policy Framework.**

The policy framework means the following plans and strategies required by law to be adopted by the council:

- Safer Communities Strategy
- Sustainable Community Strategy
- Development Plan Documents comprising the Local Plan
- Adoption of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders
- Statement of Licensing Policy (under the Licensing Act 2003)
- Statement of Gambling Licensing Policy (under the Gambling Act 2005)

(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.

(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.

#### 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, 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 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;
- (d) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them subject to the right of a political group within the meaning given by the Local Government and Housing Act 1989 and regulations made under

that Act to make nominations for those appointments at the meeting that makes appointments before the appointments are made;

- (e) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (f) adopting an allowances scheme under Article 2.05;
- (g) changing the name of the area, conferring the freedom of the borough or granting Freedom of Entry to the Borough, or the establishment of a new civic link (which must be considered at a specially convened meeting of the Council);
- (h) confirming the appointment of the head of paid service;
- (i) making, amending, revoking, re-enacting or adopting bylaws (on the recommendation of the relevant Council Committee if a Council function, or Cabinet, Cabinet Member, Cabinet Committee or Area Sub-Committee if an Executive function) and promoting or opposing the making of local legislation or personal Bills;
- (j) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive;
- (k) all other matters which, by law, must be reserved to Council, including:
  - Ombudsman reports (non-executive functions) where there has been a finding of maladministration;
  - statutory reports of the Monitoring Officer, Chief Finance Officer and Head of Paid Service, and external auditors' public interest reports;
- (l) discharging the powers under section 70 of the Deregulation and Contracting Out Act 1994 to contract out functions that are the responsibility of the Council.
- (m) determining affordability under the prudential borrowing provisions in the Local Government Act 2003.
- (n) in accordance with the Petition Scheme debate on any petitions containing the requisite number of signatures.

#### **4.03 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.

#### **4.04 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 executive.