



# CONSTITUTION OF THE COUNCIL

## Part 3 Section A

### RESPONSIBILITY FOR FUNCTIONS - (A) THE COUNCIL

#### 1. Introduction

This Part of the Constitution deals with the allocation of responsibility for undertaking the functions of the Council. Full Council is the primary decision-making body of the Council and, as such, is responsible for the exercise of all of the functions that are held by the local authority.

Whilst decisions in relation to these functions could be made by the Council, and indeed some functions can only be carried out by the Full Council, in order to operate more effectively as an organisation, most of the Council's functions are exercised through delegation to a committee, sub-committee or an officer, or to another local authority.

This part of the Constitution contains the remits of the Council, Committees, Sub-Committees and Panels and also contains the Scheme of Delegation to Officers.

#### 2. Council Functions

The Council reserves to itself the following functions (in accordance with the rules and procedures contained in this Constitution):

- (a) All non-delegable functions as defined by the Local Authorities (Committee System) (England) Regulations 2012 including: -
  - (i) **The Budget** – The approval or adoption of a plan or strategy for the control of the local authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision, which includes the overarching annual:-
    - (1) Capital programme
    - (2) Capital investment strategy
    - (3) Medium term financial plan
    - (4) Treasury management strategy,except for any amendment, modification, variation or revocation which—
    - (aa) is required 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
    - (bb) is authorised by a determination made by the local authority—

- in pursuance of arrangements made for the discharge of functions as set out in the Budget and Policy Framework Procedure Rules set out at Part 4(3) of this Constitution (including virements); and
  - at the time when the local authority approves or adopts the plan or strategy, as the case may be.
- (ii) **Policy Framework (Required)** – The making or revoking or amending the following policies, plans and strategies required to form a part of the Council’s Policy Framework:
- (1) Annual Library Plan;
  - (2) Crime and Disorder Reduction Strategy;
  - (3) Development Plan Documents;
  - (4) Licensing Authority Policy Statement;
  - (5) Policies made under the Gambling Act (including any resolution relating to casinos);
  - (6) Local Transport Plan;
  - (7) Plans and alterations which together comprise the Development Plan;
  - (8) Sustainable Community Strategy; and
  - (9) Youth Justice Plan;
- except for any amendment, modification, variation or revocation which—
- (aa) is required 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
  - (bb) is authorised by a determination made by the local authority—
    - in pursuance of arrangements made for the discharge of functions as set out in the Budget and Policy Framework Procedure Rules set out at Part 4(3) of this Constitution; and
    - at the time when the local authority approves or adopts the plan or strategy, as the case may be.
- (iii) Making of a Members Allowance Scheme and amending the same.
- (iv) Determination of Mayor’s and Deputy Mayor’s allowances.
- (v) Making a request for single member electoral wards to the Local Government Boundary Commission.
- (vi) Resolution to change a scheme for elections.
- (vii) Making an order giving effect to the recommendations made in a Community Governance Review.

- (viii) Conferring voting rights on co-opted members of Overview and Scrutiny Committees (if any).
- (b) **Policy Framework (Choice)** - The making or revoking or amending the following policies, plans and strategies reserved by Council to form a part of the Council's Policy Framework
  - (i) The Council Plan.
- (c) Setting the Council's Council Tax requirement
- (d) Electing the Mayor and Deputy Mayor
- (e) Appointing the Leader and Deputy Leader of the Council (Chair and Vice-Chair of Policy & Resources Committee)
- (f) Agreeing or amending the committee structure, the remit/terms of reference of committees, their size and membership
- (g) Confirming the appointment (or dismissal) of the Head of Paid Service, Monitoring Officer and Chief Finance (Section 151) Officer.
- (h) Confirming the appointment of the Independent Persons.
- (i) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation including bylaws or personal bills.
- (j) Appointment of the Returning Officer and Electoral Registration Officer.
- (k) Significant changes to the Council's Constitution, including adopting and amending standing orders, Rules of Procedure, Contract Procedure Rules, Financial Regulations, Codes and Protocols that make up the Constitution.
- (l) All other matters which by law are reserved to the Council including: -
  - (i) Ombudsman reports where there has been a finding of maladministration with injustice and the report has been rejected
  - (ii) Statutory officer reports of the Monitoring Officer, Chief Financial Officer and Head of Paid Service and External Auditor's public interest reports.
- (m) Conferring the title of Honorary Freeman and Honorary Alderman.
- (n) Approving the Annual Senior Officer Pay Policy Statement.
- (o) Changing the name of the Borough.
- (p) Appointment of representatives of the local authority not otherwise delegated to a Committee.
- (q) Nomination of councillors and other persons to outside bodies
- (r) Consideration of reports from committees or any other body constituted by the Council.

- (s) To receive the minutes of committees and sub-committees acting under delegated powers for question and comment.
- (t) Making recommendations to the Secretary of State on the Borough boundaries, ward boundaries, electoral divisions, ward or polling districts.
- (u) Appointment of the Council's External Auditor; and
- (v) any other function which must by law be reserved to full Council.

#### Note

For the avoidance of doubt, the Full Council retains ultimate responsibility for the actions and decisions of all its Committees and also retains the ability to exercise all its powers whether or not they have also been delegated to a Committee or Officer. Full Council shall not, however, exercise a power that has been delegated without first ensuring that such a step is in the best interests of the Council and in accordance with the rules set out in the Articles of this Constitution. The Council's ability to exercise its powers will not override or supersede any decision or action already taken and implemented by a Committee or Officer acting under delegated authority.