

## ARTICLE 4 - THE COUNCIL MEETING

### **References:**

*The Local Authorities (Functions and Responsibilities)(England) Regulations 2000*

*The Local Authority (Functions and Responsibilities)(England)(Amendment) Regulations 2001 and 2004*

*Chapters 2 and 9 DETR Guidance*

### 4.01 **Definitions**

**The Council Meeting.** The Council Meeting means a meeting to which all members of the Council have been called, constituted and conducted in accordance with this Constitution.

**Policy Framework.** The Policy Framework means the following plans and strategies:

- Capital Strategy
- Children's Trust Plan
- Council Plan
- Crime and Disorder Reduction Strategy
- Gambling Policy
- Licensing Policy
- Local Plan
- Local Transport Plan
- Youth Justice Plan
- Medium Term Financial Strategy
- Treasury Management Strategy
- Annual Investment Strategy
- Minimum Revenue Provision Policy

**Budget.** Budget includes the allocation of financial resources to different services and projects, proposed contingency funds and setting the council tax requirement.

**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.

**Executive Functions.** Executive functions are those functions of the Council allocated to the Cabinet either by law or by a decision of the Council Meeting, as set out in **Part 3 – Scheme of Delegation**.

### 4.02 **Functions of the Council Meeting**

**Only the Council Meeting will exercise the following functions:-**

- a) adopting and changing the Constitution except to the extent that it includes arrangements for the discharge of executive functions;
- b) approving or adopting the Policy Framework, the Budget, any application to the Secretary of State in respect of any Housing Land Transfer and any virement not permitted by the Financial Procedure Rules.

- c) subject to the **urgency procedures** contained in the **Access to Information Procedure Rules (Part 5 PR7)** making decisions about any matter relating to the discharge of an executive function which is covered by the Policy Framework or the Budget where the person or body making the decision is minded to make it in a manner contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- d) appointing the Mayor and the Deputy Mayor;
- e) Electing and removing the Cabinet Leader;
- f) establishing the terms of reference for Ordinary Committees, Scrutiny Committees, Area Committees, Ward Committees, the Health & Wellbeing Board and the Standards Committee, any amendment of those terms, deciding on the composition of those Committees, making appointments to them, and (where the Council Meeting resolves so to do) appointing the chairs and vice-chairs;
- g) agreeing the annual Scrutiny Work Programme;
- h) appointing representatives to outside bodies except where that appointment is within the functions of the Cabinet or has been delegated to an officer or Committee;
- i) adopting or varying the Members' Allowances Scheme ;
- j) making, amending, revoking, re-enacting or adopting bylaws and the promoting, or opposing to the making of local legislation or personal bills;
- k) adopting and revising the Council's Code of Conduct for Councillors;
- l) changing the name of the Council, or conferring the title of Honorary Alderman or Freedom of the Borough;
- m) all local choice functions, set out in **Part 3** of this Constitution, which the Council Meeting decides should be undertaken by itself rather than by the Cabinet, or by delegation to a Committee, Sub-Committee or officer;
- n) all non-executive functions set out in **Part 3** of this Constitution, which the Council Meeting decides should be undertaken by itself rather than by delegation to a Committee, Sub-Committee or officer;
- o) deciding whether to accept the delegation of an executive or non-executive function from another Local Authority;
- p) establishing joint arrangements, including Joint committees, with one or more local authorities in order to discharge jointly functions that are not executive functions;
- q) approving the appointment of the Head of the Paid Service;
- r) dismissing of the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer (appointed under section 151 Local Government Act 1972) after consideration of the advice, views or recommendations of the Independent Panel appointed by the Council Meeting, the conclusions of any investigation into the proposed dismissal and the views of the officer concerned;

- s) in accordance with the Local Authorities (Standing Orders) Regulations 2001/3384, the invitation and appointment of no less than 2 (two) and no more than 5 (five) Independent Persons who have each been appointed by the Council or any other Council pursuant to section 27 of the Localism Act 2011 to the Appointments Committee for the purposes of advising the authority on matters relating to the dismissal of Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer (appointed under section 151 Local Government Act 1972);
- t) all other matters that the law requires to be reserved to the Council Meeting.

#### **4.03 Types of meeting**

There are three types of Council Meeting:

- the Annual Meeting
- Ordinary Meetings
- Extraordinary Meetings

and they will be conducted in accordance with the **Council Meeting Procedure Rules (Part 5 PR1)**

#### **4.04 Scheme of Delegation**

The Council Meeting will maintain the **Scheme of Delegation** in **Part 3** of this Constitution setting out the responsibilities for the discharge of the Council's functions.