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**Adopted by Full Council on 19<sup>th</sup> May 2017**



# FUNCTIONS AND PROCEDURES OF FULL COUNCIL

ONLY THE FULL COUNCIL CAN AMEND THIS PART OF THE CONSTITUTION

## 1 FUNCTIONS RESERVED TO FULL COUNCIL

1.1 Only the full Council will exercise the following functions:

	Function	Provision of Act or Statutory Instrument
In accordance with Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended (“the Functions Regulations”) (functions not to be the responsibility of the Executive):		
1.1.1	Making, amending, revoking or replacing any scheme for basic, attendance and special responsibility allowances for Councillors and determining the amounts of such allowances.	S. 18 of the Local Government and Housing Act 1989 and regulations thereunder.
1.1.2	Determining any allowance for chairman's expenses, vice-chairman's expenses, financial loss or for attending conferences and meetings.	S. 3(5), S. 5(4), S. 173(4) and S. 175 of the Local Government Act 1972.
1.1.3	Determining the rates at which payments are to be made for travelling and subsistence allowances.	S. 174 of the Local Government Act 1972.
1.1.4	Passing a resolution to change a scheme for elections.	SS. 32(1), 37(1) or 39(1) of the Public Involvement in Health Act 2007.

1.1.5	Making an order giving effect to recommendations made in a community governance review.	S. 86 of the Public Involvement in Health Act 2007.
1.1.6	Duty to make a change in governance arrangements.	Paragraph 3 or 8 of Schedule 4 to the Public Involvement in Health Act 2007.
1.1.7	Making arrangements for the discharge of functions by a committee or officer (subject to any provision of regulations under S. 20 (joint exercise of functions) of the Local Government Act 2000)	S. 101(5) of the Local Government Act 1972.
1.1.8	Making appointments of committees (subject to any provision of regulations under S. 20 (joint exercise of functions) of the Local Government Act 2000)	S. 102 of the Local Government Act 1972.
1.1.9	Adopting and changing the main provisions of the Constitution (save where this power has been delegated to the Monitoring Officer by the Constitution).	Reg. 2(11) of the Functions Regulations
1.1.10	Appointing the Leader of the Council.	S9C of the Local Government Act 2000 and Reg. 2(11) of the Functions Regulations.
1.1.11	Appointing the Mayor and Deputy Mayor.	SS.3 and 5 of the Local Government Act 1972 and Reg. 2(11) of the Functions Regulations.
1.1.12	Appointing Chairmen of Committees and Panels (other than Executive Committees)	S106 of the Local Government Act 1972 and Reg. 2(11) of the Functions Regulations.
1.1.13	Reviewing the representation of political groups and the	S15. Local Government and Housing Act 1989 and Reg. 2(11) of the

	determination of the allocation of seats on Committees and Panels (other than Executive Committees)	Functions Regulations
1.1.14	Appointing Committees and Panels (other than Executive Committees)	S16. Local Government and Housing Act 1989, SS.101 and 102 Local Government Act 1972 and Reg. 2(11) of the Functions Regulations
1.1.15	Confirming the appointment or dismissal of the Head of Paid Service.	S.4 Local Government and Housing Act 1989 and Reg. 2(11) of the Functions Regulations
1.1.16	Approving entering into corporate litigation.	S.222 of the Local Government Act 1972 and Reg. 2(11) of the Functions Regulations
1.1.17	Any other function which by law must be exercised by the full Council.	Reg. 2(11) of the Functions Regulations
1.1.18	Any other non-executive function which is not otherwise provided for under the Constitution.	
In accordance with Regulation 4 of the Functions Regulations (functions not to be the sole responsibility of the Executive):		
1.1.19	The actions designated by Reg. 4(3) of the Functions Regulations <sup>1</sup> relating to the Policy Framework (as defined in Part 2 (Articles))	Reg. 4(3) of the Functions Regulations
1.1.20	The function of amending, modifying, revising, varying,	Reg. 4(4) of the Functions Regulations

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<sup>1</sup> (a) the giving of instructions requiring the executive to reconsider any draft plan or strategy submitted by the executive for the authority's consideration; (b) the amendment of any draft plan or strategy submitted by the executive for the authority's consideration; (bb) the approval, for the purposes of public consultation in accordance with Reg 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan; (c) the approval, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; (ca) the approval, for the purpose of its submission to the Secretary of State for independent examination under S. 20 (independent examination) of the 2004 Act, of a development plan document; and (d) the adoption (with or without modification) of the plan or strategy.

	withdrawing or revoking the Policy Framework except where this power is given to the Executive by Reg. 4(4) of the Functions Regulations.	
1.1.21	The actions designated by paragraph 4(4C) of the Functions Regulations <sup>2</sup> in connection with the discharge of functions under any of SS. 28 to 31 (joint local development documents and joint committees) of the Planning and Compulsory Purchase Act 2004.	SS. 28 to 31 (joint local development documents and joint committees) of the Planning and Compulsory Purchase Act 2004 and Reg. 4(4A) of the Functions Regulations
1.1.22	Authorising an application under (a) S.135(5) (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993 for the inclusion of a disposal in a disposals programme or (b) for consent to that disposal under S. 32 (power to dispose of land held for the purposes of Part II) or S. 43 (consent required for certain disposals not within S. 32) of the Housing Act 1985.	Reg. 4(5) of the Functions Regulations
1.1.23	In connection with the discharge of the function of (a) making a calculation in accordance with any	Reg. 4(10) of the Functions Regulations

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<sup>2</sup> (a) the making of an agreement to prepare one or more joint development plan documents; (b) the making of an agreement to establish a joint committee to be, for the purposes of Part 2 (local development) of the 2004 Act, the local planning authority; (c) where the authority is a constituent authority to a joint committee, the making of an agreement that the joint committee is to be, for the purposes of Part 2 of the 2004 Act, the local planning authority for any area or matter which is not the subject of an order under S 29 of the 2004 Act or an earlier agreement under S 30 of the 2004 Act; and (d) the making of a request to the Secretary of State for the revocation of an order constituting a joint committee as the local planning authority for any area or in respect of any matter.

	of sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992, whether originally or by way of substitute; or (b) issuing a precept under Chapter IV of Part I of that Act except where this power is given to the Executive by Reg. 4(9) of the Functions Regulations.	
1.1.24	The function, pursuant to an order under S.70 (functions of local authorities) of the Deregulation and Contracting Out Act 1994, of authorising a person (or revoking such an authorisation) to exercise a function to which that section applies except to the extent that the S.70 function is the responsibility of the Executive.	Regs. 4(12) and 4(13) of the Functions Regulations
In accordance with Regulation 5 of the Functions Regulations (Discharge of executive functions by authorities):		
1.1.25	Except where a decision is urgent (see Part 3 - Responsibility for Functions, Procedures and Delegation of Powers), the determination of any matter in the discharge of an Executive function which is concerned with the Council's budget, or its borrowing or capital expenditure and where the Executive is minded to take a decision contrary to, or not wholly in accordance with (i) the Council's budget or (ii) the plan or strategy for the time being approved or	Reg. 5(1) and Paragraph 2 of Schedule 4 of the Functions Regulations

	adopted by the Council in relation to its borrowing or capital expenditure; and the Executive is not otherwise authorised to take that decision.	
1.1.26	Except where a decision is urgent (see Part 3 - Responsibility for Functions, Procedures and Delegation of Powers), the determination of any matter in the discharge of an Executive function where the Executive is minded to determine the matter in terms contrary to the Policy Framework.	Reg. 5(1) and Paragraph 3 of Schedule 4 of the Functions Regulations
In accordance with Schedule 1 of the Functions Regulations:		
1.1.27	Duty to appoint an electoral registration officer.	S. 8(2) of the Representation of the People Act 1983.
1.1.28	Power to dissolve small parish councils.	S. 10 of the Local Government Act 1972.
1.1.29	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	S. 11 of the Local Government Act 1972.
1.1.30	Duty to appoint returning officer for local government elections.	S. 35 of the Representation of the People Act 1983.
1.1.31	Power to submit proposals to the Secretary of State for an order under S. 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	S. 10 of the Representation of the People Act 2000.
1.1.32	Power to alter years of ordinary elections of parish councillors.	S. 53 of the Local Government and Public Involvement in Health Act 2007.



1.1.33	Functions relating to change of name of electoral area.	S. 59 of the Local Government and Public Involvement in Health Act 2007.
1.1.34	Power to change the name of a county, district or London borough.	S. 74 of the Local Government Act 1972.
1.1.35	Power to change the name of a parish.	S. 75 of the Local Government Act 1972.
1.1.36	Power to confer title of honorary alderman or to admit to be an honorary freeman.	S. 249 of the Local Government Act 1972.
1.1.37	Duties relating to community governance reviews.	S. 79 of the Local Government and Public Involvement in Health Act 2007.
1.1.38	Functions relating to community governance petitions.	SS. 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007.
1.1.39	Functions relating to terms of reference of review.	SS. 81(4) to (6) of the Local Government and Public Involvement in Health Act 2007.
1.1.40	Power to undertake a community governance review.	S. 82 of the Local Government and Public Involvement in Health Act 2007.
1.1.41	Functions relating to making of recommendations.	SS. 87 to 92 of the Local Government and Public Involvement in Health Act 2007.
1.1.42	Duties when undertaking review.	S. 93 to 95 of the Local Government and Public Involvement in Health Act 2007.
1.1.43	Duty to publicise outcome of review.	S. 96 of the Local Government and Public Involvement in Health Act 2007.
1.1.44	Duty to send two copies of order to Secretary of State and Electoral Commission.	S. 98(1) of the Local Government and Public Involvement in Health Act 2007.

1.1.45	Power to make agreements about incidental matters.	S. 99 of the Local Government and Public Involvement in Health Act 2007.
1.1.46	Power to make, amend, revoke, re-enact or enforce byelaws.	Any provision of any enactment (including a local Act), whenever passed, and S. 14 of the Interpretation Act 1978.
1.1.47	Power to promote or oppose local or personal Bills.	S. 239 of the Local Government Act 1972.
1.1.48	Power to make standing orders.	S. 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
1.1.49	Power to make standing orders as to contracts.	S. 135 of the Local Government Act 1972.
1.1.50	Duty to make arrangements for proper administration of financial affairs etc.	S. 151 of the Local Government Act 1972.
1.1.51	Power to appoint officers for particular purposes (appointment of “proper officers”).	S. 270(3) of the Local Government Act 1972.
1.1.52	Duty to designate officer as the head of the Council's paid service, and to provide staff, etc.	S. 4(1) of the Local Government and Housing Act 1989.
1.1.53	Duty to designate officer as the monitoring officer, and to provide staff, etc.	S. 5(1) of the Local Government and Housing Act 1989.
1.1.54	Duty to provide staff, etc to person nominated by monitoring officer.	SS. 82A(4) and (5) of the Local Government Act 2000.

## 2 PROCEDURES AT FULL COUNCIL

2.1.1 Procedures at Full Council will be governed by the Council Meeting Procedure Rules – see Part 3A.