

# Part Two, Section B

## The Council

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### 1 Functions of the Full Council

1.1 Only the Full Council will exercise the following functions:

- 1.1.1 Electing the Mayor and appointing the Deputy Mayor;
- 1.1.2 Electing the Leader of the Council each year;
- 1.1.3 Appointing to such other offices and/or positions as may be required under this Constitution or by law;
- 1.1.4 Agreeing and/or amending the terms of reference for committees, deciding on their composition, allocating the chairmen and vice-chairmen for each Council committee (and, where required, their political balance);
- 1.1.5 Agreeing the basis on which appointments to outside bodies should be made and appointing to outside bodies except where appointment to those bodies is an **executive function** or has been otherwise delegated;
- 1.1.6 Adopting the Constitution and making significant changes to the Constitution, including agreeing and/or amending the **Officer Scheme of Delegation** with respect to **non-executive functions** except where specifically delegated to the Monitoring Officer;
- 1.1.7 Approving and adopting the **Budget and Policy Framework**;
- 1.1.8 Approving the Council's Budget and levying Council Tax (NB. the setting of rents and service charges for Council properties to be determined by the Cabinet);
- 1.1.9 Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates within the Treasury Management Strategy Statement;
- 1.1.10 Making or revising a Council Tax Reduction Scheme;
- 1.1.11 Approval of the Community Infrastructure Levy Charging Schedule;
- 1.1.12 Making decisions about any matter in the discharge of an **executive function** where the **Cabinet** is minded to make the decision contrary to the Policy Framework or not wholly in accordance with the Budget (subject to urgency procedures contained in the **Budget and Policy Framework** Standing Orders in **Part 3**);

- 1.1.13 Considering any matter which has been referred or submitted to it by the Cabinet for information, views or debate (but recognising that an Executive matter remains the sole responsibility of the **Executive** and the Council cannot make a decision in relation to it);
- 1.1.14 Determining any matter which is properly referred to it for determination by a committee or sub-committee in relation to **non-executive functions**;
- 1.1.15 Adopting and/or amending a Councillors' Allowances Scheme following a report from the Independent Remuneration Panel;
- 1.1.16 Changing the name of the area, and conferring the title of Honorary Alderman or Freedom of the Borough (as an Honorary Freeman);
- 1.1.17 Approving the Annual [Pay Policy Statement](#);
- 1.1.18 Making payments or providing other benefits in cases of maladministration under Section 92 of the Local Government Act 2000;
- 1.1.19 Appointing the **Head of Paid Service**, designating an officer to act as **Monitoring Officer** and an officer to act as **Chief Finance Officer (Section 151 Officer)** and dismissing the Head of Paid Service, Chief Finance Officer (Section 151 Officer) or Monitoring Officer;
- 1.1.20 Appointing the Electoral Registration Officer and Returning Officer;
- 1.1.21 Approving the Council's response to any issues or proposals in relation to local government boundaries including Electoral Wards, the conduct of elections and the discharge of Council functions;
- 1.1.22 Designating streets for street trading under the Local Government (Miscellaneous Provisions) Act 1982;
- 1.1.23 Determining whether functions which are classified as "Local Choice" functions should be reserved to the **Full Council** or exercised by **Cabinet**;
- 1.1.24 Adopting the Council's **Code of Conduct for Councillors**, **Code of Conduct for Officers** and the **Councillor Officer Protocol**;
- 1.1.25 Adopting (or otherwise) Motions submitted in accordance with the Council and Committee Standing Orders except those that relate solely to an **executive function**;
- 1.1.26 Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- 1.1.27 Approving Development Plan Documents (DPDs) prior to submission to the Secretary of State;

- 1.1.28 Approving any application to the Secretary of State in respect of any Housing Land Transfer pursuant to the Housing Act 1985;
- 1.1.29 Opting into arrangements for an appointing person or appointing an Auditor Panel pursuant to the Local Audit and Accountability Act 2014 to select an external auditor, manage the relationship and provide advice and recommendations to the Audit and Finance Committee;
- 1.1.30 Discharging all licensing functions and such other matters which must be reserved to the Full Council as specified in the Licensing Act 2003 (the “Act”), or any Regulations published in relation to the Act or any other legislation or any statute or regulations amending, consolidating or replacing them including approving, reviewing and revising any Statement of Licensing Policy in relation to the Licensing Act 2003;
- 1.1.31 Discharging all functions which must be reserved to Full Council as specified in the Gambling Act 2005, or any other ancillary regulations or legislative provisions amending, consolidating or replacing the same, including:
  - a. approving and revising any Statement of Gambling Policy;
  - b. resolving not to issue any casino premises licences in the next three years; and

1.1.32 All other matters which, by law, are reserved to the Council.

- 1.2 Where **Full Council** delegates functions to committees, sub-committees and decision making bodies under this Constitution, nominations to those committees, and changes to such nominations, shall be notified by the relevant Group Leader or Group Whip in writing or by email to the Director of Corporate Services and shall thereafter be published on the Council’s website. Such nominations shall be in accordance with the relevant **political balance** and numerical allocations determined by Council in relation to the body in question.
- 1.3 **Non-executive functions** may still be exercised by the Council even where delegated to a committee, sub-committee, body or officer elsewhere in this Constitution, subject to specific exceptions (for example Licensing Sub-Committee).

## 2 **Full Council Meetings**

There are four different types of Full Council meeting:

- a. The Annual Meeting of the Council, which will usually be held in May;
- b. Ordinary meetings;
- c. The Budget Meeting of Council, which is usually held in February;
- d. Extraordinary meetings, which will be called as and when required in accordance with the Council Standing Orders.

All Full Council meetings will be conducted in accordance with the Council Standing Orders.

### **3 Budget and Policy Framework**

#### **3.1 Budget Framework**

The Budget Framework includes the allocation of financial resources to different services and projects, the setting of virement limits (that is the transfer of funds between budget heads) and carry forward limits for budgets, proposed contingency funds and other provisions and reserves, council tax setting and other local taxation matters and decisions relating to the Council's treasury management activities including investments, borrowing limits and the control of capital expenditure. The Budget Framework is set out in the following:

- a. Medium Term Financial Strategy;
- b. Treasury Management Framework (including relevant policies and strategies); and
- c. Capital and Investment Strategies.

#### **3.2 Policy Framework**

3.2.1 By law, the Council must have a Policy Framework. This is a list of plans and strategies which are relevant to the Council's functions and are required by law to be decided by the **Full Council**, usually on the recommendation of the **Cabinet**, supplemented by other plans and strategies that the Council wishes to add.

3.2.2 The Policy Framework comprises:

- a. The Council's Corporate Strategy;
- b. The Havant Crime and Disorder Reduction Strategy;
- c. The Local Development Plan and Development Plan Documents;
- d. The Statement of Licensing Policy;
- e. The Statement of Gambling Policy; and
- f. Any other plan or strategy (whether statutory or non-statutory) in respect of which the Council from time to time determines that the decision on its adoption or approvals should be taken by Full Council rather than the Cabinet.