

# APPENDIX 1

## RESPONSIBILITIES OF THE COUNCIL

By law there are functions which only the Council can deal with. They largely relate to the budget, to overarching policy and regulatory matters. The Cabinet is not allowed to decide in those areas, although it may give its views on the budget and policy framework. The Council may delegate the decision making in most (but not all) matters to a committee or officer (but not an individual Member) on such terms as it wishes, including terms as to onward delegation.

	<b>FUNCTION</b>	<b>EXERCISED BY</b>
<b>(1)</b>	All matters of any nature whatsoever which are not Executive Functions	Full Council except as set out in the Scheme of Delegation to committees and officers

### Matters which have not or cannot be delegated and are therefore the responsibility of Full Council:

#### **1. Electoral**

- (a) Appointing a Returning Officer for local government elections
- (b) Dividing the constituency into polling districts
- (c) Exercising Powers in respect of holding elections
- (d) Appointing an Electoral Registration Officer
- (e) Making decisions concerning district boundaries, electoral divisions, wards or polling districts and the location of polling places

#### **2. Constitutional**

- (a) Adopting and changing the Constitution (except for consequential changes to be made by the Monitoring Officer as set out at Section 15.2 of the Constitution)
- (b) Appointing and removing the Leader of the Council and to receive his or her scheme of delegation for executive functions
- (c) Appointing and removing the Mayor, Deputy Mayor and Chairs and Vice Chairs of committees
- (d) Agreeing and/or amending the terms of reference of committees, deciding on their composition and making appointments to them subject to the Local Government (Committees and Political Groups) Regulations 1990. In the event of changes to political balance, the Chief Executive shall have the authority to amend the appointments to comply with the rules of political balance in accordance with the wishes of the Group Leaders
- (e) Approving the Scheme of Delegation to Officers
- (f) Approving the schedule of dates of meetings for Council

- (g) Adopting the Council's Code of Conduct for elected members and the appointment of an Independent Person under the Localism Act 2011
- (h) To approve the Council's policy framework (set out at Section 4 of the Constitution) and the strategies and policies that sit within it:
  - Sustainable Community Strategy
  - Corporate Plan and Annual Performance Report
  - Treasury Management Strategy
  - Investment Strategy
  - Commercial Strategy
  - Capital Strategy
  - Flexible Use of Capital Receipts Strategy
  - Licensing Policy Statement
  - Enforcement Strategy
  - Food Law Enforcement Service Plan
  - Gambling Statement of Principles
  - Homelessness Strategy
  - Development Plan documents (including the Local Plan and Interim Documents)
  - Asset Management Plans
  - Any other plan or strategy where the Council determines that any decision on its adoption or approval should be taken by it rather than the Cabinet

and to make decisions about any executive matter where the decision maker is minded to make in a manner which would be contrary to, or not wholly in accordance with, the policy framework

- (g) Appointing representatives to outside bodies unless the appointment is an Executive function
- (i) Adopting or reviewing a Members' Allowances Scheme following advice from an independent remuneration panel
- (j) Changing the name of the area
- (k) To confer the title of Honorary Alderman or Freedom of the Borough
- (l) Making, amending, revoking or enacting or adopting by-laws and promoting or opposing the making of local legislation or personal bills in Parliament.

### **3. Financial Provision**

- (a) The adoption, approval or amendment of an annual budget, any supplementary estimates and any plan or strategy for the control of the Council's borrowing or expenditure
- (b) Setting of Council Tax

- (c) The making of decisions about any matter in the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the budget.

#### **4. Service Provision**

- (a) Authorising applications to the Secretary of State for the transfer of housing land
- (b) Considering matters referred to it by Cabinet, committee or in some other manner (but matters which are by law Cabinet functions cannot be determined by Council).
- (c) To make any decision not to issue a Casino Premises Licence within the Borough
- (d) To approve the adoption of Conservation Areas, Character Area Character Appraisals and Management Plans and Article 4 Directions

#### **5. Reporting**

- (a) Considering the Head of Paid Service's report in accordance with Section 4 of the Local Government and Housing Act 1989
- (b) Considering the Monitoring Officer's report in accordance with Section 5 of the Local Government and Housing Act 1989 and/or in respect of a finding of the Local Government Ombudsman
- (c) Approving any draft plans and strategies which require Ministerial approval
- (d) Considering the Chief Financial Officer's report in accordance with Section 115 of the Local Government and Finance Act 1988
- (e) Considering the external auditor's public interest report.

#### **6. HR**

- Functions relating to Health and Safety at Work (Part 1 of the Health and Safety at Work etc. Act 1974)
- Functions relating to Local Government Pensions ( Regulations under the Superannuation Act 1972)
- Appointment/ of the Head of the Paid Service and the Monitoring Officer and Chief Finance Officer (s151 officer)
- Dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer (s151 Officer) Before deciding whether or not to approve dismissal account must be taken of:
  - a. Any advice or recommendations of the Independent Persons

- b. The conclusions of any investigation
- c. The representations of the Officer
- To designate an officer to act as Monitoring Officer and an officer to act as Chief Finance Officer
- To approve the Council's Annual Pay Statement

**7. All other matters which by law must be reserved to the Council.**

- To determine all other matters which must by law be reserved to the Council

**The above sets out those functions which have not or cannot be delegated by Council to its committees or officers.**

**Annex 1 sets out the statutory list of functions which are non-Executive.**