

ARTICLE 4 - THE COUNCIL

LOCAL GOVERNMENT ACT 1972 - SECTIONS 3-7

LOCAL GOVERNMENT ACT 2000

**DETR GUIDANCE CHAPTER 2 - CONSTITUTIONS DIRECTION - PARAGRAPH 3
FUNCTION AND RESPONSIBILITIES (ENGLAND) REGULATIONS 2000**

4.01 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:

- Sustainable Community Strategy
- Crime and Disorder Reduction Strategy
- Development Plan Documents (DPD's) i.e. Core Strategy and Area Action Plans (see 4.02 (c))
- Council's Corporate Strategy
- Food Law Enforcement Service Plan
- The plan and strategy which comprise the Housing Investment Programme
- Local Agenda 21 Strategy
- Community Engagement Strategy

(b) Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, fees and charges, the council tax base, setting the council tax and housing rents and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) 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.

4.02 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) approval of the preferred options and draft for submission to the Government Office West Midlands of Development Planning Documents under the Planning and Compulsory Purchase Act 2004.
- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

- (e) appointing the Leader, Deputy Leader, the other members of the Executive, Portfolio Holders as set out in Article 7 re 7.04 and membership of Committees
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition (which would normally be politically proportional) and making appointments to them;
- (g) appointing representatives to outside bodies
- (h) adopting an allowances scheme for members;
- (i) changing the name of the district
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- (l) all other matters which, by law, must be reserved to Council; and
- (m) scrutinising any Executive decision where the relevant Overview & Scrutiny Committees recommends that the Council considers that the Executive should reconsider its decision (as set out in the Council procedure Rules)

4.03 **Council Meetings**

There are three types of Council meeting the annual meeting, ordinary meetings and extraordinary/special meetings and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 **Responsibility for Functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.