

CHAPTER 2 – 1 - COUNCIL FUNCTIONS AND PROCEDURE RULES

This part sets out in detail which part of the Council and/or which people are responsible for particular activities. It sets out what decisions must be taken at the Council Meeting and what decisions Members have decided can be taken by the different Committees. It also sets out what decisions can be taken by Officers on behalf of the Council

Council functions comprise of :

- functions which are reserved as Council functions by the Local Government Act 2000 (as amended) and by subsequent legislation;
- functions which are reserved as Council functions by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(as amended) and subsequent regulations under the Local Government Act 2000;
- functions set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:
- plans and strategies set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) together with such other plans and strategies as the Council shall identify from time to time for approval. See Budget and Policy Framework Procedure Rules.

2.0 Council Functions

	Functions which are reserved as Council functions by the Local Government Act 2000 (as amended) and by subsequent legislation	Delegations to Committees or Officers	Exceptions to Delegations
2.1	Approve and adopt the Policy Framework and the Strategies included in it (not including the policies within it which are delegated to Cabinet).	None	None
2.2	Adopt the budget (by recorded vote of all Members).	None	None
2.3	Calculations relating to and setting of Council Tax.	None	None
2.4	Set the level of Council house rents	None	None
2.5	Approve any application to the Secretary of State in respect of any housing land transfer.	None	None

2.6	Adopt and approve amendments to the Constitution	Monitoring Officer	Significant amendments unless required by legislative or other statutory changes.
2.7	Agree and/or amend the functions and responsibilities for Committees, deciding on their composition and making appointments to them.	None	None
2.8	Elect the Mayor, Deputy Mayor, Leader of the Council and the Leader of the Opposition.	None	None
2.9	Appoint representatives to outside bodies which represent Council functions.	None	None
2.10	Adopt the Members' Allowance Scheme, Whistleblowing Policy, Members' Code of Conduct and Protocol on Member/Officer Relations following consultation with the Audit and Standards Committee.	None	None
2.11	Determine any matter which is referred to it for determination by a Committee or Sub-Committee other than Cabinet or Cabinet Committees.	None	None
2.12	Consider a report by the Head of Paid Service on management of the Council or by the Chief Financial Officer or Monitoring Officer in relation to a Council function.	None	None
2.13	Adoption of: <ul style="list-style-type: none"> the Statement of Licensing Principles under the Gambling Act 2005 and Licensing Policy under the Licensing Act 2003 	None	None
2.14	All other matters which by law must be reserved to Council including those functions which cannot be carried out by Cabinet but which can be delegated to a Committee by the Council.	See Officer Scheme of Delegation	See Officer Scheme of Delegation

2.15	Function as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000:	Delegation of Functions	Exceptions to Delegations
2.16	Functions relating to elections		
2.17	The appointment of the Electoral Registration Officer, the appointment of the Returning Officer for local elections and polling districts and local election pilot schemes.	Chief Executive	None
2.18	Assignment of officers to the Electoral Registration Officer.	Chief Executive	None
2.19	Assistance at European Parliament elections.	Chief Executive	None
2.20	The holding of elections/the filling of certain vacancies, the declaration of vacancies and notices of casual vacancies.	Chief Executive	The Chief Executive cannot determine casual vacancies that are not politically balanced.
2.21	Fees for and conditions of supply of elections documents.	Chief Executive	None
2.22	All other functions relating to elections	Chief Executive	None
Functions relating to name and status of areas and individuals:			
2.23	Power to change the name of the Borough or Parish.	None	None
2.24	Power to make, amend, revoke, enact or enforce byelaws, local or personal Bills.	None	None
2.25	Power to confer title of Honorary Alderman or to admit to be an Honorary Freeman of the Borough.	None	None
2.26	Power to promote or oppose local Bills in Parliament.	None	None
2.27	Power to promote or oppose local or personal Bill.	None	None
2.28	Functions relating to local Government pensions.	Chief Finance Officer	None

2.29	Proper Officers Power to appoint officers for particular purposes (appointment of "Proper Officers").	None	None
2.30	Head of Paid Service Duty to designate officer as the Head of the authority's Paid Service and to provide staff, etc.	None	None
2.31	Monitoring Officer Duty to designate officer as the Monitoring Officer, and to provide staff, etc.	None	None
2.32	Chief Finance Officer Duty to designate officer as the Chief Finance Officer, and to provide staff, etc.	None	None
2.33	Administration of Financial Affairs Duty to make arrangements for proper administration of financial affairs etc.	Chief Finance Officer	None
2.34	Appointment of Staff (Below Chief Officer level). Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	All Chief Officers	None
2.35	Maladministration Power to make payments or provide other benefits in cases of maladministration.	Monitoring Officer	None
2.36	Appointment of Chief Officers	Employment Committee	Chief Executive Officer. The Employment Committee can make recommendations regarding the appointment to Council.
2.37	Dismissal of statutory officers	None	The Employment Appeals Committee can make recommendations regarding the dismissal to Council.

2.38	Appeal against dismissal of statutory officers	None	The Employment Appeals Committee can make recommendations regarding the dismissal to Council.
2.39	Planning, development control and conservation Development Management functions under The Town and Country Planning Act 1990 and The Town and Country Planning (General Permitted Development) Order (or any associated or related legislation or regulations) including enforcement.	See Planning Committee Functions & Procedure Rules	See Planning Committee Functions & Procedure Rules
2.40	Highways use and regulation The exercise of powers relating to the regulation of the use of highways (including footpaths and bridleways).	See Planning Committee Functions & Procedure Rules	See Planning Committee Functions & Procedure Rules
2.41	Tree Preservation and Hedgerows Functions relating to the preservation of trees and the protection of important hedgerows. Powers relating to complaints about high hedges.	See Planning Committee Functions & Procedure Rules	See Planning Committee Functions & Procedure Rules
2.42	All functions relating to licensing registration, enforcement, duties and powers including but not limited to; Sex establishment venues and miscellaneous licensing Private hire and hackney carriage licensing Gambling Act 2005 Licensing Regime Licensing Act 2003 Licensing Regime Licensing market and street trading.	See Licensing Committee Functions & Procedure Rules	See Licensing Committee Functions & Procedure Rules
2.43	Statement of Accounts The duty to consider and approve the Council's Statement of Accounts under the Accounts and Audit Regulations.	Audit and Standards Committee	None

2.44	<p>Health and safety Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.</p>	Director for Corporate Services	None
2.45	<p>Functions relating to Community Governance</p>	Assistant Director for Governance and Democracy	None
2.46	<p>The promotion and maintenance of high standards of conduct within the Council; To adopt or revise it’s Member Code of Conduct and Officer Code of Conduct.</p> <p>To monitor the operation of its Code of Conduct in the light of best practice, changes in the law, guidance under the Localism Act 2011.</p> <p>Assistance to Councillors and co-opted external persons To ensure that all Councillors have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that Councillors and co-opted persons are aware of the standards expected under the Code.</p> <p>Other functions Functions relating to standards of conduct of Members including granting of dispensations under any relevant provision of, or regulations made under, the Localism Act 2011.</p>	See Audit and Standards Committee Functions and Procedure Rules	See Audit and Standards Committee Functions and Procedure Rules
2.47	<p>Local Planning and Neighbourhood Planning Functions</p>	Chief Executive Officer in consultation with relevant Portfolio Holder.	None

2.48	Local Choice Functions (Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).		
2.49	Obtaining of information as to interests in land.	See Audit and Standards Committee Functions and Procedure Rules	See Audit and Standards Committee Functions and Procedure Rules

3.0 **Council Procedure Rules**

3.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

3.2 **Composition of the Council**

The Council Meeting is a meeting of all Members all of whom shall have undertaken mandatory training contained within the Members Development Programme.

3.3 A record of attendance at training sessions will be maintained by Democratic Services.

3.4 **Quorum**

The quorum for the Council shall be not less than half of all Members.

3.5 Who shall Chair the Meeting

The Chair of the Council Meeting shall be the Mayor as determined by Council at the Annual Council Meeting and in their absence the Deputy Mayor shall preside. If neither is in attendance, the Chair shall be elected by attending Members by a majority of votes.

4.0 **Annual Council Meeting**

4.1 Timing and business

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Members. In any other year, the annual meeting will take place in April or May.

4.2 The annual meeting shall:

- elect a person to preside if the Mayor is not present;
- elect the Mayor;
- elect the Deputy Mayor;
- approve the minutes of the last meeting;
- receive any announcements from the Mayor and/or the Chief Executive;
- receive a report from the outgoing Leader on the work of the Council during the last year;
- elect the Leader;
- receive an outline of the policies of the Council for the forthcoming year from the Leader;
- the Leader shall announce the Deputy Leader;
- appoint at least one Scrutiny Committee and such other Committee as the Council considers appropriate to deal with matters which are neither reserved to the Council Meeting and which are not Cabinet functions and decide the terms of reference and size of those Committees;
- elect the Chairs and Vice-Chairs of Committees;
- agree the Officer Scheme of Delegation;
- confirm the Constitution;
- approve the Annual Calendar of Meetings and
- consider any business set out in the notice convening the meeting;
- Decide the allocation of seats [and substitutes] to political groups in accordance with the political balance rules;
- Receive nominations of Members to serve on each Committee and outside bodies;
- Appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet;
- Approve the financial threshold for Key Decisions.

5.0 **Questions by the Public at Meetings of Council**

5.1 General

Members of the public may ask questions at Ordinary Meetings of the Council.

Time allowed for questions and answers shall not without the consent of the Council which shall be confirmed by consensus exceed 15 minutes or in the case of one questioner 5 minutes.

Questions and answers shall not be the subject of debate.

5.2 **Notice of questions**

5.3 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than midday four clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

5.4 **Number of questions**

5.5 At any one meeting no person may submit more than one question and no more than one question may be submitted on behalf of any one organisation.

5.6 **Scope of questions**

5.7 The Proper Officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which does not affect the Borough;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information;
- Breaches any procedure rule;
- Relates to an item on the agenda of the meeting;
- Relates to any Borough planning/licensing application that is in the process of being determined.

5.8 **Record of questions**

5.9 The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection.

5.10 **Order of questions**

5.11 Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions

5.12 **Asking the question at the meeting**

5.13 The Mayor will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf or indicate that a written reply will be given.

5.14 **Supplemental question**

5.15 A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.4 above

5.16 **Response**

5.17 An answer can take the form of

- A direct oral answer;
- A written answer circulated after the questioner.

5.18 **Reference of question to Cabinet, Committee or Sub Committee**

5.19 Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

6.0 **Members' Conduct**

6.1 Standing to speak

6.2 When a Member speaks at a Meeting of Council he/she must stand and address the meeting through the Mayor. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

6.3 Mayor standing

6.4 When the Mayor stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

6.5 **Budget Council Meeting**

Restriction of Amendments

Only amendments submitted in accordance with the Budget and Policy Framework Procedure Rules shall be considered at the Budget Council Meeting. The exceptions to this rule are as follows:

- The Cabinet may introduce amendments at the Council meeting or give advance notice of revised recommendations. This might be necessary, for instance, in response to changed circumstances or to correct technical errors. The Leader must explain why it has proved necessary to introduce any amendment. This is to be done at the beginning of the budget item.
- The Cabinet may make changes to the budget recommendations to give effect to decisions by precepting authorities.
- Further amendments may be moved by any Member in direct response to amendments made by the Cabinet at the meeting.

- Technical amendments may be made by Leaders of Opposition Groups or proposers of amendments to correct arithmetical or factual errors.
- The Mayor shall have discretion to permit amendments from Members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.

6.6 If the Cabinet fails to secure Council adoption of its budget, further amendments may be moved, and these rules will not apply. The Council may, by a simple majority, suspend these rules and permit further amendments.

6.7 **Rules of Debate**

The Cabinet shall present its budget recommendations. A period of 45 minutes is allowed for this, extendable at the discretion of the Mayor.

Opposition groups may present alternative budgets, subject to compliance with the Budget and Policy Framework Procedure Rules. Thirty minutes is allowed for each alternative budget, extendable at the discretion of the Mayor.

Alternative budgets shall be moved in turn as amendments to replace the Cabinet recommendation. They will be debated in the usual way, although replacement budgets will be deemed to have been moved and seconded. At the conclusion of each debate, a vote will be taken for and against the alternative budget.

If the alternative budget is voted down, the Leader of the Opposition Group may ask for separate votes to be taken on individual proposals within the alternative budget, but there shall be no further debate.

Where individual amendments have been submitted by Members, these will be debated in the usual way contained within the Meetings General Procedure Rules and the Council Functions and Procedure Rules. Where they are to the same effect as something in an alternative budget, they shall be considered at the same time as the alternative budget, with the proposer being able to ask for a separate vote.

After consideration of amendments the Cabinet's budget proposals will be debated in the usual way but no amendments may be moved. If the Cabinet's budget is rejected, amendments and alternative proposals may be made as under the usual rules of debate.