

## Part 3 – Responsibility for Council Functions

### 1. Functions which by Statute are the Responsibility of Council

The following functions are by statute the responsibility of Council, which it will exercise only in full Council meetings:

- 1.1 Approving which plans and strategies shall form the Policy Framework of the authority, requesting the Executive / Cabinet to prepare a draft (or draft amended) plan or strategy, and approving (or approving amendments to) the plans and strategies contained within the Policy Framework.
- 1.2 The Council has resolved that the following plans and strategies shall comprise the Policy Framework (as required by law):
  - (a) Crime and Disorder Reduction Strategy
  - (b) Local Transport Plan
  - (c) Licensing Authority Policy Statement under the Licensing Act 2003 and Gambling Act 2005
  - (d) Plans with Development Plan Document Status
  - (e) Health and Well-Being Plan
  - (f) Vision and Priorities
- 1.3 In addition to the above the Council has resolved that the following plans and strategies shall comprise the Policy Framework although not required by law
  - (a) Any Plan or Strategy that must be approved by the authority and submitted to the Secretary of State or a Minister of the Crown for approval;
  - (b) Such other plans and strategies as the Council may decide to adopt.
- 1.4 Approving the Budget, (except the technical decision of agreeing the Collection Fund Balance and Council Tax base which have been delegated to the Corporate Director of Finance, Governance and Property) including:
  - (a) General Fund Budget, Capital Programme and to note the Housing Revenue Accounts Budget
  - (b) Establishing contingency funds
  - (c) Setting the Council Tax
  - (d) Making decisions relating to the control of the Council's borrowing requirement
  - (e) Approving the Annual Investment Strategy / Annual Treasury Management Strategy
  - (f) Approving the annual policy for making a Minimum Revenue Provision (MRP)

- 1.5 Approving and amending the Constitution.
- 1.6 Subject to the urgency procedure contained in the Access to Information Procedure Rules in Chapter 8 of this Constitution, making any Executive decision which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget.
- 1.7 Appointing and removing the Leader of the Council from office. Note: From May 2011, this Rule will apply only at the Annual Council Meeting following an election, or following the removal or death or incapacity or resignation of the Leader.
- 1.8 Agreeing and/or amending the terms of reference for Committees including any Area or Joint Committees discharging non-Executive Functions, deciding on their composition and making appointments to them.
- 1.9 Agreeing and/or amending the terms of the Local Code of Conduct for Members pursuant to the Localism Act 2011
- 1.10 Appointing Independent Person(s) for the Standards and Audit Committee
- 1.11 Adopting a Members' Allowances Scheme in accordance with the Local Authorities' (Members' Allowances) (England) Regulations 2003 following advice from an independent remuneration advisory panel comprising up to five non-elected Members.
- 1.12 Confirming the appointment or dismissal of the Head of Paid Service.
- 1.13 Appointing the Returning Officer and Electoral Registration Officer
- 1.14 Submitting proposals to the Secretary of State under the Representation of the People Act 2000.
- 1.15 Making, amending, revoking, re-enacting or adopting bylaws, or promoting or opposing the making of local legislation or personal Bills.
- 1.16 Changing the name of the area, or conferring the title of Honorary Alderman or the Freedom of the Borough
- 1.17 Making any decisions in respect of any change to the electoral arrangements for the authority
- 1.18 Agreeing the cycle of Council meetings.
- 1.19 Exercising any function under a local Act specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.
- 1.20 Making arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority. Similar arrangements in respect of enabling questions to be put on the discharge of the functions of a fire authority.
- 1.21 Making appointments to the Essex Police Authority under paragraphs 2 to 4 (appointment of Members by relevant Councils) of Schedule Two (police authorities established under Section Three) to the Police Act 1996.

## **2. Functions which the Council has determined shall be discharged by the Council**

The following functions are functions, which the Council has discretion to allocate to Council or to the Executive / Cabinet and has determined that they shall be discharged by Council, which it will exercise only in full Council meetings:

- 2.1 Determinations under the Essex Act 1987, Part VI, and any byelaws under the Act
- 2.2 The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land, insofar as it relates to the other functions of the Council
- 2.3 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, insofar as it relates to the other functions of the Council
- 2.4 Except insofar as the Council agrees that they are a matter for the Cabinet, the appointment of any individual:
  - (a) to any office other than an office in which he is employed by the Authority;
  - (b) to any body other than the Authority or a Joint Committee of two or more authorities; or
  - (c) to any Committee or Sub-Committee of such a body and the revocation of any such appointment