

## **PART 3 COUNCIL**

### **PART 3.1 COUNCIL FUNCTIONS**

Full Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in Brighton & Hove City Council by law. It may also delegate many of those functions to a Committee, a Sub-Committee or an officer. In this scheme of delegation the term "Full Council" is used to refer to the Council exercising functions itself as opposed to acting through Committees, Sub-Committees or officers.

#### **1.01 Functions of the Full Council**

The following functions may only be exercised by the Full Council:

##### **(a) Constitution**

- (i) Adopting the constitution.
- (ii) Amending the constitution, save that Article 13 of the constitution may provide for certain sections of the constitution to be amended by a Committee, a Sub-Committee or an officer.

##### **(b) Policy and Budget**

Approving or adopting the Policy Framework\*, the Budget\* and any application to the Secretary of State in respect of any Housing Land Transfer\* providing that the Council may, at the time of adopting the policy framework, the budget etc., authorise a Committee, Sub-Committee, or an officer to amend, modify or vary (but not revoke) the same to the extent that this is permitted under the relevant regulations.

(\*see 'Meanings' in section 3.02 below)

##### **(ba) Council Tax**

Exercising any function which, under section 67 of the Local Government Finance Act 1992, may only be discharged by the authority.

##### **(c) Terms of Reference of Committees**

Agreeing and/or amending the terms of reference of Committees discharging Council functions and deciding on their composition. Where the allocation of seats on a Committee or Sub-Committee has been agreed by the Council, the Chief Executive shall have delegated authority to appoint individual members to the Committee or Sub-Committee in accordance with the wishes of the relevant political group(s).

(d) **Appointments to Outside Bodies**

Appointing representatives to outside bodies unless the appointment has been delegated to a Committee, Sub-Committee or an officer.

(e) **Members' Allowances**

Adopting and amending from time to time the scheme for Members' Allowances and determining the amount of any allowance payable to the Mayor and Deputy Mayor.

(f) **Code of Conduct**

Adopting a Local Code of Conduct in order to maintain high ethical standards in accordance with the requirements of the Localism Act 2011.

(g) **Titles**

Changing the name of the area, conferring the title of Honorary Alderman, Honorary Recorder or Freedom of the City.

(h) **Appointment of Chief Executive**

Confirming the appointment of the Chief Executive, who shall be the Head of Paid Service.

(i) **Byelaws and Local Legislation**

Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills.

(j) **Electoral**

Any of the following matters:- making a request to the local Government Boundary Commission for England for single-member electoral areas; passing a resolution to change the scheme for local elections; or making an order to give effect to recommendations in a community governance (parish) review.

(k) **General**

All other matters which by law must be reserved to Full Council.

### 3.02 Meanings

#### (a) Policy Framework.

The policy framework means the following plans and strategies:-

- (i) **those required by law to be adopted by Full Council**
  - Annual Investment Strategy;
  - Statement of Pay Policy;
  - Libraries Plan;
  - Crime and Disorder Reduction Strategy;
  - Local Transport Plan;
  - Plans with Development Plan Document status ;
  - Youth Justice Plan;
  - Statement of Licensing Policy under the Licensing Act 2003;
  - Statement of Gambling Policy under the Gambling Act 2005.
  
- (ii) **those which the Council has determined should be adopted by Full Council as part of the Policy Framework:**
  - Sustainability Strategy (*or the successor to this strategy*);
  - Sustainable Community Strategy
  - Corporate Plan;
  - Equality and Inclusion Policy;
  - City Performance Plan
  - Strategy for Gypsies, Roma and Travellers
  - Housing Strategy
  - The Council's Economic Strategy
  - School Admission Arrangements\*

- \* For the purposes of the policy framework, "School Admission Arrangements" means:
- the School Organisation Plan; and
  - any strategic issues or reviews of the council's school admission arrangements, including any changes to catchment areas.

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, the determining of its minimum revenue provision 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 of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

### **3.03 Council meetings**

There are three types of Council meeting:

- (a) the Annual Meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Procedure Rules in Part 3 of this constitution.