

PART 3

Responsibilities for Functions

Part 3B – Council Functions

3B.1 The functions that may only be exercised by Council are set out in Table 1 below:

Table 1 (Functions of Council)

Determine which plans, strategies and policies shall comprise the Authority's Policy Framework ¹ and from time to time approve, adopt and amend those plans, strategies and policies
Determine and amend the Authority's Budget ²
Approve a departure from the approved Policy Framework and/or the approved Budget ³
Appoint and remove the Leader ⁴
Change the executive arrangements of the Authority ⁵
Establish, abolish and decide the terms of reference and the composition of Council Committees and make appointments including co-opted members to them and other non-Executive bodies ⁶
Make and amend Procedural Rules, Financial Rules and Contract Rules ⁷
Change the name of the Borough or a parish ⁸
Elect a Mayor (Council Chair) and Deputy Mayor (Council Vice-Chair) ⁹
Confer the title of Honorary Alderman ¹⁰ and grant the Freedom of the Borough
Promote or oppose local or personal bills
Where it is the function of the Authority, divide Parliamentary Constituencies and local government electoral divisions into polling districts ¹¹
Appoint an Electoral Registration Officer ¹² and Returning Officer for local government elections ¹³
Make, amend, revoke or re-enact Byelaws
Dissolve small parish councils and make orders for grouping parishes, dissolving groups and separating parishes from groups and make temporary appointments to parish councils ¹⁴
Fill Council or Parish Council vacancies in the event of insufficient nominations
Change ordinary year of election of parish councillors ¹⁵
Submit proposals to the Secretary of State for an Order for pilot schemes for local elections ¹⁶

¹ Policy Framework is defined in Article 4

² Budget is defined in Article 4

³ Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)

⁴ Stat ref #

⁵ S# LGA 2000

⁶ S101 LGA 1972

⁷ ss 135, #, 151 LGA 1972 (For Procedural, Financial and Contract Rules see Part 4)

⁸ ss74 & 75 LGA 1972

⁹ ss3-5 LGA 1972

¹⁰ S249 LGA 1972

¹¹ ss18 & 31 Rep of the People Act 1983

¹² s8(2) Rep of the People Act 1983

¹³ s35 Rep of the People Act 1983

¹⁴ ss 10, 11 & 91 LGA 1972

¹⁵ s53 LGPIH Act 2007

¹⁶ s10 Rep of the People Act 2000

Authorise community governance reviews ¹⁷
Submit Neighbourhood plan and order for examination ¹⁸
Approve the neighbourhood plan for referendum following the examination ¹⁸
Confirm the appointment or dismissal of the Head of Paid Service and designate officers as the Monitoring Officer and the Chief Finance Officer ¹⁹
Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council
Approve the Pay Policy Statement ²⁰
Establish and abolish Joint Committees (in respect of non-Executive functions) ²¹
Authorise applications to the Secretary of State for approval of housing land transfers ²²
Appoint or nominate individuals to outside bodies in respect of non-Executive Functions and revoke or withdraw such appointment or nomination ²³
Appoint or nominate individuals to outside bodies in respect of Executive Functions and revoke or withdraw such appointment or nomination where there is no Group Leader consensus on the decision to be taken
Adopt or amend the Code of Members' Conduct ²⁴
Take decisions and/or give advice on matters brought to Council by the Leader, Cabinet, Officers and other bodies or persons
Receive and consider statutory reports from the Head of Paid Service and the Monitoring Officer ²⁵
Determine whether local choice functions ²⁶ will be exercised by Council or the Cabinet and undertake such local choice functions as allocated to Council
Discharge any other function which is by law reserved to Council

¹⁷ Chapter 3, part 4 LGPIH Act 2007

¹⁸ Report to Council 14 December 2015-neighbourhood planning protocol

¹⁹ ss4&5 LG(MP)A89 and s151 LGA 1972

²⁰ s38 Localism Act 2011

²¹ s101(5) LGA 1972

²² Para # Fcts & Resps Regs 2000

²³ Local Authorities (Functions and Responsibilities) Regulations 2000

²⁴ See Part 5A. The statutory context of the Code may change under the Localism Act.

²⁵ ss 4 and 5 Local Government (Misc Provisions) Act 1989

²⁶ The allocation of local choice functions is shown at Appendix #.