

Part 2 - Articles of the Constitution

Article 4: The Full Council

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The Local Government Act 2000 and associated guidance and regulations give the Council responsibility for approving the policy framework and budget. The Council as a whole retains responsibility for regulatory functions and will have a role in holding the Executive to account.

The functions reserved for Council decisions are defined in this Article. This is done to make clear what authority the Council has in relation to other parts of the Constitution.

4.1 Composition

The Full Council consists of all 40 Members who represent the 30 Wards of the District of the South Hams.

4.2 Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies and any other such plans and strategies adopted by Council as part of the policy framework:
- (i) those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations proposed under section 32 of the Local Government Act 2000 to be adopted by the Council:
 - Best Value Performance Plan;
 - Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - Development Plan documents;
 - (ii) those other plans and strategies which Chapter 2 of DETR Guidance recommends should be adopted by the Council as part of the Policy Framework:
 - Council's Corporate Plan;
 - Housing Strategy and Investment Programme;
 - Local Agenda 21 Strategy;
 - (iii) other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice.
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax, and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.3 Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving, adopting or amending the policy framework and the budget;
- (c) 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,
- (d) Development Control decisions where the application is for development which is not in accordance with the development plan, which the Development Control Committee does not propose to refuse and notification to the Secretary of State is required under the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 or under any other future provision which substantially re-enacts the requirements of those directions;
- (e) maintaining a System of Internal Control that identifies objectives and obligations, the risk to the achievement of these objectives and obligations and controls to mitigate the risks. The system will include an annual review delegated to the Audit Committee in line with the relevant guidance, and approving the resulting annual Statement of Internal Control on its recommendation;
- (f) overseeing the effective management of risk by officers of the Council, including the receipt of a report on the risk management process annually;
- (g) appointing the Leader of the Council, Deputy Leader of the Council and Members of the Executive;
- (h) agreeing and/or amending the terms of reference for bodies of the Council, deciding on their composition and making appointments to them;
- (i) appointing representatives to outside bodies unless the appointment is a function of the Executive or has been delegated by the Council;
- (j) adopting a Scheme of Members' Allowances under Article 2.5;
- (k) changing the name of the area;
- (l) conferring the title of honorary alderman;

4.3 **Functions of the Full Council (cont'd)**

- (m) confirming the appointment of the Head of Paid Service and chief officers according to the procedure defined in Part 4;
- (n) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (o) 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; and
- (p) all other matters which, by law, must be reserved to Council.

4.4 **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 4 of this Constitution.

The Council may also hold informal meetings, for example workshops and seminars.

4.5 **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.