

# Article 4 – The Council

## 4.1 Meanings

### (a) Policy Framework

The policy framework means the following plans and strategies:-

- The Council's Corporate Plan;
- Spelthorne Community Plan;
- Spelthorne Safer, Stronger Partnership [SSSP] – Partnership Plan;
- Core Strategy and Policies Development Plan Document [DPD] February 2009, Allocations DPD December 2009, Spelthorne Borough Local Plan – Saved Policies - December 2009. Design of Residential Extensions and New Residential Development SPD – April 2011, Flooding SPD – July 2012, Housing Size and Type SPD – July 2012, Parking Standards - September 2011. Housing Strategy incorporating the Housing Investment Programme;
- Statement of Licensing Policy;
- Gambling Act 2005: Statement of Principles;
- Treasury Management Strategy Statement and Annual Investment Strategy and
- Pay Policy Statement.

### (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, decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, and the setting of virement limits.

## 4.2 Functions of the Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution apart from changes to the Scheme of Delegation in Part 3 in relation to executive functions, which may be amended by the Leader/Cabinet and reported to Council;
- (b) making proposals and fulfilling any duties to change the Council's executive arrangements, determine whether a referendum is required and pass a resolution to make any such change; approving the Council's budget as defined in Article 4.1(b) of the Constitution and setting the Council tax;
- (c) adopting, amending, revoking or replacing any plan or strategy falling within the Council's policy framework;

- (d) subject to the urgency procedure contained in the Access to Information Procedure Rules (set out in Part 4 of this Constitution), making decisions in respect of any executive function which is not in accordance with the agreed budget and policy framework; adopting, revising or replacing the code of conduct for councillors and co-opted members;
- (e) election of the Mayor and Deputy Mayor;
- (f) appointment and removal of the Leader of the Council;
- (g) with the exception of Cabinet, appointment and dissolution of committees, approval and/or amendment of their terms of reference and size
- (h) with the exception of Cabinet, determining allocation of seats on the Council's committees and making appointments to them (a request by a Group Leader to amend the political membership of a committee may be made to the Chief Executive under Part 3(d));
- (i) appointment of representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (j) making all necessary arrangements for the discharge of non-executive functions through joint arrangements, including the establishment of joint committees, area committees or delegation to another local authority;
- (k) determining matters relating to the failure of a councillor to attend meetings for a period of six months;
- (l) approval, amendment, revocation or replacement of the Members' Allowances scheme set out at Part 6 of the Constitution and to determine the levels of all allowances payable to councillors;
- (m) those relating to local government pensions;
- (n) determination of those matters in relation to elections and electoral registration which it is required to do by legislation;
- (o) changing the name of the Council area or its wards;
- (p) conferring the title of honorary alderman or honorary freeman;
- (q) appointment and dismissal of the Chief Executive
- (r) designating members of staff as the Head of Paid Service, the Monitoring Officer and the Chief Finance (Section 151) Officer;
- (s) appointment of proper officers for particular purposes;
- (t) making, amending, revoking, re-enacting or adopting byelaws
- (u) promoting or opposing the making of local legislation or personal Bills;

- (v) exercising such local choice functions as set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than by the Leader/Cabinet and
- (w) determining all other matters which, by law, must be reserved to Council.

#### **4.3 Council meetings**

There are three types of Council meeting:

- (a) the annual meeting (at which the Mayor is elected);
- (b) ordinary meetings (on dates agreed annually); and
- (c) extraordinary meetings (to deal with urgent or special business).

and they will be conducted in accordance with the Council Standing Orders (set out in Part 4(a) of this Constitution).

#### **4.4 Responsibility for functions**

The Council will maintain the information in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Leader of the Council or the Cabinet.