

## Section 3 – Full Council

### 3.1 Meaning

The Council means every Member of East Hertfordshire District Council meeting together formally. By law, there are some things that only the Council has the power to do, such as setting the council's budget and the council's share of the Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions which are not the responsibility of the Executive. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

### 3.2 Policy Framework and budget

3.2.1 **Policy Framework:** The Policy Framework is composed of the following plans, policies and strategies with the following titles or reasonably taken to be the following even if they have different titles:

- (a) Anti-Fraud and Anti-Corruption Policy;
- (b) Community Grants policies;
- (c) Corporate Equalities Policy;
- (d) Corporate Strategic Plan;
- (e) Crime and Disorder Reduction Strategy, including Community Safety Strategy;
- (f) Fees and Charges Strategy;

- (g) Gambling Statement of Principles;
- (h) Health and Wellbeing Strategy;
- (i) Housing Strategy, Allocations Scheme, Tenancy Strategy, Homelessness Strategy, and Private Sector Housing Assistance Policy;
- (j) ICT Strategy;
- (k) Licensing Statement of Policy;
- (l) Parking policies;
- (m) Pay Policy Statement;
- (n) Plans and strategies which together comprise the District Plan, Supplementary Planning Documents, final Masterplans and associated development guidance;
- (o) Safeguarding Policy;
- (p) Taxi policies, including the Driver Suitability Policy;
- (q) Treasury Management Strategy; and
- (r) Whistleblowing Policy.
- (s) Council Tax Reduction Scheme

3.2.2 **The budget:** The Council will be responsible for the adoption of its annual budget. Once the annual budget is in place it will be the responsibility of the Executive to implement it. The budget consists of the:

- (a) revenue budget;
- (b) capital programme;
- (c) medium term financial strategy (covering revenue and capital);
- (d) prudential indicators including borrowing limits; and
- (e) treasury management and investment strategy.

3.2.3 The annual budget includes:

- (a) the allocation of financial resources to different services and projects and proposed contingency funds;
- (b) the Council Tax base and setting the Council Tax;
- (c) decisions relating to the control of the council's borrowing requirements, investments and capital expenditure; and
- (d) the setting of virement limits.

3.2.4 Any additional budget requirements during the course of the year will be approved according to thresholds set out in the Financial Procedure Rules Appendix 1.

### **3.3 Functions of the Council**

3.3.1 Only the Council may exercise the following functions:

- (a) adopting and changing the Constitution in line with Section 2;

- (b) approving and adopting the Policy Framework;
- (c) approving and adopting the council's annual Budget;
- (d) considering a referendum on Council Tax increases and associated matters;
- (e) approving for the purposes of public consultation draft proposals associated with the preparation of, alterations to, or the replacement of the plans and strategies which together comprise the District Plan;
- (f) subject to the urgency procedure set out in the Budget and Policy Framework Procedure Rules in Section 13 of the Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or 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;
- (g) electing the Leader;
- (h) removing the Leader by resolution and electing a replacement in accordance with Section 4;
- (i) determining the political balance of the Council and the allocation of seats in accordance with it or by unanimous vote in some other way as the Council sees fit;
- (j) deciding which Committees of the Council to establish for the Civic Year and the size and Terms of Reference for those committees;
- (k) with regard to Committees of the Council, deciding the allocation of seats and substitutes to Political Groups in

accordance with the political balance rules;

- (l) receiving, or arranging the delegation of, nominations of Members to serve on each Committee of the Council and any outside body for which a new appointment or re-appointment is required;
- (m) considering recommendations from the Independent Remuneration Panel and adopting a Members' Allowance Scheme;
- (n) appointing Members to Outside Bodies unless this is a function of the Executive or has been delegated by the Council;
- (o) the ratification of the appointment or notice of dismissal to the Head of Paid Service, Chief Finance Officer or Monitoring Officer, prior to such action being taken (and in respect of dismissal, having taken into account any advice, views or recommendations, conclusions of any investigation from the Panel and representations of the Officer concerned);
- (p) any electoral matters requiring a decision by the Council including the appointment of an Electoral Registration Officer and a Returning or Acting Returning Officer (to act in connection with Parliamentary, District, County, Police Commissioner, and referenda);
- (q) conferring the title of Honorary Alderman or the Honorary Freedom of the District;
- (r) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;

- (s) all Local Choice Functions set out in paragraph 3.42 of this Section which the Council decides should be taken by itself rather than the Executive;
- (t) review and agree proposals on polling districts, polling places and polling stations, district boundaries, electoral Wards and the number of District Councillors;
- (u) to consider, make, amend or withdraw compulsory purchase orders;
- (v) appointing the Chairman and Vice-Chairman of the Council;
- (w) agreeing an Annual Schedule of meetings;
- (x) changing the name of the district; and
- (y) all other matters which, by law, must be reserved to the Council.

### **3.4 Council meetings**

3.4.1 There are three types of Council meeting:

- (a) the Annual Meeting;
- (b) Ordinary Meetings; and
- (c) Extraordinary Meetings.

3.4.2 For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place and may be wholly or partly through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming provided such remote means are

legally permissible under relevant legislation.

- 3.4.3 Each type of Council meeting will be conducted in accordance with the Council Procedure Rules at paragraphs 3.6 – 3.34 of this Constitution.

### **3.5 Responsibility for functions**

- 3.5.1 The Council will maintain the tables setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

### **3.6 Chairman of the Council**

- 3.6.1 The Chairman and Vice Chairman will be elected annually by the Council.
- 3.6.2 Neither the Chairman nor the Vice Chairman may be a member of the Executive.
- 3.6.3 The Chairman and in their absence the Vice Chairman have the following roles.

### **3.7 Ceremonial role**

- 3.7.1 The Chairman will:
- (a) chair meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community;
  - (b) uphold and promote the purposes of the Constitution and interpret the rules of procedure at Council meetings;

- (c) ensure that Council meetings are a forum for the debate of matters of concern to the community and one of the places at which Members who are not on the Executive are able to hold the Executive to account; and
- (d) exercise a casting vote in the event of a tie at a Council meeting with complete freedom of conscience.

3.7.2 The Chairman is the ceremonial head of the council and will be its representative at civic and ceremonial events. They must maintain an apolitical stance, especially when chairing Full Council meetings.

3.7.3 This ceremonial role includes:

- (a) representing and promoting the whole District during their term of office;
- (b) enhancing the image of the district;
- (c) encouraging understanding of the council's role, priorities and partnerships; and
- (d) promoting public involvement in the council's activities.