

Chapter 4 – Council

4.1 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. Other matters are allocated to the Council by this Constitution.

4.2 Policy Framework and budget

4.2.1 **Policy Framework:** The Policy Framework includes the following plans, policies and strategies:

- (a) Anti-Fraud and Anti-Corruption Policy;
- (b) Community Grants policies;
- (c) Complaints Policy;
- (d) Contaminated Land Strategy;
- (e) Corporate Equalities Policy;
- (f) Corporate Strategic Plan;
- (g) Crime and Disorder Reduction Strategy, including Community Safety Strategy;
- (h) Community Transport Strategy;
- (i) Fees and Charges Strategy;
- (j) Gambling Statement of Principles;
- (k) Health and Safety at Work Policy;
- (l) Health and Wellbeing Strategy;

- (m) Housing Strategy, including Allocations Scheme, Tenancy Strategy, Homelessness Strategy, and Private Sector Housing Assistance Policy;
- (n) ICT Strategy;
- (o) Licensing Statement of Policy;
- (p) Parking policies;
- (q) Parks and Open Spaces Strategy;
- (r) Pay Policy Statement;
- (s) Plans and strategies which together comprise the District Plan (and Harlow and Gilston Garden Town project), Supplementary Planning Documents, final Masterplans and associated development guidance;
- (t) Safeguarding Policy;
- (u) Social Media Policy;
- (v) Taxi Policies, including the Driver Suitability Policy;
- (w) Treasury Management Strategy; and
- (x) Whistleblowing Policy.

4.2.2 **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

4.2.3 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.

4.2.4 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.

4.3 Functions of the Council

4.3.1 Only the Council may exercise the following functions:

- (a) adopting and changing the constitution;
- (b) approving and adopting the Policy Framework;
- (c) approving and adopting the council's annual budget;
- (d) approving for the purposes of public consultation draft proposals associated with the preparation of, alterations to, or the replacement of the District Plan;
- (e) subject to the urgency procedure set out in the Budget and Policy Framework Procedure Rules in Part 4 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;
- (f) electing the Leader;
- (g) removing the Leader by resolution and electing a replacement in accordance with Chapter 6;
- (h) 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;

- (i) deciding which committees of the Council to establish for the civic year and the size and terms of reference for those committees;
- (j) with regard to committees of the Council, deciding the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (k) 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;
- (l) adopting a Members' Allowance Scheme;
- (m) appointing Members to outside bodies unless this is a function of the Executive or has been delegated by the Council;
- (n) approving the appointment or dismissal of the Head of Paid Service;
- (o) any electoral matters requiring a decision by the Council;
- (p) conferring the title of Honorary Alderman or the Honorary Freedom of the District;
- (q) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
- (r) all local choice functions set out in Part 3 of this Constitution which the Council decides should be taken by itself rather than the Executive;
- (s) appointing the Chairman of the Council;
- (t) changing the name of the district; and
- (u) all other matters which, by law, must be reserved to the Council.

4.4 Council meetings

4.4.1 There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings.

4.4.2 Each type of Council meeting will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

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.