Article 4 – The Council

(Reference: Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
Sections 3, 5, 245 and Schedule 2, Local Government Act 1972
Schedule 3, Local Government Act 2000)

4.01 Meanings

(a) Policy Framework

The Policy Framework consists of significant and overarching major plans and strategies and is made up of the following:

(i) Adult Social Care Strategy;

(ii) Community Engagement and Empowerment Strategy;

(iii) Corporate Asset Management Plan (reviewed every five years);

(iv) Corporate Capital Strategy (approved annually as part of the budget setting process);

(v) Corporate Parenting Strategy;

(vi) Corporate Plan (incorporating equalities objectives);

(vii) Domestic Abuse and Sexual Violence Strategy;

(viii) Economic Regeneration Plan (incorporating the Destination Management Plan and Cultural Strategy);

(ix) Housing Strategy (incorporating the Homelessness Strategy);

(x) Inclusion Strategy for Torbay;

(xi) Gambling Act Policy/Statement of Principles;

(xii) Joint Health and Wellbeing Strategy (incorporating the Children's and Young People's Plan);

(xiii) Licensing Policy;

(xiv) Plans and Strategies which together comprise the Development Plan (incorporating the Port Master Plan);

(xv) Review of Reserves (approved annually as part of the budget setting process);

(xvi) Strategic Agreement between Torbay and South Devon NHS Foundation Trust and Torbay Council/Torbay and South Devon Clinical Commissioning Group;

(xvii) Treasury Management Strategy (incorporating the Annual Investment Strategy and Minimum Revenue Provision Policy) (approved annually as part of the budget setting process);

(xviii) Resource Management and Waste Strategy;

(xiv) such other plans and strategies which the Council may decide shall be added

to the Framework in accordance with Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

(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 requirements, investments, its capital expenditure (including the funding of that expenditure as approved by Council) and the setting of virement limit.

4.02 Functions of the Council

Only the Council will exercise the following functions:

(i) adopting and changing the Constitution other than in line with the provisions as set out in this Constitution,

(ii) approving or amending the Policy Framework and the budget,

(iii) subject to the urgency procedure contained in the Standing Orders in relation to Access to Information 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,

(iv) establishing and agreeing and/or amending the terms of reference for all Council committees (including the Overview and Scrutiny Board), deciding on their composition and making appointments to them,

(v) appointing and removal of the Leader of the Council,

(vi) appointing the Overview and Scrutiny Co-ordinator and any Overview and Scrutiny Lead Members,

(vii) appointing representatives to outside organisations unless the appointment is an executive function or has been delegated by the Council,

(viii) adopting a Members' Allowances Scheme (for the members and co-opted members of the Council),

(ix) changing the name of the area and conferring the title of Honorary Alderman, Honorary Freeman or Freedom of the Borough,

(x) confirming the appointment of the Head of the Paid Service, the Monitoring Officer, Section 151 Officer, the Director of Adults and Community Services and the Director of Children's Services,

(xi) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills,

(xii) all local choice functions set out in Part 3 of this Constitution which the Council decides shall be undertaken by itself rather than the Cabinet, and

(xiii) all other matters which, by law, must be reserved to Council.

4.03 Council meetings

There are three types of Council meeting:

(i) the annual meeting;

(ii) ordinary meetings; and

(iii) extraordinary meetings

and they will be conducted in accordance with the Standing Orders in relation to Council Meetings in Part 4 of this Constitution.

4.04 Responsibility for functions

Part 3 of this Constitution (Responsibility for Functions) gives details of which body or individual has responsibility for all of the Authority's functions.

4.05 Guiding Principles for Members

When carrying out functions they are responsible for, Members are expected to act as follows:

- be clear about the limits of their role in developing policy;
- work collectively with the Leader of the Council and the Cabinet to help them develop the most coherent set of policies for the local people;
- enable officers to develop priorities into clear, costed plans of action which are shared and agreed with partners;
- adopt leadership styles which are open, inclusive, and engender trust from staff, other partners, and the public; and
- act as ambassadors for the Council in the wider area and with partners.

4.06 Role and function of the Civic Mayor of the Council

The Civic Mayor shall have precedence in the Borough as first citizen (but not so as to prejudicially affect His Majesty's royal prerogative) and Section 3(4) of the Local Government Act 1972 (as amended) shall apply and hold the full title of The Worshipful the Mayor of Torbay. As first citizen of the borough, the Civic Mayor will perform the civic and ceremonial duties for the borough. Any future change to these arrangements will be a matter for the Council to determine.

The Civic Mayor will be elected by the Council annually and normally the Administration hold the position of Civic Mayor. Cabinet Members are not permitted to be the Civic Mayor.

The Civic Mayor shall not be a member of any committee, sub-committee or working party or attend any meeting as a substitute.

The Civic Mayor will carry out the roles laid down in the Civic Mayor's Job

Description as set out in Part 6 of this Constitution.

4.07 The Deputy Civic Mayor of the Council

The Deputy Civic Mayor will be appointed by the Council annually and normally the Administration hold the position of the Deputy Civic Mayor. Cabinet members are not permitted to be the Deputy Civic Mayor. In the Civic Mayor's absence, the Deputy Civic Mayor will have the roles and functions set out in the Civic Mayor's Job Description as set out in Part 6 of this Constitution.

The Deputy Civic Mayor of the Council shall be permitted to be a member of any Council appointed committee, sub-committee or working party or attend any meetings as a substitute.