

## **Article 4 – Full Council**

### **4.01 Meaning**

Full Council means every Member of Winchester City Council meeting together formally. By law, there are some things that only Full Council has the power to do. Other matters are allocated by this Constitution.

### **4.02 Responsibility for Functions**

The Constitution sets out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.  
Full Council is responsible for:

### **4.03 Policy and Budget Framework**

The policy framework includes the following:

- a) The Council Plan;
- b) Plans and strategies which together comprise the Winchester City Council Local Plan;
- c) A plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the Council's minimum revenue provision;
- d) The Licensing Authority Policy Statement;
- e) Any plan or strategy (whether statutory or not) which has been identified by resolution of Full Council as a matter for a Full Council decision, or where Cabinet has referred a plan or strategy for Full Council decision;
- f) Variations to any of the above-mentioned plans.

### **4.04 Budget**

The Council will also be responsible for the adoption of its annual budget. Once the annual budget is in place it will be the responsibility of the Cabinet to implement. 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.

### **4.05 Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993, or to dispose of land used for residential purposes where approval is required under Section 32 or 43 of the Housing Act 1985.

#### 4.06 Functions of Full Council

Only Full Council will exercise the following functions:

- a) Adopting and changing those parts of the Constitution outlined in Article 15 as requiring Full Council approval;
- b) Approving or adopting the policy and Budget framework, the annual budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- c) Matters which the Financial Procedure Rules in Part 4 of this Constitution require Full Council approval;
- d) Making decisions about any matter in the discharge of an executive function which is covered by the policy and budget framework where the decision-maker is minded to make it in a manner which will be contrary to the policy framework or contrary to/not wholly in accordance with the budget framework subject to the urgency procedure contained in the Access to Information Procedure Rules in this Constitution;
- e) Electing the Leader, removing the Leader by resolution and electing a replacement in accordance with this Constitution;
- f) 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 in accordance with Section 15 Local Government and Housing Act 1989;
- g) Deciding which Committees of the Council to establish for the municipal year and the size and terms of reference for those Committees.
- h) Receiving or arranging the delegation of nominations of members to serve on each Committee of the Council and any outside body to which a new appointment or reappointment is required unless the appointment is an executive function or it has been delegated by Full Council;
- i) Receiving reports at least annually, by way of update on the work of representatives to Outside Bodies where powers are conferred to them

by the Council, to include but not exhaustive, Partnership for South Hampshire and South Downs National Park Authority.

- j) Adopting a Members Allowances Scheme under Article 2;
- k) Changing the name of the council, confirming the title of High Steward, Honorary Alderman or Freedom of the City and other honorary titles;
- l) Approving the appointment or dismissal of the Head of Paid Service;
- m) Making, amending, revoking, re-enacting or adopting byelaws, and promoting or opposing the making of local legislation or personal Bills;
- m) Making a request under Section 57 (requests for single member electoral areas) of the Local Democracy, Economic Development and Construction Act 2009 for single-member electoral areas;
- n) Passing a resolution to change a scheme for elections under Section 32(1), 37(1) or 39(1) (resolutions for Schemes for Elections) of the Local Government and Public Involvement in Health Act 2007;
- o) The functions under the Local Government Act 2000 of:
  - i) Deciding whether to make proposals for a change in governance arrangements of the kind set out in sections 9KA and 9KB of the 2000 Act;
  - ii) Deciding whether a change of the kind set out in Section 9KA of the 2000 Act should be subject to approval in referendum under Section 9M of the Act;
  - iii) Passing a resolution to make a change in governance arrangements under Section 9KC of that Act;
- p) The function of making an Order giving effect to recommendations made in a Community Governance Review under Section 86 (reorganisation of community governance) of the Local Government and Public Involvement in Health Act 2007;
- q) The duty to make a change in governance arrangements under paragraph 3 or 8 of Schedule 4 to the Local Government and Public Involvement in Health Act 2007;
- r) Adopting the local authority's code of conduct and any local protocols on member conduct;
- s) The powers to establish, confer functions on, and request the dissolution of, a joint Committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority, under Sections 29, 30 and 31 of that Act.

- t) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- u) All other matters which, by law and/or by this Constitution are reserved to Council.

The Council may also:

- a) Represent the views of the community on matters of significance; and
- b) Take decisions on matters which are not the responsibility of Cabinet

#### 4.07 Full Council Meetings

There are three types of Full Council meeting:

- a) The annual meeting;
- b) Ordinary meetings;
- c) Extraordinary meetings

and they will be conducted in accordance with the Council Meeting Procedure Rules in this Constitution.