

## Article 4 – The Full Council

### 4.1 Introduction

This Article defines the functions that are reserved for decision by the full Council. The Council is responsible for approving the policy framework and the annual revenue and capital budget. The Council also retains responsibility for (i) regulatory functions (which include planning, licensing and health and safety at work); (ii) certain constitutional and quasi-legislative functions (primarily the conduct of elections and making of by-laws); and (iii) most of the local choice functions which the Council is free to decide whether they are the responsibility of full Council or the Executive. The Council also has a role in holding the Executive to account.

### 4.2 Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies:
- i. Council Plan
  - ii. Sustainable Community Strategy
  - iii. County Durham Local Development Framework (Plans and alterations that together form the Development Plan)
  - iv. County Durham Youth Justice Plan
  - v. Housing Strategy
  - vi. Licensing Authority Policy Statement
  - vii. Statement on Gambling Policy
  - viii. Any other plan or strategy which the Council determines should be adopted or approved by them.
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

### 4.3 Functions of the full Council

The functions of full Council are set out in Part 3A of the Constitution.

~~Only the Council will exercise the following functions:~~

- ~~i. — adopting and changing the Constitution;~~
- ~~ii. — approving or adopting the policy framework and the budget;~~

- ~~iii. — subject to the urgency procedure contained in the Budget and Policy Framework Procedure Rules 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. — appointing and removing the Leader;~~
- ~~v. — agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;~~
- ~~vi. — appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;~~
- ~~vii. — adopting an allowances scheme under Article 2.5 and amending, revoking or replacing such a scheme;~~
- ~~viii. — confirming and terminating the appointment of the head of paid service;~~
- ~~ix. — receive the final accounts for information;~~
- ~~x. — those non-executive functions specified as being the responsibility of the Council in this Constitution; and~~
- ~~xi. — all other matters which, by law, must be reserved to the Council.~~

#### 4.4 Council meetings

There are three types of Council meeting:

- i. the annual meeting;
- ii. ordinary meetings;
- iii. extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution. Meetings will be chaired by the Chair or Vice-Chair of the Council.

#### ~~4.5 Responsibility for Non-Executive or Council functions (\* Denotes a local choice function)~~

- ~~i. — Certain non-executive functions have been delegated to officers. Details of those delegations can be found in the Officer Scheme of Delegations at Part 3 of the Constitution. The committees set out below may from time to time~~

~~add to or alter those delegations, as appropriate, within their functional responsibilities.~~

- ~~ii. The Council will appoint Members to the Committees set out in this Article. The committees may then appoint sub-committees or panels to consider and, where appropriate, determine any matter falling within the remit of the committee.~~
- ~~iii. The committees may co-opt to their membership or the membership of any sub-committee or panel, person(s) from outside the Council having an interest in the business of the committee, sub-committee or panel but such co-opted person(s) may not vote on any matter.~~

#### ~~4.6 Appeals and Complaints Committee~~

~~30 Members of the Council will form this Committee, with individual appeals or complaint hearings being conducted by Sub-Committees of 3 Members of the Committee, appointed by the Head of Legal and Democratic Services on a rota basis. The quorum for meetings of this Sub-Committee shall be 3, and it will discharge the following functions:~~

- ~~i. The determination of an appeal made against any decision made by or on behalf of the Council including staff disciplinary and grievance appeals.~~
- ~~ii. Consideration of complaints under Stage 3 of the Council's Corporate Complaints Policy and Procedure, where referred by the Head of Legal and Democratic Services.~~

#### ~~4.7 Area Planning Committees~~

~~There are three Area Planning Committees:~~

- ~~i. North Durham (comprising the former District Council areas of Chester le Street and Derwentside)~~
- ~~ii. Central and East Durham (comprising the former District Council areas of Durham City and Easington)~~
- ~~iii. South and West Durham (comprising the former District Council areas of Sedgefield, Teesdale and Wear Valley)~~

~~with each area committee comprised of 16 Members of the Council excluding Members of the Executive. Except where the matter is delegated to an officer, Area Planning Committees will have the following functions for the areas:~~

- ~~i. Functions relating to town and country planning and development control as set out in Section A of Schedule 1 to the 2000 Regulations unless those matters fall within the remit of the County Planning Committee~~

- ~~ii. Power to make limestone pavement order~~
- ~~iii. Powers relating to the protection of important hedgerows~~
- ~~iv. Powers relating to the preservation of trees~~
- ~~v. Powers relating to complaints about high hedges.~~

#### **4.8 Audit Committee**

~~The Audit Committee is comprised of 9 Members of the Council, excluding Members of the Executive and Executive Support Members, and 2 co-opted non-voting Members. A Chair of the Corporate Overview and Scrutiny Management Board, any other Scrutiny Committee or the Standards Committee may not chair the Audit Committee.~~

~~Audit Committee approves the Council's Final Accounts and is an advisory committee to the Council and the Executive on audit and governance issues in order to provide independent assurance over the adequacy of the Council's risk management framework and associated control environment. In particular the Audit Committee will:~~

~~*On audit matters:*~~

- ~~i. consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements;~~
- ~~ii. consider summaries of Internal Audit reports on a quarterly basis;~~
- ~~iii. consider reports dealing with the performance of the Internal Audit service;~~
- ~~iv. consider a report from Internal Audit on agreed audit recommendations not implemented within a reasonable timescale;~~
- ~~v. consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance;~~
- ~~vi. consider specific reports as agreed with the External Auditor;~~
- ~~vii. consider the External Audit plan, comment on the scope and depth of external audit work, and to ensure it gives value for money;~~
- ~~viii. review the appointment of the Council's External Auditor;~~

~~ix. within available resources be able to request work from Internal and External Audit.~~

~~On governance issues:~~

~~x. maintain an overview of the Council's Constitution in respect of changes to contract procedure rules and financial procedure rules;~~

~~xi. review any issue referred to it by the Chief Executive or a chief officer, or any Council body;~~

~~xii. monitor the effective development and operation of risk management and overall corporate governance in the Council;~~

~~xiii. monitor the operation of the Council's anti-fraud and anti-corruption policies and strategy;~~

~~xiv. approval and adoption of the Council's Annual Governance Statement;~~

~~xv. consider the Council's arrangements for corporate governance and recommend actions to ensure compliance with best practices;~~

~~xvi. monitor and oversee the Council's arrangements for meeting its responsibilities under Health and Safety legislation.~~

~~On annual accounts matters:~~

~~xvii. approve the annual statement of accounts;~~

~~xviii. to comment on the External Auditor's report to those charged with governance on issues arising from the audit of the accounts;~~

~~xix. overview of probity aspects of internal and external audit;~~

~~xx. overview of the Council's Confidential Reporting Code.~~

#### **4.9 Chief Officer Appointment Committee**

~~Comprised of 11 Members of the Council including the Leader and Deputy Leader, the Chief Officer Appointment Committee will expand to include 2 voting co-opted Independent Persons in the case of proposed disciplinary action against a Statutory Officer, and shall be responsible for:~~

~~i. Appointment of the Chief Executive (subject to confirmation by the full council) and chief officers and associated functions under Section 112 of the Local Government Act 1972 in relation to those officers.~~

- ~~ii. Dismissal of Chief Officers, subject to the provisions contained in the Officer Employment Procedure Rules regarding the dismissal of Statutory Officers.~~
- ~~iii. Appointment and dismissal of the Director of Public Health (committee to act as advisory appointments committee, the appointment is subject to the approval of the Secretary of State for Health)~~
- ~~iv. To make recommendations to Full Council regarding a decision to dismiss a Statutory Officer.~~
- ~~v. The creation of posts where the salary package is £100,000 or more which will be reported to the next convenient meeting of Council for information.~~
- ~~vi. Officer severance packages of £100,000 or more which will be reported to the next convenient meeting of Council for information.~~

#### ~~4.10 Corporate Parenting Panel~~

~~The Corporate Parenting Panel is formed of 21 Members of the Council including the member of the Executive or Executive Support for Children and Young People's Services and the Chair or Vice-Chair of Children and Young People's Overview and Scrutiny Committee, plus a maximum of 10 non-voting Co-opted Members, consisting of school representatives and representatives from other agencies. The functions of the Corporate Parenting Panel are:~~

- ~~i. To ensure that the Council acts as a good corporate parent to children and young people in care and care leavers, including:
 
  - ~~i. Children and Young people in residential care~~
  - ~~ii. Children and Young people in foster care~~
  - ~~iii. Children and Young people placed for adoption~~
  - ~~iv. Children and Young people placed at home under Care Planning, Placement and Case Review Regulations~~
  - ~~v. Young people who are living in supported lodgings~~
  - ~~vi. Young people in secure services~~
  - ~~vii. Young people in custody~~~~
- ~~viii. To engage and listen to the views of children, young people and their carers for whom the Council is the parent.~~
- ~~ix. To work in partnership with other statutory agencies to drive forward improvements in care.~~
- ~~x. To act as the governing body for the Virtual School for looked after children and young people.~~

- ~~xi. To act as the governing body for Aycliffe secure services, monitoring and ensuring the quality of secure accommodation.~~

#### **4.11 Full Council**

~~Comprised of all 126 elected Members, the full Council is responsible for:~~

- ~~i. Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000 (“ the 2000 Act”), the functions of~~
- ~~(i) making arrangements for the discharge of functions by a joint committee or officer under section 101(5) of the Local Government Act 1972 (“the 1972 Act”); and~~
- ~~(ii) making appointments under section 102 (appointment of committees) of the 1972 Act.~~
- ~~ii. Functions relating to elections as set out in Section D of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulation 2000 (“the 2000 Regulations”).~~
- ~~iii. Functions relating to name and status of areas and individuals as set out in Section E of Schedule 1 to the 2000 Regulations.~~
- ~~iv. Functions relating to changing governance arrangements as set out in Section EA of Schedule 1 to the 2000 Regulations.~~
- ~~v. 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 (“the 2007 Act”).~~
- ~~vi. Functions relating to community governance as set out in Section EB of Schedule 1 to the 2000 Regulations.~~
- ~~vii. Power to make, amend and revoke byelaws.~~
- ~~viii. Promotion or opposition of local or personal Bills.~~
- ~~ix. Power to make standing orders.~~
- ~~x. Power to make standing orders as to contracts.~~
- ~~xi. Powers in relation to staff under section 112 of the 1972 Act unless delegated to a committee or an officer.~~

- ~~xii.—Duty to make arrangements for the proper administration of the Council's financial affairs.~~
- ~~xiii.—Appointment of “proper officers” for particular purposes under the 1972 Act.~~
- ~~xiv.—Duty to designate an officer as the head of the council’s paid service and to designate an officer as the monitoring officer and to provide them with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.~~
- ~~xv.—Dismissal of Statutory Officers in accordance with the procedure set out in the Officer Employment Procedure Rules.~~
- ~~xvi.—Functions relating to sea fisheries~~

#### ~~4.12 County Planning Committee~~

~~Comprising 16 Members of the Council, excluding Members of the Executive. The County Planning Committee is responsible for the following, except where delegated to an officer:~~

- ~~i.—To exercise the Council's functions relating to town and country planning and development control as set out in Section A of Schedule 1 to the 2000 Regulations, in relation to the following matters:~~
  - ~~(c)—Residential development proposals involving 200 or more dwellings or a site area of 4 hectares or more.~~
    - ~~i.—All non-residential development proposals (including commercial, retail and industrial developments) of 10,000 or more square metres floorspace or a site area of 2 hectares or more.~~
    - ~~ii.—Development proposals involving the erection of one or more wind turbines described as Medium-Large or Large and having a height in excess of 40 metres to the blade tip or a site area of 1 hectare or more.~~
    - ~~iii.—Applications for renewable energy developments (including Biomass, Hydro-Electric, Geothermal, Gasification or Photovoltaics) of 1 hectare or more.~~
    - ~~iv.—All development proposals relating to minerals or waste.~~
  - ~~v.—Development which in the opinion of the Head of Planning Services is of strategic significance, including strategic schemes promoted by the County Council.~~

#### ~~4.13 General Licensing and Registration Committee~~

~~Comprised of 27 Members of the Council the General Licensing and Registration Committee is responsible for:~~



- ~~i. Reviewing and making recommendations to the Council where appropriate on policies in relation to the licensing functions set out below.~~
- ~~ii. Except where the matter is delegated to a Sub-Committee or to an officer:
  - ~~(d) To discharge the Council's licensing and regulatory functions as set out in Section B of Schedule 1 to the 2000 Regulations, in relation to:
    - ~~i. hackney carriages and private hire vehicles;~~
    - ~~ii. sex shops and sex cinemas and sexual entertainment venues and licensing matters provided for in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982;~~
    - ~~iii. market and street trading;~~~~~~
- ~~iv. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.~~
- ~~v. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.~~

#### ~~4.14 General Licensing and Registration Sub-Committee~~

~~There are three General Licensing and Registration Sub-Committees, each comprised of 4 Members of the Council plus either a Chair or Vice-Chair, appointed by the Head of Legal and Democratic Services on a rota basis. The quorum for a meeting of this committee shall be 3 and the panels will be identified by the Head of Legal and Democratic Services for each scheduled meeting at the start of the municipal year. The Sub-Committees will discharge all of the functions of the General Licensing Committees except policy development and matters delegated to officers.~~

#### ~~4.15 Highway Committee~~

~~Formed of 21 Members of the Council, except where the matter is delegated to an officer, the Highway Committee is responsible for:~~

- ~~i. Functions relating to public rights of way as set out in Part 1 of Section I of Schedule 1 to the 2000 Regulations in cases where objections have been made and not withdrawn.~~
- ~~ii. Providing guidance to the Corporate Director for Neighbourhoods and Climate Change as appropriate, in relation to the exercise of delegated functions under the Road Traffic Regulation Act 1984, where objections have been made and not withdrawn.~~
- ~~iii. Providing guidance to the Corporate Director for Neighbourhoods and Climate Change as appropriate, in relation to the exercise of delegated~~

~~functions under sections 4, 5, 6 and 7 of the Local Government (Miscellaneous Provisions) Act 1953 where objections or representations are made and not withdrawn.~~

- ~~iv. Any other non-executive functions specified in the 2000 Regulations relating to highways or public rights of way which require a statutory notice or consultation and where objections have been made and not withdrawn.~~
- ~~v. To discharge the Council's licensing, registration and regulatory functions in relation to common land and town and village greens.~~
- ~~vi. Providing guidance to the Corporate Director for Neighbourhoods and Climate Change as appropriate, in relation to the exercise of delegated functions to determine proposals to appropriate or dispose of open space or public walks and pleasure grounds as set out in Section 10 of the Open Spaces Act 1906 and Section 164 of the Public Health Act 1875, if there are any unresolved objections to the proposals.~~

#### ~~4.16 Pension Fund Committee~~

~~The Pension Fund Committee is comprised of:~~

- ~~i. 11 Members of the Council~~
- ~~ii. Members appointed by Darlington Borough Council~~
- ~~iii. 1 Member representing the Further Education Colleges~~
- ~~iv. 1 Member drawn from other statutory bodies including Police, Fire, Probation, Town and Parish Councils~~
- ~~v. 1 Member representing Admitted Bodies~~
- ~~vi. Scheme Member representatives~~

~~and is responsible for exercising the Powers and duties arising from Section 7 of the Superannuation Act 1972 and Regulations made thereunder including:~~

- ~~i. approval of applications from bodies seeking admission to the Local Government Pension Scheme;~~
- ~~ii. appointment of external investment managers and advisers.~~

~~as well as discharging the Council's functions relating to local government pensions other than policy formulation and review.~~

#### ~~4.17 Statutory Licensing Committee~~

~~The Statutory Licensing Committee is a sub-committee of the General Licensing and Registration Committee and is comprised of 15 Members of the Council drawn from the 27 members of the General Licensing and Registration Committee who, whilst predominantly serving the Statutory Licensing Committee and its sub-committees, can when occasion demands also serve on other sub-committees of the General Licensing and Registration Committee. The functions discharged by the Statutory Licensing Committee are:~~

- ~~i. To review and make recommendations to Council upon policies in relation to licensing matters under the Licensing Act 2003 and the Statement of Licensing Policy.~~
- ~~ii. To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy.~~
- ~~iii. To review and make recommendations to Council upon policies in relation to licensing matters under the Gambling Act 2005 and the Statement of Principles.~~
- ~~iv. To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy.~~
- ~~v. To arrange for the discharge of any of the Licensing functions exercisable by the Committee by an Officer of the Licensing Authority subject to the limitations set out in section 10(4) of the Licensing Act 2003 and section 154 of the Gambling Act 2005.~~
- ~~vi. To discharge any other function of the Council which relates to a matter which is a licensing function under the Licensing Act 2003 or the Gambling Act 2005, but which is not such a licensing function after consideration of a report from the committee within whose remit that other function falls.~~

#### ~~4.18 Statutory Licensing Sub-Committee~~

~~There are 3 Statutory Licensing Sub-Committees, each comprised of 4 Members sitting with the Chair or Vice-Chair, appointed by the Head of Legal and Democratic Services. The quorum for meetings of these Sub-Committees shall be 3 and only 3 of the 5 who are asked to attend will make up the actual sub-committee, the remaining 2 to be substitutes if need arises. Each Statutory Licensing Sub-Committee will discharge all of the functions of the Statutory Licensing Committee except policy development and matters delegated to officers.~~