

Part B – The Council

Section B1:- Council

In Part B:-

This Section (B1) of the Constitution explains the process of electing Councillors (or “Members”) to the Council and then goes on to explain about meetings of the Council. It then sets out the roles, responsibilities and functions of the Council.

Section B2 sets out the details of the each of the authority’s committees. There is an overview of what the committee does and a detailed terms of reference section which sets out the extent of the committee’s powers. Membership details of committees are available from the Council’s website.

Section B3 sets out the roles and attributes of all Councillors, and then explains about the additional requirements of Councillors who undertake certain roles. The additional requirements in respect of Cabinet roles are set out in Section C2.

Section B4 sets out the rules that govern Council meetings.

Section B5 sets out the rules that govern Committee meetings.

Part B – The Council

Section B1:- Council

In this Section:-

- 1. Elections and Members of the Council**
- 2. Meetings of the Council**
- 3. The Roles, Responsibilities and Functions of Council**
- 4. The Budget and Policy Framework**
- 5. Functions Reserved to Council**
- 6. Responsibility for Local Choice Functions**

1. Elections and Members of the Council

- 1.1 The Borough of Cheshire West and Chester is divided into 46 areas known as “**Wards**”. Every four years (from May 2011) the 46 Wards elect between 1 and 3 Councillors (depending on the size of the Ward) to represent them. In total, 75 Councillors are elected to form the Council.
- 1.2 The term “**Council**” is used to refer to all 75 Councillors collectively. It is these Councillors who are responsible for deciding what the Borough’s priorities are and how to use the authority’s resources to deliver those priorities. Councillors are also referred to as “Elected Members”, or simply “**Members**”.
- 1.3 More information on Ward boundaries, elections, and the current membership and political composition of the council can be found on the authority’s website.

2. Meetings of the Council

- 2.1 Council usually meets 6 times a year. There are three types of Council meeting:-
 - (a) Annual Council – The annual meeting of the Council which usually occurs in March, April or May. This meeting is usually where Members are appointed to various offices and Council agrees its priorities for the coming year.
 - (b) Ordinary Meetings – Ordinary meetings are usually held every two months to receive reports and updates on key priorities, debate issues, and make decisions that can only be made by the full council such as adopting or amending the budget and policy framework.

- (c) Special Meetings – Special meetings are called when urgent business arises that must be dealt with by Council before the next programmed Ordinary Meeting.

2.2 Council meetings are conducted in accordance with the Council Procedure Rules which can be found in Section B4.

2.3 More information on Council meetings and how the public can take part in those meetings can also be found in Section B4.

3. The Roles, Responsibilities and Functions of Council

3.1 Section A1 contains an overview of Council and its relationship with the Cabinet (formerly known as the Executive). That section also explains about local authority functions, and how Council has decided to:-

- (a) “reserve” certain functions that only it can exercise
- (b) establish committees to discharge certain functions
- (c) make the Cabinet responsible for certain functions
- (d) delegate everything else to officers.

3.2 Section A1 also explains how Council has put arrangements in place governing how the Cabinet and Officer delegations operate.

3.3 Section B2 contains more information on the council’s committee arrangements.

3.4 Section C contains more information on the council’s executive arrangements (the legal term for the way the Cabinet works).

3.5 Section F contains more information on officers and the powers delegated to officers.

4. The Budget and Policy Framework

4.1 Council is responsible for considering and adopting proposals put to it by the Cabinet in a number of policies and budgets which capture the authority’s priorities and how it allocates its resources. Once adopted, the successful

proposals will form the Budget and Policy Framework that the authority will work to.

- 4.2 The process of setting the authority's budget involves setting the level of council tax and business rates and taking decisions about investments and the level of borrowing. Taking into account projected income and any contingency funds, Council will allocate financial resources to different services areas and projects. It will also set limits on the amount of money that can be transferred between budgets (virement limits) without further approval.
- 4.3 The Budget and Policy Framework consists of the following core policies, plans, strategies and budgets that must be approved by Council:-
- (a) Annual Library Plan
 - (b) Best Value Performance Plan
 - (c) Children and Young People Plan
 - (d) Crime and Disorder Reduction Strategy
 - (e) Local Development Framework/Development Plan Documents
 - (f) Licensing Authority Policy Statement
 - (g) Local Transport Plan
 - (h) Sustainable Community Strategy
 - (i) Youth Justice Plan
 - (j) The Constitution
 - (k) Capital Management Strategy
 - (l) Capital Programme
 - (m) Health and Wellbeing Strategy
 - (n) Council Plan
 - (o) Economic Strategy
 - (p) Housing Investment Programme
 - (q) Lifelong Learning Development Plan

- (r) Medium Term Financial Strategy
- (s) Community Cohesion Strategy
- (t) Waste Strategy
- (u) Equality and Diversity Strategy
- (v) Treasury Management Strategy

4.4 These plans form the core of the Budget and Policy Framework and any proposal to amend these plans, adopt policies or take decisions that are not in accordance with these plans can only be decided by Council.

4.5 There will however be a number of supplementary policies, plans, strategies, operating procedures or protocols in force from time to time which sit under these plans that do not need to be approved by the Council. Those supplementary documents can be approved by the relevant committee, Cabinet, Cabinet Member, or officer with responsibility for the area of operations concerned.

5. Functions Reserved to Council

5.1 The following list is a list of functions that may only be undertaken by Council:-

- (a) Approving and adopting the Policy and Budget Framework.
- (b) Constituting, settling the terms of reference and appointing Members to committees of the Council (and altering or dissolving any of the same)
- (c) Determining matters that are brought before the Council in accordance with the authority's Call-In Procedure which can be found in Sections C3 and E3.
- (d) Appointing the Leader of the Council
- (e) Confirming the appointment of the Head of Paid Service
- (f) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills
- (g) Applying for the change of name of the area, conferring the honour of Honorary Aldermen or Freedom of the Borough

- (h) Approving the Members' Allowances Scheme
- (i) To provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.
- (j) Appointment of Review Boards for the determination of claims and reviews under Section 34(4) of the Social Security Act 1998
- (k) Making arrangements under Section 20 of the Police Act 1996 enabling questions to be put on the discharge of the functions of the Police Authority
- (l) Passing a resolution to apply Schedule 2 of the Noise and Statutory Nuisance Act 1993 to the authority's area
- (m) Any other matters which by law must be reserved to Council.

6. Responsibility for Local Choice Functions

6.1 There are some functions ("local choice functions") which the Council must specify as being functions of either Council or the Cabinet (the latter are known in law as Executive functions). The following list is a list of the local choice functions which Council has decided will be functions of the Council. Anything not mentioned here is an Cabinet function. Unless the function is reserved in this constitution to Council, one of its Committees or the Cabinet, it stands delegated to officers in accordance with Section F.

- (a) The functions set out in paragraph 5.1(j), (k), and (l) above.
- (b) Determination of appeals against any decision made by or on behalf of the authority
- (c) Making arrangements in relation to school admission and exclusion appeals and appeals by governing bodies under the School Standards and Framework Act 1998.
- (d) Obtaining information as to interests in land under Section 330 of the Town and Country Planning Act 1990

- (e) Obtaining the particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
- (f) Making appointments (to outside bodies) that the Cabinet does not appoint to under paragraph 3.5 of Section C1