

Appendix A

Chapter 2.4 - The Full Council

4.1 PURPOSE OF THE COUNCIL

- (a) The Council will:
- **Exercise the functions reserved to it within section 4.3 and as required under the Council's Financial Procedure Rules. ~~make all the "big decisions" about the Council's services and functions and the policies and strategies within which they operate.~~**
 - decide the Council's policy framework;
 - exercise its community leadership role and debate openly major issues both within and outside the Council's remit (where those issues affect the Borough);
 - facilitate early debates of policy matters;
 - and in all these matters will seek genuine participation and representation of diverse views to ensure good decision making in the best interests of the people of Enfield.
- (b) The Council will have the ultimate power to hold the Cabinet to account. The Council's key functions will be to:
- make decisions required by statute;
 - act as a debating chamber to further the interests of the Borough's residents;
 - consider and debate budget, policy and major service proposals;
 - initiate community consultation and encourage public participation in policy formulation;
 - scrutinise the performance of the Cabinet and the Executive with the assistance of the Overview and Scrutiny Committee; and
 - provide community leadership on issues of public interest outside the remit of the Council.
- (c) The Council will also have the power to give direction to the Overview and Scrutiny Committee in a manner that is supportive of their independent role.

~~Big decisions are all policy proposals which fall outside the Council's agreed Policy Framework. The Council will make decisions which it considers have significant community~~

~~interest and or impact. The Cabinet and the Council's Management Board will bring these matters to the attention of the Council.~~

~~Other big decisions will be those that seek to ;~~

~~(i) introduce new services, cease existing services or make changes to existing services which are intended to alter significantly their purpose or effect;~~

~~(ii) adopt new policies, cease existing policies or make changes to existing policies which are intended to alter significantly their purpose or effect.~~

4.2 CONDUCT OF BUSINESS

All Council meetings will be open to the public. There may, occasionally, be confidential matters to be discussed by the Council. In such circumstances, the principles expressed in the access to information requirements of the Local Government Act 1972 (as amended) will apply. Every effort will be made to have the decisions made in the open part of the meeting with reports being split into open and closed parts.

(a) Policy Framework

The Council will be the guardian of the Policy Framework within which the Council's democratic management arrangements and its services, policies and functions will operate.

The policy framework means the following plans and strategies:

- 'Creative Enfield' – Enfield's Arts and Creativity Strategy
- Council Business Plan
- Budget and Medium Term Financial Plan
- Children & Young People's Plan
- Community Care Plan
- Sustainable Community Strategy
- Corporate Procurement Strategy and Sustainable Procurement Policy
- Safer and Stronger Communities Board Partnership Plan
- Early Years Development Plan
- Education Development Plan
- Housing Strategy
- Local Implementation Plan
- Local Development Framework
- Youth Justice Plan
- The plan and strategy which comprise the Housing Investment Programme

- Engagement Framework
- Adult Learning Plan
- Quality Protects Management Action Plan
- The Council's Strategy
- Service Group Priorities
- The strategies and policies of the Council, for example: Equal Opportunities Policy, Everybody Active the Council's Sport and Physical Activity Strategy, The Council's strategy to benefit from London hosting the 2012 Games, Customer Services Policy, the Concessionary Travel policy and other major strategies and policies that the Council may decide from time to time.

(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 rents 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

Only the Council will exercise the following functions:

- (1) adopting and changing the Constitution;
- (2) approving, adopting and amending the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (3) setting the Council Tax and Council Tax Base, rents in respect of the Council's dwellings and related properties.
- (4) approving the Council's Capital Programme, including approving a specific list of prioritised additional schemes.
- (5) subject to the urgency procedure contained in the Council Procedure Rules (see Chapter 1 of Part 4 of this Constitution – paragraph 30), 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 would be contrary to the policy framework or the budget;
- (6) appointing the Mayor, Deputy Mayor, Statutory Committees (including Standards Committee) and Associate Cabinet Members and the Overview and Scrutiny Committee; electing and removing the Leader.

- (7) agreeing and/or amending the terms of reference for committees and panels, deciding on their composition and making appointments to them;
- (8) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (9) adopting a Members' Allowances scheme under Part 6 of this Constitution;
- (10) changing the name of an area, conferring the title of honorary alderman or freedom of the borough;
- (11) confirming the appointment and dismissal of the Chief Executive;
- (12) terminating the contract of employment of the Chief Executive or of a Director, (subject to compliance with any statutory procedures);
- (13) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (14) all local choice functions which the Council decides should be undertaken by itself rather than the executive;
- (15) all other matters which, by law, must be reserved to Council;
- (16) deciding recommendations made to Council by the Cabinet and other relevant Council bodies;
- (17) considering motions and questions, including whether to remove the Leader.
- (18) deciding reports and proposed work programmes on the recommendation of the Overview and Scrutiny Committee;
- (19) dealing with all matters relating to the variation or transfer of Council powers;
- (20) debating any matter considered to be of significant community interest or impact; and
- (21) dealing with matters referred to it under the call-in procedure set out in Part 4 (Chapter 2, paragraph 17) of this constitution.

Part 3 – Responsibility for Functions

3.1 LOCAL CHOICE FUNCTIONS

All functions described as “local choice functions” in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 will be executive functions carried out by the Cabinet.

3.2 COUNCIL

Chapter 4 of Part 2 sets out the functions which are the responsibility of the full Council. Other functions which are not listed are legally required to be carried out by Council.

3.3 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Other than those matters reserved to Council or delegated to a non-executive Committee/Panel or to a Director (or Statutory Officer), all other remaining functions are allocated as executive functions. These will be carried out by the Leader or as the Leader shall direct.

(Updated Council :31/3/10)

Under Section 236 of the Local Government and Public Involvement in Health Act 2007 the Leader has the statutory power to delegate functions, which are the responsibility of the Executive, to other Members (subject to them being exercised in Members’ own wards only).

(Updated Council 4/5/11)

3.4 SCHEME OF DELEGATION

Council Decisions

Area	Who will take	Examples
Statute Matters listed under purpose and functions of Council “Big Decisions”	Council	As set out in Council terms of reference e.g. Setting Council Tax and Housing Rents.
	Council	Agreeing Community Plan and Local Performance Plan. Agreeing service priorities.

Non-executive Quasi Judicial and Planning

Area	Who will take	Examples
Decisions which are reserved to committees or panels set up by the Council to act on its behalf.	The committee or panel to which the decision is referred.	Licensing Committee. Planning Committee.

Corporate Decisions

Area	Who will take	Examples
<p>Decisions which will have a significant impact upon the delivery of services across a number of Cabinet Portfolios.</p> <p>Decisions which have significant resource implications across a number of Cabinet portfolios which are within the Council's policy framework.</p> <p>Decisions which will have a major impact on employee relations across a number of Service Groups.</p>	<p>Cabinet</p>	<p>Examples of such decisions are:</p> <p>Agreeing to detailed review to be included in Best Value programme.</p> <p>Making of major corporate bids for resources, financial allocations.</p> <p>Large scale restructuring e.g. delivery of devolved support services across the Council.</p> <p>Decision to procure a linked group of services in a different way e.g. externalisation.</p> <p>Decision to allow service centre managers to choose the supplier of a corporate support service from a select list where this ability did not exist previously.</p> <p>Decision to tender for a corporate support service where the Council has previously been the monopoly provider.</p> <p>Decision to adopt a new job evaluation scheme or to make a major variation to the existing scheme.</p> <p>Decision to adopt a new or significantly varied payscales for a group of staff e.g.</p>

3.5 RESPONSIBILITY FOR FUNCTIONS

The Leader will maintain a list in Part 4 (Chapter 3) of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular functions.

The Policy Framework

The Cabinet is responsible for proposing the policy framework to full Council and for its implementation within the Council's Scheme of

Delegation – see paragraph 4. The detailed Policy Framework and the way it is developed are set out in Part 4, Chapter 7.

A record of all these policies will be developed and maintained by the Council's Management Team. Copies of the policies will be available to the Cabinet, all councillors and staff.

Departure from or changes to the Policy Framework will require the prior approval of the Council (see Part 4, Chapter 7).

3.6 CABINET RESPONSIBILITIES FOR THE EXECUTIVE FUNCTION

(1) Matters Requiring Collective Cabinet Consideration (“Corporate” Decisions) as delegated by the Leader

- a. Major policy matters affecting the Council as a whole or where individual Cabinet member(s) require collective guidance.
- b. Prospective decisions with significant impact on service and/or resource implications across the Council as a whole or which could have significant effects across a number of services or portfolios.
- c. Significant performance issues affecting the Council as a whole or crossing a number of services, or having major effects within a significant service.
- d. Matters requiring collective political guidance, for example major employee relations issues, and resource assumptions to be built into major plans such as the education development plan and housing strategy and investment programme.
- e. Matters requiring collective Cabinet consultation before decisions are made under delegated authority.
- f. Recommendations to Council which affect the Council as a whole or have a widespread effect across the Council.
- g. Proposals to or responses to recommendations or matters raised by the Overview and Scrutiny Committee which potentially affect the Council as a whole or could have a widespread effect across the Council.
- h. Formal responses on behalf of the Council to consultation by other bodies on matters that affect the Council as a whole or have a widespread effect across the Council.

- i. Formal representations or recommendations to other bodies on behalf of the Council on matters that affect the Council as a whole or have a widespread effect across the Council.

(2) Matters for Decision by an Individual Cabinet Member (“Portfolio” Decisions) as delegated by the Leader

- a. Policy matters affecting the functions (referred to as “the function concerned” in the clauses that follow) within the Cabinet member’s portfolio only.
- b. Prospective decisions with significant service or resource implications for the function concerned.
- c. Significant performance issues affecting the function concerned.
- d. Matters affecting the function which require political guidance such as major issues affecting the public or major employee relations issues.
- e. Matters requiring consultation before decisions affecting the function concerned are made under delegated authority.
- f. Recommendations to Council relating to the function concerned as appropriate.
- g. Proposals to or responses to recommendations or matters raised by the Overview and Scrutiny Committee which potentially affect the function concerned.
- h. Formal responses to consultation by other bodies on matters that affect the function concerned.
- i. Formal representations or recommendations to other bodies on behalf of the Council on matters that affect the function concerned.

Where matters dealt with under a. to i. have an effect on another Cabinet portfolio there will be consultation with the relevant Cabinet member before a conclusion is reached.