

Section 5 - The Full Council

1. Purpose of Full Council

- 1.1 The Full Council is the County Council's primary democratic body. All 62 elected members meet together to debate matters of importance and fulfil the functions set out for full Council.

2. Functions of Full Council

- 2.1 The Full Council's primary responsibility is to adopt and approve the County Council's Budget and Policy Framework. This comprises of the Medium Term Financial Strategy (MTFS) and the Strategic Plan (i.e. the Policy Framework – encompassing key strategies and plans that support delivery of the strategic outcomes, priorities and services). Developed in tandem, the MTFS provides a framework within which financial stability can be achieved and sustained to deliver the Council's Strategic Plan. The way in which changes to the Budget and Policy Framework are made is governed by the Budget and Policy Framework Rules appended to this section.

- 2.2 The County Council's policy framework sets out the major policies governing the Council's work and includes the following plans and strategies:

- Strategic Plan and Corporate Delivery Plan;
- Staffordshire Children, Young People and Families Strategy;
- Education and Skills Strategy: A Partnership Framework for Staffordshire;
- Staffordshire Special Educational Needs and Disabilities (SEND) Strategy;
- Health and Wellbeing Strategy;
- Staffordshire and Stoke-on-Trent Mental Health Strategy;
- All Together for Carers – A Carers Strategy for Staffordshire;
- Climate Change Strategic Development Framework;
- Staffordshire Means Back to Business;
- Annual / bi-Annual Library Plan;
- Community Safety Agreement and Community Safety Strategic Assessment;
- Local Flood Risk Management Strategy;
- Development Plan documents contained in the Minerals and Waste Development Framework;
- Youth Justice Plan; and



- Transport Strategy and Policy Documents contained within the Local Transport Plan

2.3 The Full Council is also responsible for setting the County Council's budget on an annual basis. This includes the allocation of financial resources to different services, proposed contingency funds, setting the level of 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.

2.4 The Full Council will also exercise the following functions, some of which may be delegated to officers of the Authority under the Scheme of Delegation in Section 10 (Officers) of this Constitution (These functions are indicated by an asterisk):

- Adopting and changing the Constitution on the recommendation of the Audit and Standards Committee;
- Subject to the urgency procedure contained in Section 12 (Access to Information Procedure Rules) 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 not be in line with the policy framework or the budget;
- Appointing and removing the Leader of the Council;
- Setting the maximum number of Support Members;
- Agreeing and/or amending the terms of reference for Committees and Panels, deciding on their composition and making appointments to them;
- Appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- Adopting a Members Allowances Scheme on the recommendation of the Independent Panel;
- Changing the name of the area;
- Conferring the title of honorary alderman;
- Confirming the appointment of, and dismissing, the Head of Paid Service;
- Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local or personal Bills in Parliament;
- All local choice functions set out in the table below which the Council decides should be undertaken by itself rather than the Cabinet (if any);
- Adopting or changing the Members' Code of Conduct;
- The approval, for the purposes of public consultation in accordance with Regulation 10 or 22 of the Town and Country Planning



- (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of alterations to, or the replacement of, a development plan;
- Agreeing to confer additional functions on a joint committee agreed by the Planning Committee for the purposes of Part 2 to the Planning and Compulsory Purchase Act 2004 to be a local planning authority;
 - Agreeing to request the dissolution of a joint committee agreed to by the Planning Committee for the purposes of Part 2 to the Planning and Compulsory Purchase Act 2004 to be a local planning authority;
 - Appointing the Returning Officer for Local Government Elections;*
 - Dividing electoral divisions into polling districts at Local Government elections;
 - Submitting proposals to the Secretary of State for an order under section 11 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000;
 - To make standing orders;
 - To appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal);*
 - To make arrangements for proper administration of financial affairs etc;
 - To designate an officer as the head of the authority's paid service, and to provide staff, etc;
 - To designate an officer as the monitoring officer, and to provide staff, etc;
 - To designate an officer as the S151 officer;
 - To approve the making of special severance payments of £100,000 and above, as set out in the Localism Act 2011; and
 - All other matters which, by law, must be reserved to the Council.

3. Local Choice Functions

- 3.1 The County Council is responsible for determining responsibility for matters which are termed 'local choice' functions under Section 13 of the Local Government Act 2000.
- 3.2 A list of those Local Choice Matters which Full Council has determined should be the responsibility of the Cabinet can be found in Section 6 (The Cabinet).
- 3.3 The Full Council is responsible for the following Local Choice Functions:
- The making of arrangements under Section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of the Staffordshire Police, Crime and Fire Commissioner; and



- The Full Council has also determined that the Audit and Standards Committee will be responsible for the determination of an appeal against a decision made by or on behalf of the authority.

4. Council Meetings

4.1 There are three types of County Council meeting:

- The Annual meeting;
- Ordinary meetings; and
- Extraordinary meetings.

4.2 Meetings of the County Council will be conducted in accordance with Section 12 (Procedural Standing Orders) of this Constitution.

5. Chairing County Council Meetings

5.1 The Chairman and Vice-Chairman of the County Council will be elected by the Council at its annual meeting and the Chairman of the County Council, and in their absence, the Vice-Chairman, will have the following roles and functions:

- 5.1.1 To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary.
- 5.1.2 To plan for and to preside over meetings of the Council, ensuring that its business is carried out efficiently, having regard to the rights of elected members and the interests of the community.
- 5.1.3 To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which members who are not on the Cabinet are able to hold the Cabinet and Committee and Panel Chairs to account.
- 5.1.4 To promote public involvement in the Council's activities.
- 5.1.5 To attend or to be represented at such civic and ceremonial functions as they may determine.
- 5.1.6 To determine any matter referred to them under the urgency provisions in Section 12 (Access to Information Procedure Rules) or the Appendix 1 - Budget and Policy Framework Rules.
- 5.1.7 To respond to any consultations where consultation with the Chairman of the County Council is required under this Constitution.



Appendix 1 - Budget and Policy Framework Procedure Rules

1. The framework for Cabinet decisions

- 1.1 The Council will be responsible for the adoption of its budget and policy framework comprising of the Medium Term Financial Strategy (MTFS) and the Strategic Plan (i.e. the Policy Framework, encompassing key strategies and plans that support delivery of the strategic outcomes, priorities and services) – as set out in Section 5 (The Full Council), of the Constitution. Once a budget or a policy referred to in the policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the framework

- 2.1 After appropriate consultation with stakeholders, the Cabinet will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's budget and policy framework. Once drawn up the Proper Officer will serve copies of them on the Chairman of the relevant Overview and Scrutiny Committee(s) together with dates when the Cabinet will consider them further, which shall allow a reasonable period for the Overview and Scrutiny Committee(s) to consider the proposals.
- 2.2 The relevant Overview and Scrutiny Committee will consider whether to respond to the Cabinet's initial proposals and whether any further consultation is appropriate. If so, the Committee will conduct such consultation, and will reflect any representations made to it, in its response to the Cabinet prior to the decision being made by the Cabinet.
- 2.3 The Cabinet will finalise its proposals for the Council to consider having taken into account the comments from the relevant Overview and Scrutiny Committee. The report to Council will show the Cabinet's response to those comments.
- 2.4 The Council will consider the proposals of the Cabinet and if the Council has no objection to those proposals it may adopt them.
- 2.5 If the Council has any objections to a draft plan or strategy proposed by the Cabinet, then before the Council:
 - a. amends the draft plan or strategy; or
 - b. approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy



(whether or not in the form of a draft) of which any part is required to be so submitted; or

c. adopts (with or without modification) the plan or strategy,

it shall inform the Leader of the Council of those objections and shall give the Leader of the Council instructions requiring the Cabinet to reconsider, in the light of those objections, the draft submitted to it.

2.6 Where the Council gives instructions in accordance with paragraph 2.5 it shall specify a period of at least five working days, beginning on the day after the date on which the Leader of the Council receives the Council's instructions in writing on behalf of the Cabinet, within which the Cabinet may:

a. submit a revision of the draft plan or strategy as amended by them (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; and/or

b. inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

2.7 When the period specified by the Council under paragraph 2.6 has expired, the Council shall, when:

a. amending the draft plan or strategy or, if there is one, the revised draft plan or strategy; or

b. approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted: or

c. adopting (without or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which in each case have been notified to the Council within that period.

2.8 Subject to paragraph 2.12, where, before 8 February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:



- a. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 43 to 49 of the Local Government Finance Act 1992;
- b. estimates of other amounts to be used for the purposes of such a calculation;
- c. estimates of such a calculation; or
- d. amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it shall take the action set out in paragraph 2.9.

- 2.9 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 2.8 (a) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it shall inform the Leader of the Council of any objections which it has to the Cabinet's estimates or amounts and shall give to the Leader of the Council instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 2.10 Where the Council gives instructions in accordance with paragraph 2.9, it shall specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the Council's instructions in writing on behalf of the Cabinet within which the Cabinet may:
 - a. submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; and/or
 - b. inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- 2.11 When the period specified by the Council under paragraph 2.10 has expired, the Council shall, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 2.8(a) or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account any amendments to the estimate or amounts that are included in any revised estimates or amounts; the Cabinet's reasons for those



amendments; any disagreement that the Cabinet has with any of the Council's objections; and the Council's reasons for that disagreement which in each case have been notified to the Council within that period.

2.12 Paragraphs 6 and 7 shall not apply in relation to:

- a. calculations or substitute calculations which an authority is required to make in accordance with section 52J or 52U of the Local Government Finance Act 1992; and
- b. amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

2.13 In approving the policy and budgetary framework the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

3. Decisions outside the Budget or Policy framework

3.1 Subject to the provisions of paragraph 5 below (virement), the Cabinet, and any officers discharging Cabinet functions, may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is not in line with the policy framework or the budget approved by the full Council, then that decision may only be taken by the Council, subject to paragraph 4 below.

3.2 If the Cabinet, or any officer discharging Cabinet functions, want to make such a decision, they shall take advice from the Monitoring Officer and/or the Director of Finance as to whether the decision they want to make is not in line the policy framework or the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that officer to the Cabinet and by the Cabinet to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 below (urgent decisions outside the budget and policy framework) shall apply.



4. Urgent decisions outside the Budget or Policy framework

- 4.1 The Cabinet, or the Chief Executive or a Chief Officer may take a decision which is not in line with the Council's policy framework or the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- a. if it is not practical to convene a quorate meeting of the full Council; and
 - b. if the Chairman of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.
- 4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chairman of the relevant Overview and Scrutiny Committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the relevant Overview and Scrutiny Committee the consent of the Chairman of the Council or in the absence of both, the Vice-Chairman will be sufficient.
- 4.3 Following the decision, the Cabinet will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

- 5.1 Steps taken by the Cabinet, or any Sub-Committee or Portfolio Holder or officer, discharging executive functions to implement Council policy shall not exceed the allocated budget for the service in question.
- 5.2 Section 13 (Financial Regulations) of this Constitution sets out the rules for the operation of virement across the budgets allocated for particular functions of the Council.
- 5.3 Virement in excess of the limits from time to time prescribed for the purposes of the Financial Regulations shall require the approval of the full Council.

6. In-year changes to the Budget and Policy Framework

- 6.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, or any Sub-Committee or Portfolio Holder or any officer, discharging executive functions must be in line with it.



- 6.2 No changes to any policy and strategy which make up the policy framework may be made by any officer and no such changes may be made by the Cabinet except those changes:
- a. which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint.
 - b. which are necessary to ensure compliance with the law, ministerial direction, guidance issued by Government or a Government Agency, or guidance issued by the Audit Commission or the Council's external Auditor.
 - c. in relation to the policy framework, in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
 - d. which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.
 - e. for which the budget or policy specifically provides for in-year change.

7. Call-in of decisions outside the Budget or Policy Framework

- 7.1 Where an Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, not in line with the policy framework or the Council's budget, then it shall seek advice in the form of a report from the Monitoring Officer and/or Director of Finance.
- 7.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Director of Finance report shall be submitted to the Cabinet and copied to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Director of Finance conclude that the decision was not in line with the policy framework and/or budget, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Director of Finance conclude that the decision was in line with the policy framework and/or budget.
- 7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Director of Finance is that the decision is or would be not in line with the policy framework or the budget, the Overview and Scrutiny Committee may refer the matter to the Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 20 working days of the request by the



Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Director of Finance. The Council may either:

- a. endorse a decision or proposal of the Cabinet as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all elected members in the normal way; or
- b. amend the Council's Financial Regulations (Section 13) or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all elected members in the normal way; or
- c. where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Director of Finance.

