

**SECTION 2 – RESPONSIBILITIES OF THE FULL COUNCIL**

	<b>Function</b>	<b>Statutory Reference</b>
1.	Adopting and changing the Constitution.	Part II Local Government Act 2000 and subordinate legislation
2.	Approving or adopting the policy framework and the budget.	Sections 9D and 105, Local Government Act 2000; Regulation 4 and Schedule 3, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
3.	Subject to the urgency procedure contained in Standing Orders in part 3 of this Constitution, making decisions which are contrary to the policy framework or decisions which are contrary to or not wholly in accordance with the budget.	Sections 9D and 105, Local Government Act 2000; Regulation 5 and Schedule 4, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
4.	Appointing the Leader.	Section 9D, Local Government Act 2000
5.	In relation to functions which are not the responsibility of the executive agreeing and/or amending the terms of reference for committees, or joint committees, deciding on their composition and making appointments to them.	Sections 101 and 102, Local Government Act 1972; Sections 21 and 53, Local Government Act 2000
6.	Appointing the independent members of the Audit and Standards Committee and, if it thinks fit, the Chair of that committee.	Section 53, Local Government Act 2000 and any regulations made thereunder
7.	Appointing representatives to outside bodies unless the appointment is an executive function or has been otherwise delegated by the Council.	Sections 101 and 102, Local Government Act 1972 and Section 1, Localism Act 2011 and any other enactment conferring powers on the Council
8.	Adopting an allowances scheme under Article 2.5.	Sections 173 to 175, Local Government Act 1972; Section 18, Local Government and Housing Act 1989
9.	Changing the name of the area.	Section 74, Local Government Act 1972
10.	Making, amending or revoking Standing Orders.	Sections 106, 135, paragraph 42 Schedule 12, Local Government Act 1972; Sections 8 and 20, Local Government and Housing Act 1989
11.	Confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer.	Section 151, Local Government Act 1972; Sections 4 and 5, Local Government and Housing Act 1989
12.	Making, amending, revoking, re-enacting or adopting bylaws.	Any provision of any enactment (including a local act) whenever passed Section 14, Interpretation Act 1978
13.	Promoting or opposing the making of local legislation or personal bills.	Section 239, Local Government Act 1972

	<b>Function</b>	<b>Statutory Reference</b>
14.	All local choice functions set out in section 3 of this part of the Constitution which the Council decides should be undertaken by itself rather than any other person or body or other matters reserved to the Full Council by this Constitution.	Sections 9D and 105, Local Government Act 2000; Regulation 3(1) and Schedule 2, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
15.	Determining whether or not to accept the delegation of any functions from another local authority.	Sections 101 and 102, Local Government Act 1972
16.	Approving the authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	Accounts and Audit Regulations 2015 (SI 2015/234)
17.	Appointing proper officers for the purposes of any particular functions.	Section 270(3), Local Government Act 1972
18.	Powers and duties relating to local development documents which are development plan documents.	Sections 20 to 23 and 25, 26 and 28, Planning and Compulsory Purchase Act 2004
19.	Power to agree to establish a joint committee to be, for the purposes of part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.	Section 29, Planning and Compulsory Purchase Act 2004
20.	Power to agree to confer additional functions on a joint committee.	Section 30, Planning and Compulsory Purchase Act 2004
21.	Power to request the dissolution of a joint committee.	Section 31, Planning and Compulsory Purchase Act 2004
22.	Duty to provide staff, etc. to person nominated by the monitoring officer.	Section 82A(4) and (5), Local Government Act 2000
23.	Powers relating to Overview and Scrutiny Committees.	Section 9F, Local Government Act 2000
24.	Requests for single member electoral areas.	Section 57 Local Democracy, Economic Development and Construction Act 2009
25.	Deciding whether to make proposals for a change in governance arrangements.	Section 9K – 9KC, Local Government Act 2000
26.	Deciding whether a change of governance model should be subject to approval in a referendum.	Section 9KC, and 9M, Local Government Act 2000
27.	Passing a resolution to make a change in governance arrangements under Section 9KC of the Local Government Act 2000.	Section 9KC, Local Government Act 2000

	<b>Function</b>	<b>Statutory Reference</b>
28.	Including provision in executive arrangements for the Council to remove the executive leader by resolution and the passing of a resolution to remove the executive leader.	Sections 9IA, Local Government Act 2000
29.	Decision relating to the duty to make a change in governance arrangements.	Paragraph 3 of Schedule 4, Local Government and Public Involvement in Health Act 2007
30.	Functions relating to the change of name of electoral area.	Section 59, Local Government and Public Involvement in Health Act 2007
31.	Duty to draw up proposals relating to changing governance arrangements.	Section 9MA, Local Government Act 2000
32.	Duty to consult prior to drawing up proposals relating to changing governance arrangements.	Section 9MA, Local Government Act 2000
33.	Duty to implement new governance arrangements.	Sections 9L and 9MF(4), Local Government Act 2000
34.	Duty to comply with direction given by the Secretary of State relating to changing governance arrangements.	Section 9O, Local Government Act 2000
35.	Duty to hold referendum relating to changing governance arrangements.	Section 9MB, Local Government Act 2000
36.	Power to make arrangements about incidental matters relating to community governance.	Section 99, Local Government and Public Involvement in Health Act 2007
37.	All other matters which, by law, must be reserved to the Council.	Any provision of any enactment (including a local Act) whenever passed

## Appointments to Outside or Joint Bodies

For the avoidance of doubt, the Council hereby expressly reserves to itself the appointments to the following bodies:

- Local Government Association and its subsidiary bodies; and
- Any joint committees other than joint committees to be appointed by the Cabinet under Article 6.

The policy framework shall include the following plans and strategies:

Plan or Strategy	Statutory Reference
Any plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision e.g. <ul style="list-style-type: none"> <li>• Medium Term Financial Strategy</li> <li>• Treasure Management Strategy</li> <li>• Investment Strategy</li> <li>• Capital Strategy</li> <li>• Reserves Strategy</li> </ul>	Section 151, Local Government Act 1972
Council Plan	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Development Plan Documents Waste Core Strategy Minerals Plan	Sections 15 and 17, Planning and Compulsory Purchase Act 2004
Community Safety Agreement	Sections 5 and 6, Crime and Disorder Act 1998
Local Transport Plan	Section 108(3), Transport Act 2000
Youth Justice Plan	Section 40, Crime and Disorder Act 1998
Fire & Rescue Integrated Risk Management Plan	Section 21, Fire and Rescue Services Act 2004
Health and Wellbeing Strategy	Section 116A, Local Government and Public Involvement in Health Act 2007
Customer Services and Access Strategy	Section 1, Localism Act 2011; Section 111, Local Government Act 1972

Annual Pay Policy Statement	Section 38, Localism Act 2011
Education Strategy	Section 13, Education act 1996
Schools Sufficiency Strategy	Section 14, Education Act 1996
Early Help Strategy 2018- 2023	Childcare Act 2006
Corporate Parenting Policy	Children Act 1989
Warwickshire Children and Young People Strategy 2021-2030 As supplemented by Early Help Strategy 2018-2023 Education Strategy Schools Sufficiency Strategy Corporate Parenting Policy	<u>Children and Young People's Plan (England) Regulations 2005</u>
Any other policy, plan or strategy that from time to time may be required by law to form part of the Policy Framework	

## **Budget**

The budget includes the allocation of capital and revenue resources, the precept level, the council tax, the planned use of reserves, the county council's borrowing limit and the virement limits.

### **Specific Delegations by Council in respect of the Budget and Policy Framework**

#### **1. REVENUE BUDGET**

- 1.1 The Executive Director for Resources is directly responsible for the implementation of the budget.
- 1.2 Cabinet will continue to receive quarterly reports on service performance, financial performance and progress on the delivery of the savings plans.
- 1.3 The Executive Director for Resources is authorised to vire revenue budgets between Services where such virements are as a direct consequence of the specific spending allocations, delivery of the savings targets, invest-to-save projects and funding strategies contained in this resolution and the accompanying capital budget resolution.
- 1.4 The Executive Director for Resources, in consultation with the Leader is authorised to reverse allocations made as part of this budget process where the investment does not progress.
- 1.5 The Executive Director for Resources is authorised to draw down from reserves accumulated from previous years' savings and vire money between reserves where these adjustments are as a direct consequence of the specific spending allocations, delivery of the savings targets (including where there are revenue savings from using the receipt from the sale of assets to repay debt and savings from the pro-active management of the authority's cash balances and the transfer of functions between business units), invest-to-save projects and funding strategies contained in this resolution and the accompanying capital budget resolution.
- 1.6 The Executive Director for Resources is authorised to make the necessary budget adjustments to fund the new responsibilities given to the County Council during the year, or where responsibility for services transfers out, up to the level of Government funding provided/withdrawn.
- 1.7 The Executive Director for Resources is instructed to remind the Executive Directors, the Chief Fire Officer and Directors that budgets must not be overspent and that effective budget management arrangements should be the cornerstone of Services' work to secure value for money.
- 1.8 All member bodies, Members and officers are instructed to comply with the prescriptive legal duties placed upon the Council. The Chief Executive, Executive Directors, Chief Fire Officer and Assistant Directors are instructed to ensure that the implementation of policies complies with legal requirements.

- 1.9 That authority is given for all necessary tenders to be obtained and contracts to be completed to give effect to the budget, subject to compliance with Contract Standing Orders, Financial Regulations and the key decision regime.

## **2. TREASURY MANAGEMENT STRATEGY**

### **Treasury Management Scheme of Delegation**

(i) County Council

- approval of annual strategy.
- budget consideration and approval.
- approval of the division of responsibilities.

(ii) Cabinet

- scrutinise the proposed annual strategy.
- approval of/amendments to the organisation's adopted clauses, treasury management policy
  - statement and treasury management practices.

(iii) Resources and Fire & Rescue Overview and Scrutiny Committee

- reviewing the treasury management policy and procedures and making recommendations to the responsible body.
  - receiving and reviewing regular monitoring reports and acting on recommendations.

### **The Treasury Management Role of the Chief Finance (Responsible) Officer**

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance
- submitting regular treasury management policy reports
- submitting budgets and budget variations
- receiving and reviewing management information reports
- reviewing the performance of the treasury management function
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function
- ensuring the adequacy of internal audit, and liaising with external audit
- recommending the appointment of external service providers
- entering into repurchase transactions where appropriate.