

PART 2 – ARTICLES OF THE CONSTITUTION

Article 4 – The Council

4.1 Functions of the Council

Only the Council will exercise the following functions:-

- (a) adopting and changing the Authority's executive arrangements and this Constitution, save as provided in Article 11.3 (a)
- (b) approving or adopting the policy framework, the budget and any application to the ~~National Assembly for Wales~~ Welsh Ministers in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules set out 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;
- (d) electing and removing the Leader ~~and appointing and removing members of the Cabinet (not being the Leader);~~
- (e) agreeing and/or amending the terms of reference of committees, deciding on their composition and making appointments to them, except as expressly and lawfully delegated;
- (f) appointing representatives to outside bodies unless the appointment is an Executive Function or has been delegated by the Council;
- (g) adopting ~~an allowances scheme~~ Schedule of Members' Remuneration under Article 2.5;
- (h) changing the name of the area, conferring the title of honorary alderman or freedom of the City;
- (i) making or confirming the appointment of the Chief Executive;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself or by a person to whom or body to which it has delegated its powers rather than the Cabinet; and
- (l) all other matters which, by law, must be reserved to Council.

Commented [AK1]: NB. This is reserved to full Council by Cardiff's constitution, not a statutory requirement. By law, appointments may be made by either full Council or by the Leader.

4.2 Meanings

(a) Policy Framework

The policy framework means the following plans and strategies:-

- Corporate Plan;
- Local Well-Being Plan;
- Cardiff Self-Assessment Report;
- Local Development Plan;
- Local Transport Plan;
- Welsh Language Strategy;
- Youth Justice Plan;
- Housing Strategy;
- Rights of Way Improvement Plan; and
- Pay Policy Statement;

Together with such other plans and strategies which the Authority may decide should be adopted by the Council as a matter of local choice.

(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 decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the ~~National Assembly for Wales~~ Welsh Ministers for approval of a programme of large scale disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes, where approval is required under sections 32 or 43 of the Housing Act 1985.

4.3 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Meeting Procedure Rules, as set out in Part 4 of this Constitution.

4.4 Responsibility for functions

The Monitoring Officer will keep up to date the details in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.