

PART 3 RESPONSIBILITY FOR FUNCTIONS
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PART 3A

INTRODUCTION

- 3A.1 The Authority consists of a number of distinct elements which are each allocated certain functions. The most important elements are Council (all councillors), Committees (undertaking specific functions delegated by Council/specified in statute) and the Executive (Leader and Cabinet). These are the primary decision making bodies within the Authority and they exercise different powers and functions. To assist the efficient working of the Authority these bodies have delegated some of their functions to other parts of the Authority including Sub-Committees and Officers¹.
- 3A.2 This Part 3 of the Constitution describes the way in which the Authority's powers and functions are distributed amongst the various parts of the Authority and who may lawfully exercise those powers within any limits or in accordance with any conditions.
- 3A.3 The law² provides a framework under which functions:
- (a) must be the responsibility of the Executive
 - (b) must not be the responsibility of the Executive
 - (c) may or may not be the responsibility of the Executive
 - (d) must be exercised by Full Council
- 3A.4 Functions which are the responsibility of the Executive (called "Executive Functions") may be delegated by the Leader of the Council to a Committee of the Executive, an individual Member of the Executive (Cabinet Member) or an Officer (exercising Executive Functions). Executive Functions may also be delegated to another local authority or exercised jointly through a joint committee or officer of another authority. The delegation of Executive Functions is set out in Part 3E 'Executive Functions' below.
- 3A.5 Functions which are not the responsibility of the Executive (called 'non-Executive Functions') are the responsibility of Council, Committees (and Sub-Committees) or Officers (exercising non-Executive Functions)³. Delegation of non-Executive Functions is set out in Part 3B 'Council Functions', Part 3C 'Committee Functions' and Part 3D 'Officer Non-Executive Functions' below.
- 3A.6 Any reference in this Part 3 of the Constitution to any Function, and any delegation of power includes all action associated with that Function or power and all related enforcement actions.
- 3A.7 A Key Decision⁴ shall only be taken by Cabinet, unless such a decision has been specifically delegated by the Leader to a Cabinet Member or an Officer or unless the Leader, Chief Executive (or, in his absence or where he is unable to

¹ Officers are, in this Part 3 of the Constitution, the Chief Executive, Executive Directors and Directors.

² Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended (see Appendix #)

³ Non-Executive Functions may also be delegated to another local authority or exercised jointly through a joint committee or officer of another local authority. There are currently no such delegations in place.

⁴ Relates only to Executive Functions and is defined in Article 13

act, an Executive Director) is making an urgent decision⁵ (as set out in Part 3E below).

- 3A.8 A Significant Decision⁶ shall only be taken by Council or a Committee unless such a decision has been specifically delegated to a Sub-Committee or Officer or unless the Chief Executive (or, in his absence or where he is unable to act, an Executive Director) is making an urgent decision⁷ (as set out in Part 3D below).

⁵ As defined in Article 13

⁶ Relates to non-Executive Functions and is defined in Article 13

⁷ As defined in Article 13

PART 3B

COUNCIL FUNCTIONS

3B.1 The functions that may only be exercised by Council are set out in Table 1 below:

Table 1

Determine which plans, strategies and policies shall comprise the Authority's Policy Framework ⁸ and from time to time approve, adopt and amend those plans, strategies and policies
Determine and amend the Authority's Budget ⁹
Approve a departure from the approved Policy Framework and/or the approved Budget ¹⁰
Appoint and remove the Leader ¹¹
Change the executive arrangements of the Authority ¹²
Establish, abolish and decide the terms of reference and the composition of Council Committees and make appointments including co-opted members to them and other non-Executive bodies ¹³
Make and amend Procedural Rules, Financial Rules and Contract Rules ¹⁴
Change the name of the Borough or a parish ¹⁵
Elect a Mayor (Council Chairman) and Deputy Mayor (Council Vice-Chairman) ¹⁶
Confer the title of Honorary Alderman ¹⁷ and grant the Freedom of the Borough
Promote or oppose local or personal bills
Where it is the function of the Authority, divide Parliamentary Constituencies and local government electoral divisions into polling districts ¹⁸
Appoint an Electoral Registration Officer ¹⁹ and Returning Officer for local government elections ²⁰
Make, amend, revoke or re-enact Byelaws
Dissolve small parish councils and make orders for grouping parishes, dissolving groups and separating parishes from groups and make temporary appointments to parish councils ²¹
Fill Council or Parish Council vacancies in the event of insufficient nominations
Change ordinary year of election of parish councillors ²²
Submit proposals to the Secretary of State for an Order for pilot schemes for local elections ²³
Authorise community governance reviews ²⁴
Confirm the appointment or dismissal of the Chief Executive (Head of Paid Service) and designate officers as the Monitoring Officer and the Chief Finance Officer ²⁵
Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council
Approve the Pay Policy Statement ²⁶

⁸ Policy Framework is defined in Article 4

⁹ Budget is defined in Article 4

¹⁰ Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)

¹¹ Stat ref #

¹² S# LGA 2000

¹³ S101 LGA 1972

¹⁴ ss 135, #, 151 LGA 1972 (For Procedural, Financial and Contract Rules see Part 4)

¹⁵ ss74 & 75 LGA 1972

¹⁶ ss3-5 LGA 1972

¹⁷ S249 LGA 1972

¹⁸ ss18 & 31 Rep of the People Act 1983

¹⁹ s8(2) Rep of the People Act 1983

²⁰ s35 Rep of the People Act 1983

²¹ ss 10, 11 & 91 LGA 1972

²² s53 LGPIH Act 2007

²³ s10 Rep of the People Act 2000

²⁴ Chapter 3, part 4 LGPIH Act 2007

²⁵ ss4&5 LG(MP)A89 and s151 LGA 1972

Establish and abolish Joint Committees (in respect of non-Executive functions) ²⁷
Authorise applications to the Secretary of State for approval of housing land transfers ²⁸
Appoint or nominate individuals to outside bodies in respect of non-Executive Functions and revoke or withdraw such appointment or nomination ²⁹
Appoint or nominate individuals to outside bodies in respect of Executive Functions and revoke or withdraw such appointment or nomination where there is no Group Leader consensus on the decision to be taken
Adopt or amend the Code of Members' Conduct ³⁰
Take decisions and/or give advice on matters brought to Council by the Leader, Cabinet, Officers and other bodies or persons
Receive and consider statutory reports from the Head of Paid Service and the Monitoring Officer ³¹
Determine whether local choice functions ³² will be exercised by Council or the Cabinet and undertake such local choice functions as allocated to Council
Discharge any other function which is by law reserved to Council

²⁶ s38 Localism Act 2011

²⁷ s101(5) LGA 1972

²⁸ Para # Fcts & Resps Regs 2000

²⁹ Local Authorities (Functions and Responsibilities) Regulations 2000

³⁰ See Part 5A. The statutory context of the Code may change under the Localism Act.

³¹ ss 4 and 5 Local Government (Misc Provisions) Act 1989

³² The allocation of local choice functions is shown at Appendix #.

PART 3C

COMMITTEE FUNCTIONS

- 3C.1 Council has established³³ the Committees set out in Table 2 below to discharge certain functions which are neither reserved to Council nor Executive or solely Executive functions. Council retains the right to a concurrent and overriding exercise of all functions in Table 2.
- 3C.2 The Authority must have a Standards Committee³⁴ and at least one Overview and Scrutiny Committee³⁵ and these are set out in Table 3 below.
- 3C.3 A Committee may establish such Sub-Committee(s) as it sees fit to undertake certain of its functions and the Tables below include such Sub-Committees.
- 3C.4 Unless otherwise required by law, a Committee or Sub-Committee in Table 2 may determine not to exercise a function delegated to it and refer that function upwards for determination by respectively Council or the parent Committee.

Table 2

PLANNING COMMITTEE	
Function	Condition
<p>Planning, etc. applications Determine an application for:</p> <ul style="list-style-type: none"> (a) full planning permission; (b) outline planning permission; (c) approval of reserved matters; (d) listed building consent; (e) conservation area consent; (f) advertisement control consent 	<p>The power shall only be exercised where the application:</p> <ul style="list-style-type: none"> (a) if granted, would be a departure from or would conflict with the development plan/local development framework or other planning policies adopted by the Council; (b) is for a proposal which an Officer intends to support and which has, prior to the expiry of the statutory consultation period, been objected to in writing by any local amenity organisation, any residents association or any statutory consultee; unless the Chairman and Vice Chairman consider that the objection is one which does not require Committee assessment; (c) is one in respect of which any Member has, prior to the expiry of the statutory consultation period, submitted a written request and explanation to the Director Built Environment that it be determined by the Planning Committee;

³³ Pursuant to s101 LGA 1972, Licensing Act 2003, Gambling Act 2005

³⁴ Potentially due for repeal under Localism Act

³⁵ Required by s21 LGA 2000

	<p>(d) is submitted by or on behalf of the Council or the Gloucestershire County Council;</p> <p>(e) is submitted by a Member, an Executive Director, Director or an existing employee of the Built Environment Division;</p> <p>(f) is one which the Planning Committee has specifically required should be determined by the Committee; or</p> <p>(g) is one which the Director Built Environment considers should be determined by Planning Committee</p>
<p>Trees</p> <p>Determine planning applications relating to trees including (a) trees covered by Tree Preservation Orders: and (b) trees within Conservation Areas.</p>	<p>The power shall only be exercised in respect of an application:</p> <p>(a) submitted by a (i) a Member, (ii) a current employee of the Built Environment or Operations Divisions of the Council or (iii) the Council or Gloucestershire County Council;</p> <p>(b) which a Member of the Council has, within the consultation period, requested should be determined by Planning Committee; or</p> <p>(c) which the Director Built Environment considers should be determined by Planning Committee</p>
<p>Planning Policy</p> <p>Act as consultee to Cabinet/Lead Member on recommendations/responses for the adoption and review of local and national planning policy</p>	<p>Adoption of local planning policy is a Council function</p>

LICENSING COMMITTEE	
Function	Condition
<p>Licensing Act 2003</p> <p>Act as consultee to Cabinet/Lead Member on recommendations/responses for the adoption and review of the Licensing Policy Statement and national licensing policy</p>	<p>Adoption of the Licensing Policy Statement is a Council function</p>
<p>Establish Licensing Sub-Committees</p>	
<p>Gambling Act 2005</p> <p>Act as consultee to Cabinet/Lead Member on recommendations/responses for the adoption and review of the Licensing Policy Statement and national licensing policy including policies on casinos</p>	<p>Adoption of the Licensing Policy Statement is a Council function</p>
<p>Determine an application for a premises licence</p>	<p>If a relevant representation made</p>
<p>Determine an application for a variation to a</p>	<p>If a relevant representation is</p>

premises licence	made
Determine an application for a transfer of a premises licence	If a representation received from the Gambling Commission
Determine an application for a licence to be reinstated	If a relevant representation made
Determine an application for a provisional statement	If a relevant representation made
Review a premises licence	All cases
Determine an application for club gaming/club machine permit	If a relevant representation made
Cancel a club gaming/club machine permit	All cases
Consider a temporary use notice	If a relevant representation made
Decide to give a counter notice to a temporary use notice	All cases
Hackney Carriage and Private Hire	
Determine an application for the grant variation or renewal of a driver or vehicle licence	If a relevant objection is made
Determine an application for the grant or variation of an operator's licence	If a relevant objection is made
Determine an application for the transfer of a vehicle licence	If a relevant objection is made
Suspend or continue the suspension of a driver, vehicle or operator's licence	Where an officer chooses not to exercise delegated power
Revoke a driver, vehicle or operator licence	If a relevant representation is made
Adopt and amend standard conditions for hackney carriage and private hire licences	
Miscellaneous Licensing Functions (including Street trading, Street collections, House to house collections, Objects on the highway, Sex establishments, Caravan sites, Camping sites and moveable dwellings, Acupuncture, tattooing, ear-piercing and electrolysis, Game dealers, Scrapyards, Zoos, Dangerous wild animals)	
Determine any application for the grant, renewal, variation or transfer of a licence, consent, permit or permission	If a relevant objection is made
Revoke or withdraw any licence, consent, permit or permission	If a relevant representation is made
LICENSING SUB-COMMITTEE	
Function	Condition
Licensing Act 2003	
Determine an application for a personal licence	If a police objection
Determine an application for a personal licence with unspent conviction(s)	All cases
Determine an application for a premises licence/club premises certificate	If a relevant representation made
Determine an application for a provisional statement	If a relevant representation made
Determine an application to vary a premises licence/club premises certificate	If a relevant representation made

Determine an application to vary a designated premises supervisor	If a police objection
Determine an application for transfer of a premises licence	If a police objection
To determine an application for interim authorities	If a police objection
Determine an application to review a premises licence/club premises certificate	All cases
Lodge an objection where the Council is a consultee and not the relevant authority considering the application	All cases
Determine a police objection to a temporary event notice	All cases
AUDIT COMMITTEE	
Function	
General	
Provide a broad based audit role across all areas of the Authority, while promoting and ensuring effective internal control and independent assurance mechanisms	
Internal Audit	
Consider the internal audit annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Authority's corporate governance arrangements	
Provide on-going monitoring of the operational audit plan and audit planning process	
Agree internal audit plans (ensuring that internal audit work is planned with due regard to risk, materiality and supports the attainment of the Authority's aims and priorities)	
Review internal audit performance	
Monitor and review the actions required arising out of audit recommendations	
External Audit	
Consider and review the external audit and inspection letter and all associated reports and other documents	
Consider and review external audit reports	
Monitor and review actions required arising out of external audit recommendations	
Contribute to the forward work plan of the Authority's external auditors (insofar as they relate to the Authority)	
Review all matters relating to external audit, including audit and inspection planning, action points and reports	
Ensure effective liaison between external and internal audit and any other inspection agency	
To be consulted on any proposals for the appointment of the council's external auditor	
Risk Management	
Ensure that an appropriate corporate risk management strategy is in place	
Ensure that risk management procedures are satisfactorily carried out	
Provide on-going monitoring and review of the risk management strategy	
Annual Statement of Accounts	
Review and approve the annual statement of accounts and statement of internal control, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that needs to be brought to the attention of the Authority	
Ensure appropriate arrangements operate for the development of the Statement on Internal Control	
Review the annual report to members from the external auditor to those charged with governance on issues arising from the audit of the statement of accounts	

Corporate Governance Framework
Ensure systematic appraisal of the Authority's control environment and framework of internal control to provide reasonable assurance of effective and efficient operations
In conjunction with the Standards Committee and Borough Solicitor & Monitoring Officer, ensure that the highest standards of probity and public accountability are demonstrated including anti-fraud and anti corruption arrangements
Ensure arrangements operate to evaluate and report on compliance with the local code of corporate governance and to periodically review the code
Review internal and external reports and assessments in respect of corporate governance
Ensure and maintain effective liaison with the Corporate Governance Group and Standards Committee.

APPOINTMENTS AND REMUNERATION COMMITTEE
Function
Be responsible for the appointment of the Chief Executive, Executive Directors and Directors. ³⁶
<i>NOTE; No offer of appointment shall be made until the proposed action (including the name and any other particulars the Committee considers relevant) has been notified to every member of the Cabinet and either:-</i>
<i>1. within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet to the proposed action; or</i>
<i>2.the Committee is satisfied that any objection made is not material or is not well founded; or</i>
<i>3.the Leader has, within the period specified in the notification, notified the Chief Executive that neither he/she nor any member of the Cabinet has any objections</i>
Determine the conditions on which the Chief Executive, Strategic Directors and Assistant Directors hold office, including deciding matters relating to the early retirement of those officers.
Consider the Pay Policy Statement and refer it to Council for approval
Determine policies relating to employee remuneration
Determine policies relating to local government pensions and discretionary compensation
Deal with any other remuneration matters referred by Council or Head of Paid Service
DISCIPLINARY COMMITTEE
Function
Manage and consider any disciplinary and/or capability and any grievance matters arising in relation to Statutory Officers (the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer), Executive Directors and Directors
Carry out the function of an Investigating & Disciplinary Committee as set out in the JNC Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers
Consider allegations concerning the conduct or capability of Statutory Officers, Executive Directors and Directors in order to establish whether or not they are sufficiently well-founded and serious in content to justify investigation
If appropriate, suspend a Statutory Officer, an Executive Director or Director under the terms of the JNC Conditions of Service for Chief Executives or the JNC Conditions of Service for Chief Officers

³⁶ Where the Committee is appointing a Statutory Officer (Head of Paid Service, Chief Finance Officer and Monitoring Officer), Council must approve the appointment before an offer of appointment is made.

In respect of Statutory Officers to (a)decide whether the issue requires no formal action; or (b)whether the issue should be referred to a “Designated Independent Person”; (c)be responsible for the appointment and terms of reference for any “Designated Independent Person” (which power can be delegated to an Officer); (d)receive and consider the report of the Designated Independent Person; (e)hold a capability or disciplinary hearing
Following receipt of any DIP report, determine a course of action (up to and including dismissal) within the Authority’s powers under law and within its procedures. ³⁷
Comply with the notification requirements of Rule 6 of Part 4F of the Constitution (Employment Rules) and to consider any objections from members of the Cabinet to establish whether they are material and/or well-founded.
In respect of Executive Directors and Directors to (a) appoint, if appropriate, an investigator to carry out an investigation on behalf of the Committee (which power can be delegated to an Officer); (b) receive and consider any report of an investigator; (c) hold a capability, disciplinary or grievance hearing; (d) following any capability and/or disciplinary hearing, determine a course of action (up to and including dismissal) within the Council’s powers under law and within its procedures, including the procedure set out in Rule 6 of Part 4F of the Constitution (Employment Rules)
APPEALS COMMITTEE
Function
Hear and determine appeals against decisions of the JNC Disciplinary Committee in respect of action taken against any Executive Director or Director (other than the Head of Paid Service, Chief Finance Officer or Monitoring Officer)
Hear and determine appeals against any action short of dismissal taken by the JNC Disciplinary Committee against the Chief Executive (Head of Paid Service), Chief Finance Officer or Monitoring Officer

Table 3

STANDARDS COMMITTEE	
Function	
To promote and maintain high standards of conduct by borough and parish councillors and co-opted members and to undertake the functions of a standards committee as set out in Part 2 of the Local Government Act 2000 or otherwise including the following:	
(a)	assisting councillors and co-opted members to observe the Members' Code of Conduct;
(b)	advising the council on the adoption or revision of its Members' Code of Conduct and other codes and protocols;
(c)	monitoring the operation of the Members' Code of Conduct;
(d)	advising, training or arranging to train councillors and co-opted members on matters relating to the Code of Conduct and other codes and protocols;
(e)	granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
(f)	dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer approved by the National Standards Board for England to the Monitoring Officer;
(g)	to formulate and recommend to the Council local protocols governing the council’s internal and external conduct, including the whistle-blowing policy;

³⁷ Where the Committee is recommending dismissal of a Statutory Officer (Head of Paid Service, Chief Finance Officer and Monitoring Officer), Council must approve the dismissal for it to take effect.

(h)	insofar as it relates to the committee's terms of reference, to have a general oversight of the Council's Constitution and its rules;
(i)	to give advice and guidance to councillors on Members' interests;
(j)	to grant dispensations to councillors and co-opted members, in accordance with the relevant regulations, from requirements relating to interests set out in the Council's Members' Code of Conduct;
(k)	to receive allegations that a councillor or co-opted member has not complied with the Members' Code of Conduct and to consider and determine such allegations
(l)	to consider and determine allegations of breaches of the Members' Code of Conduct referred to it by the Standards Board or not otherwise dealt with by the Standards Board and to determine such sanction as it considers appropriate following a finding of misconduct or to recommend the council to impose a sanction;
m	to consider, determine and apply such sanctions as are available to it in relation to any breach of code or protocol of the council which is not also a breach of the Code of Members' Conduct;
(n)	to receive and act on reports from: (i) case tribunals of the Adjudication Panel (ii) Ethical Standards Officers (iii) the Monitoring Officer
(o)	to have oversight of complaints handling and Ombudsman investigations;
(p)	to liaise with external agencies, in particular the Local Government Ombudsman and the District Auditor, in connection with any matter within the Committee's terms of reference;
(q)	to determine, where it is unclear, which officer posts are subject to political restrictions under Section 2 of the local Government and Housing Act 1989.
To appoint a Chairman and Vice-Chairman of the Committee when a casual vacancy occurs.	
To present an annual report to full Council	

STANDARDS (INITIAL ASSESSMENT) SUB-COMMITTEE	
Function	
The Standards (Initial Assessment) Sub Committee shall be responsible for the exercise of the powers of the Standards Committee in relation to the initial assessment of written allegations made under section 57A of the Local Government Act 2000 and any other enabling powers provided that:	
(1)	The sub-committee shall comprise of three members to include an independent member, a borough councillor, and where a complaint to be assessed concerns a parish councillor, a parish councillor also;
(2)	No member of the Standards Committee may take part in the business of the sub-committee unless he/she has participated in such training as may be prescribed by the Standards Committee from time to time in connection with the assessment of complaints;
(3)	The composition of the sub committee on any particular occasion shall be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee. Subject to any statutory prohibition or restriction all members of the Standards Committee shall be entitled to sit on the sub-committee.
STANDARDS (REVIEW) SUB-COMMITTEE	
Function	
The Standards (Review) Sub Committee shall be responsible for the exercise of the powers of the Standards Committee in relation to the review of decisions by the Standards (Initial Assessment) Sub Committee initial assessment of written allegations under section 57A of the Local Government Act 2000 and any other	

enabling powers provided that:	
(1)	The Sub Committee shall comprise of three members to include an independent member, a borough councillor, and where a complaint to be assessed concerns a parish councillor, a parish councillor also;
(2)	No member of the Standards Committee shall take part in the business of the Sub Committee unless he/she has participated in such training as may be prescribed by the Standards Committee from time to time in connection with the assessment of complaints;
(3)	The composition of the sub committee on any particular occasion shall be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee. Subject to any statutory prohibition or restriction all members of the Standards Committee shall be entitled to sit on the sub-committee.
STANDARDS (DETERMINATION OF COMPLAINTS) SUB-COMMITTEE	
Function	
The Standards (Determination of Complaints) Sub-Committee shall be responsible for the exercise of the powers of the Standards Committee in relation to the determination of complaints referred to it under the provisions of the Local Government Act 2000 provided that:	
(1)	The sub-committee shall comprise of three members to be drawn from the membership at any given time of the Standards Committee;
(2)	No member of the Standards Committee may take part in the business of the sub-committee unless he has participated in such training as may be prescribed by the Standards Committee from time to time in connection with the determination of complaints;
(3)	The quorum of the sub-committee shall be three members, to include at least one independent member appointed under s53 of the Local Government Act 2000, one parish representative where a complaint to be determined relates to a parish councillor, and one borough councillor;
(4)	The composition of the sub committee on any particular occasion shall be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee. Subject to any statutory prohibition or restriction all members of the Standards Committee shall be entitled to sit on the sub-committee.

OVERVIEW & SCRUTINY COMMITTEE
Functions
General
Agree the Overview & Scrutiny (O&S) workplan taking into account corporate priorities, the forward plan, issues of local concern and available resources
Establish standing or ad hoc sub-committees as required and set the size and high level terms of reference
Establish time-limited scrutiny task groups (STGs) to carry out in-depth reviews of a particular issue, set the size and high level terms of reference and agree reporting lines (to the Committee or its sub-committee) for recommendations
Establish the Budget STG, set the size and high level terms of reference and agree reporting lines (to the Committee, its sub-committee or Cabinet) for recommendations
Nominate members to Cabinet working groups when representatives of O&S are requested
Receive recommendations from STGs and forward to Cabinet, Council, committee or the appropriate body (including commissioning boards)
Promote good practice for O&S across the Authority
Promote the development of member skills and competencies in O&S
Scrutiny

Consider call-ins ³⁸ and decide appropriate action (including the establishment of STGs) and carry out any other actions covered by the Overview and Scrutiny Rules
Receive any councillor calls for action and petitions referred to O&S and decide appropriate action
Question Cabinet Members, committees, the Chief Executive, Executive Directors, Directors or representatives under joint arrangements regarding decisions taken, service delivery, initiatives or projects
Question, call for and gather evidence from any external person or organisation (with their consent)
Make reports and recommendations to Cabinet, Council, a committee or an external body arising from the outcome of the scrutiny process
Policy review and development
Receive and comment on plans, strategies, policies and budget proposals that comprise the Budget and the Policy Framework ³⁹
Contribute to the monitoring, review and ongoing improvement of services provided either directly by the Authority or on behalf of the Authority (using sub-committees or STGs as appropriate)
Monitor the implementation of any O&S recommendations accepted by Cabinet or other bodies
Build appropriate relationships with other parts of the Authority, external bodies and the public to facilitate effective scrutiny
Participate in joint scrutiny with other authorities and work with other authorities in Gloucestershire to strengthen the scrutiny role in respect of partnerships
Crime and disorder
Consider any crime and disorder matters ⁴⁰

PART 3D

OFFICER NON-EXECUTIVE FUNCTIONS

- 3D.1 All non-Executive Functions⁴¹, other than those allocated in Parts 3B & C above, are delegated to the Chief Executive, Executive Directors and Directors as set out in Table 4 below.
- 3D.2 In addition, the Chief Executive, Executive Directors and Directors will exercise powers or duties specifically delegated to them by Council, Committee, Sub-Committee or Joint Committee.
- 3D.3 The Chief Executive, Executive Directors and Directors are not required to exercise all delegations personally and may sub-delegate any Function in this Part 3D to Officers of suitable experience and seniority in accordance with the process set out in Appendix []
- 3D.4 An Officer does not have delegated authority to take a Significant Decision⁴² unless (a) specifically authorised to do so by Council, Committee, Sub-Committee or Joint Committee, or (b) the Chief Executive (or, in his absence or where he is unable to act, an Executive Director) is taking action under urgency powers as set out in this Part 3D.

³⁸ Rule 14 Overview & Scrutiny Rules (see Part 4D)

³⁹ In accordance with Rule 2 Budget & Policy Framework Rules (see Part 4G)

⁴⁰ Under s19 Police and Justice Act 2006 the Authority must specify a committee to deal with such matters

⁴¹ As set out in the Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended (see Appendix //)

⁴² As defined in Article 13

- 3D.5 The fact that a function is delegated to an Officer under this Scheme does not preclude the person or body which gave the delegation from exercising the function in question.
- 3D.6 Council or an Appropriate Committee may direct in any particular case that a delegated power to an Officer in respect of a non-Executive Function shall not be exercised by the Officer and that the Function in question shall instead be exercised by the Council or Appropriate Committee. Such direction must be exercised in consultation with the Chief Executive or Appropriate Executive Director or Director(s).
- 3D.7 The Chief Executive, an Executive Director or Director may at their discretion refer any matter to Council or Appropriate Committee for decision.
- 3D.8 Officers have responsibility to report to Council, the Appropriate Committee, the Mayor or Appropriate Committee Chairman matters that are of political or strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.
- 3D.9 Article 13 'Decision Making' applies to the exercise of all Non-Executive Functions by Officers in this Part 3D.

Table 4

Chief Executive	
Function	Condition
Discharge any non-Executive Function not otherwise allocated in Parts 3B-D of the Constitution	Unless prohibited by law
Discharge any non-Executive Function which is delegated to an Officer under Part 3D	Where that Officer is absent or unable to act through conflict of interest or otherwise Except in the case of the Monitoring Officer or Chief Finance Officer where they have allocated the function to their deputy
Take an urgent decision ⁴³ in respect of a non-Executive Function, including a Significant Decision ⁴⁴ , in a situation where there is not sufficient time for a report to be considered by Council or Appropriate Committee.	Unless it is a decision that in law can only be made by Council. Wherever possible this shall be done in consultation with the Mayor or Appropriate Committee Chairman. The decision shall be reported to the next scheduled meeting of Council or the Appropriate Committee
Take an urgent decision not in accordance with the Budget or the Policy Framework	In accordance with Rule 4 Budget & Policy Framework Rules ⁴⁵ The decision shall be reported to the next available meeting of Council
Determine claims and payments in accordance with the scheme of Member Allowances	
Discharge functions and take actions and decisions in respect of elections, electoral	Except as specifically allocated to Council in Part 3B Table1

⁴³ As defined in Article 13

⁴⁴ As defined in Article 13

⁴⁵ See Part 4G

registration, referenda and related legislation	
Discharge functions and responsibilities with regard to parish councils	Except as specifically allocated to Council in Part 3B Table1
Undertake the functions of the Head of Paid Service including the duty, where he considers it appropriate to do so, of reporting to Council ⁴⁶ on the manner in which the Authority functions are co-ordinated, the number and grades of staff to discharge those functions and the organisation and proper management of those staff	
Approve reorganisation of functions and restructuring of staff within service areas and the transfer of staff and functions between service areas	Except where the Chief Executive considers it appropriate to refer a report to Council ⁴⁷
Approve redundancy of or an application for early retirement (including ill health retirement) of an employee	Except (in the case of the Chief Executive, an Executive Director or Director) as specifically allocated to Council or Committee in Part 3B Table 1 or and Part 3C Table 2. Subject to corporate HR policies
Approve HR procedures and policies which relate to employee terms and conditions of employment	Except as specifically allocated to Appointments and Remuneration Committee in Part 3C Table2
Undertake functions in respect of local government pensions	Except as specifically allocated to Appointments and Remuneration Committee in Part 3C Table2
Authorise any Officer for any legal purpose including Proper and Statutory Officer appointments ⁴⁸	Unless otherwise prescribed by law or allocated to Council in Part 3B
Executive Directors	
Function	Condition
Discharge any Non-Executive Function which is delegated to an Officer (including the Chief Executive) under this Part 3E	Where that Officer is absent or unable to act through conflict of interest or otherwise Except in the case of the Monitoring Officer or Chief Finance Officer where they have allocated the function to their deputy
Undertake the statutory role of Head of Paid Service	Where the Chief Executive is absent or unable to act through conflict of interest or otherwise. The role rests with the Executive Director who is deputising for that period
Director Resources	
Function	Condition
Undertake the functions of the Authority's Chief Financial Officer to ensure proper	

⁴⁶ s4 LG(MP)Act 1989

⁴⁷ Under s4 LG(MP) Act 1989

⁴⁸ See Appendix // for Proper and Statutory Officer appointments

administration of the Authority's financial affairs ⁴⁹	
Approve ex gratia and maladministration compensation payments up to £5,000 ⁵⁰	In consultation with an Executive Director
Approve the carry forward of budget underspend to next financial year for same purpose as originally intended	
Make minor changes to the Financial Rules to reflect changes in fact and accounting and audit requirements/best practice	Executive Board and Group Leaders to be informed of any change which the Director considers to be significant
Director Commissioning	
Function	Condition
Amend the Constitution to reflect changes of fact including changes in allocation of Functions	Executive Board, Borough Solicitor and Group Leaders to be informed of any change which the Director considers to be significant
Make minor changes to the Contract Rules to reflect changes in fact and procurement requirements and best practice	Borough Solicitor, Executive Board and Group Leaders to be informed of any change which the Director considers to be significant
Director Built Environment	
Function	Condition
Determine applications for: (a) full planning permission; (b) outline planning permission; (c) approval of reserved matters; (d) listed building consent; (e) conservation area consent; (f) advertisement control consent	Except as specifically allocated to Planning Committee under Part 3C Table 2
Determine planning applications relating to trees including (a) trees covered by Tree Preservation Orders: and (b) trees within Conservation Areas.	Except as specifically allocated to Planning Committee under Part 3C Table 2
Other actions and decisions (including enforcement, entry on to land and planning agreements) as local planning authority under the Town & Country Planning Act 1990, Planning (Listed Building & Conservation Area) Act 1990 and all planning related legislation	Except as specifically allocated to or by Council
Highway authority functions relating to on-street parking (as delegated to the Authority by the County Council)	
Authorise the stopping up or diversion of a highway, footpath or bridleway or extinguish public rights of way over land held for planning purposes ⁵¹	

⁴⁹ s151 LGA1972⁵⁰ S92 LGA 2000⁵¹ ss 247, 257, 258 TCPA 1990

Extinguish public right of way over land acquired for clearance ⁵²	
Undertake functions relating to high hedges and protection of important hedgerows ⁵³	
Director Wellbeing & Culture	
Function	Condition
Determine any application for the grant, renewal, variation or transfer of a licence, consent, permit or permission	Except as specifically allocated to Licensing Committee or Sub-Committee under Part 3C Table 2
Suspend or continue the suspension of a hackney carriage or private hire driver, vehicle or operator's licence	Where public safety is at risk
Revoke or withdraw a licence, consent, permit or permission	Except as specifically allocated to Licensing Committee or Sub-Committee under Part 3C Table 2
Other actions and decisions (including enforcement, entry on to land and waiving of fees) as licensing authority under the Licensing Act 2003, Gambling Act 2005 and all other licensing legislation	Except as specifically allocated to Council, Licensing Committee or Sub-Committee under Part 3C Tables 1 and 2
Highway authority functions (as delegated to the Authority by the County Council)	Except as specifically allocated to Licensing Committee under Part 3C Table 2
Discharge all functions under the Health & Safety at Work etc. Act 1974 and other health and safety related legislation (otherwise than in the Authority's capacity as employer)	
Discharge all functions under food and food safety legislation which cannot be exercised as Executive Functions	
Chief Executive, Executive Directors & Directors	
Function	Condition
Appoint, dismiss and discipline employees within their service areas and determine their individual terms and conditions of employment and matters relating thereto	Director level and above is allocated to Members in Part 3C Table 2. Subject to Employment Rules (Part 4F) and corporate HR policies
Approve revenue budget virements between service areas/budget heads not exceeding £25,000	In consultation with Director Resources. If exceeding £10,000, Lead Member to be informed.
Set fees and charges and increase in line with inflation	Lead Member or Appropriate Committee Chairman to be informed
Borough Solicitor	
Function	Condition
Undertake the functions of the Monitoring Officer ⁵⁴ prescribed by law and in this Constitution	
Make minor changes to the Constitution to reflect changes in fact, law and best	Executive Board and Group Leaders to be informed of any change which

⁵² s294 Housing Act 1981

⁵³ Part 8 Anti-Social Beh Act 2003 & Hedgerows Regs 1997

⁵⁴ Borough Solicitor appointed as Monitoring Officer by Council under s5 LG(MP) Act 1989 and seconded from Tewkesbury BC to the Authority for that purpose under s113 LGA 1972

practice	the Borough Solicitor considers to be significant
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PART 3E

EXECUTIVE FUNCTIONS

General

- 3E.1 The Authority operates a Leader and Cabinet⁵⁵ form of Executive and the Leader of the Council specifies how the functions of the Executive (known as 'Executive Functions') will be carried out.
- 3E.2 In law⁵⁶ the Leader of the Council may discharge any Executive Functions and exercise any powers which are the responsibility of the Executive; alternatively the Leader may arrange for the discharge of any of those Functions by delegation to any of the following:-
- (a) the Cabinet
 - (b) a Cabinet Committee
 - (c) an individual member of the Cabinet (Cabinet Member)
 - (d) an officer of the Council⁵⁷
 - (e) another local authority⁵⁸
 - (f) jointly with another local authority through a joint committee or officer⁵⁹

Delegations

- 3E.3 The Leader has exercised their power of delegation in the manner set out below in Table 5 'General Scheme of Delegation of Executive Functions' and Table 6 'Additional Delegation of Executive Functions to Officers'. In Table 5 reference to 'Lead Member' means a Cabinet Member acting in portfolio as set out in Appendix # and reference to 'Officer' means Chief Executive, Executive Director or Director.
- 3E.4 The Leader has directed that the Executive Functions delegated to Cabinet and Lead Members as set out in Table 5 shall not be sub-delegated to Officers without his prior consent.
- 3E.5 Each person or body to whom an Executive Function is delegated in Tables 5 and 6 shall be empowered to take any step in the course of or otherwise for the purposes of or in connection with the discharge of the Function, do anything incidental or conducive to discharge of the Function or do anything expedient in connection with the discharge of the Function⁶⁰.
- 3E.6 The Leader may amend their delegations at any time by giving notice in writing to any person who currently holds the power and any person to whom the power is now to be delegated and to the Proper Officer⁶¹ setting out the change to be made; such amendment to take effect immediately on confirmation of receipt by the Proper Officer. The Proper Officer will ensure that this Part 3 of the Constitution is updated forthwith.

⁵⁵ In December 2010 Council resolved to transfer from an 'old style' strong leader model (LGA 2000) to a strong leader arrangement under the LGPIH 2007 to take effect after the May 2012 Borough elections.

⁵⁶ LGA 2000 s14

⁵⁷ If permitted by the Leader - Cabinet, a Cabinet Committee, a Cabinet Member, another local authority, a joint committee or joint officer may also delegate Executive Functions to an Officer

⁵⁸ If permitted by the Leader - Cabinet, a Cabinet Committee, A Cabinet Member or an Officer may delegate Executive Functions to another local authority

⁵⁹ If permitted by the Leader - Cabinet, a Cabinet Committee, A Cabinet Member or an Officer may delegate Executive Functions to be exercised jointly with another local authority through a joint committee or an officer

⁶⁰ S48(4) LGA 2000

⁶¹ The Chief Executive or, where they are absent or unable to act, the Borough Solicitor & Monitoring Officer

- 3E.7 The Leader retains the right to a concurrent and overriding exercise of all Executive Functions⁶².
- 3E.8 In the absence of the Leader of the Council the person or persons designated by the Leader and notified by the Leader to the Proper Officer as having responsibility for the Leader's area(s) of responsibility is or are authorised to exercise the functions of the Leader pursuant to the Constitution.
- 3E.9 Article 13 'Decision Making' applies to the exercise of all Executive Functions in this Part 3E.

Officer Delegations - Special Provisions

- 3E.10 The Chief Executive, Executive Directors and Directors are not required to exercise all delegations personally and may sub-delegate any Function in this Part 3E to officers of suitable experience and seniority in accordance with the process set out in Appendix #.
- 3E.11 An Officer does not have delegated authority to take a Key Decision⁶³ unless (a) specifically authorised to do so by the Leader or (b) the Chief Executive (or, in their absence or where they are unable to act, an Executive Director) is taking an urgent decision⁶⁴ as set out in this Part 3E.
- 3E.12 The fact that a function is delegated to an Officer under this Scheme does not preclude the person or body which gave the delegation from exercising the function in question.
- 3E.13 The Leader may direct in any particular case that a delegated power to an Officer in respect of an Executive Function shall not be exercised by an Officer and that the Function in question shall instead be exercised by the Leader or Cabinet. Such direction must be exercised in consultation with the Chief Executive or Appropriate Executive Director or Director(s).
- 3E.14 A Lead Member may in respect of an Executive Function which falls within their portfolio direct in any particular case that a delegated power to an Officer shall not be exercised by the Officer and shall instead be exercised by them as Lead Member. Such direction must be exercised in consultation with the Chief Executive or Appropriate Executive Director(s) or Director(s) and the Leader.
- 3E.15 The Chief Executive or Executive Director or a Director may at their discretion refer any matter to the Leader, the Cabinet or a Lead Member for decision.
- 3E.16 Officers have responsibility to report to the Leader, Cabinet or the Lead Member matters that are of political or strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.

⁶² LGA 2000 s14

⁶³ As defined in Article 13

⁶⁴ As defined in Article 13

Table 5 General Scheme of Delegation of Executive Functions

FUNCTION	Leader	Lead Member ⁶⁵	Cabinet	Joint Arrangements	Other Local Authority	Officer ⁶⁶
Policy & Strategy						
Recommend to Council all plans strategies and policies which comprise the Policy Framework ⁶⁷ and initiate consultation on such plans policies and strategies			✓			
Agree in year changes to the Policy Framework to the extent permitted by Council or by the Constitution			✓			
Refer to Cabinet for discussion those plans strategies and policies which comprise the Policy Framework and initiate any appropriate consultation on them	✓					
Take urgent decisions ⁶⁸ that are contrary to or not wholly in accordance with the Policy Framework ⁶⁹	✓		✓	✓		CE
Refer to Cabinet those plans strategies and policies which do not comprise the Policy Framework and require Cabinet approval ⁷⁰	✓	✓				All
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Cabinet approval			✓			
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Cabinet Member approval (except Key Decisions ⁷¹)		✓				
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Officer approval (except Key Decisions)						All
Respond to consultations from Government, local authority associations and similar bodies which have policy or cross service issues	✓	✓				
Respond to all other consultations						CE / ED

⁶⁵ As defined in Appendix #

⁶⁶ CE – Chief Executive, ED – Executive Director, DC – Director Commissioning, DR – Director Resources, All – Chief Executive, Executive Directors, Directors

⁶⁷ As defined in Article 4

⁶⁸ As defined in article 13

⁶⁹ Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)

⁷⁰ See Appendix #

⁷¹ Key Decision is defined in Article 13

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Implement the Authority's Risk Management Policy & Strategy	✓	✓	✓	✓		All
Finance						
Prepare and consult on the Authority's Budget ⁷² and recommend to Council for approval			✓			
Receive and consider quarterly budget monitoring reports			✓			
Take urgent decisions ⁷³ that are contrary to or not wholly in accordance with the Budget ⁷⁴	✓		✓	✓		CE
Make bid for funding with resource implications exceeding £250,000			✓	✓		
Make bid for funding with resource implications exceeding £100,000 and not exceeding £250,000	✓	✓				
Make bid for funding with resource implications not exceeding £100,000						All
Propose to Council a contribution to reserves above the level set in the Budget			✓			
Agree use of charging and trading powers		✓	✓			
Set fees and charges		✓				
Agree increase in fees and charges by more than inflation			✓			
Agree increase in fees and charges in line with inflation				✓		All
Assets & Property						
Agree asset management plan			✓			
Dispose of non-land assets with a value exceeding £2,500			✓			
Dispose of non-land assets with a value not exceeding £2,500						All
Make compulsory purchase order (CPO) ⁷⁵			✓			
Acquire land or property following CPO						DR

⁷² As defined in Article 4

⁷³ As defined in Article 13

⁷⁴ Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)

⁷⁵ For example, pursuant to S226(1) Town and Country Planning Act 1990, Section 17 Housing Act 1985, Section 47 Planning (Listed Buildings and Conservation Areas) Act 1990, Section 93 Local Government and Housing Act 1989, Section 121 Local Government Act 1972.

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Acquire other land or property or acquire a lease or tenancy agreement where the value exceeds £250,000 ⁷⁶			✓			
Acquire other land or property or acquire a lease or tenancy agreement where the value does not exceed £250,000		✓				
Agree Void/Surplus Property Register in consultation with Asset Management Working Group						DR
Dispose of or exchange land or property with a value exceeding £250,000 including at an undervalue ⁷⁷			✓			
Dispose of or exchange land or property with a value exceeding £10,000 and not exceeding £250,000 including at an undervalue ⁷⁸		✓				
Dispose of or exchange land or property with a value not exceeding £10,000 including at an undervalue ⁷⁹						DR
Dispose of or exchange land or property where there is a statutory right to acquire						DR
Dedicate sell or lease land for highway purposes and for public utilities where this does not materially interfere with the proper management of the land/retained land or its investment value		✓				
Apply to Secretary of State to dispose of housing land under Housing Act 1985 ⁸⁰		✓				
Authorise the disposal of or change the use of (appropriate) public open space ⁸¹			✓			
Give public notice of a proposal to dispose of or change the use of public open space						DR
Authorise the disposal of statutory allotments ⁸²			✓			

⁷⁶ The value of a lease or tenancy agreement shall be based on

⁷⁷ A disposal at less than best consideration requires Secretary of State specific approval or general consent

⁷⁸ A disposal at less than best consideration requires Secretary of State specific approval or general consent

⁷⁹ A disposal at less than best consideration requires Secretary of State specific approval or general consent

⁸⁰ Subject to Council authorisation (para // LG (Functions & Responsibilities Regulations) 2000)

⁸¹ S121 & 123 LGA1972

⁸² S32 Smallholdings & Allotments Act 1908

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Allocate and re-allocate all Authority owned assets, land and property between service areas	✓					
Authorise a change in use of Authority owned land or property ⁸³		✓				
Authorise lease/rights/privileges of all Council owned land or property to external bodies where the annual rental or capital value exceeds £250,000			✓			
Authorise lease/rights/privileges of all Council owned land or property to external bodies where the annual rental or capital value does not exceed £250,000						DR
Authorise assignment or surrender of lease/rights/privileges of a capital value exceeding £250,000			✓			
Authorise assignment or surrender of lease/rights/privileges of a capital value exceeding £10,000 and not exceeding £250,000		✓				
Authorise assignment or surrender of lease/rights/privileges of a capital value not exceeding £10,000						DR
Authorise rent subsidy to third party on Authority owned land			✓			
Grants						
Agree service level agreements and service level agreement funding in respect of voluntary organisations			✓			
Make one off grants (excluding rent subsidy on Authority owned land) to voluntary organisations exceeding £10,000 pa			✓			
Make one off grants (excluding rent subsidy on Authority owned land) to voluntary organisations not exceeding £10,000 pa		✓				

⁸³ Planning permission may be required

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Service Delivery						
Take all steps reasonably necessary to facilitate the effective and efficient delivery of services within their portfolio		✓				
Take all steps reasonably necessary for the effective and efficient delivery of services for which they are responsible				GJWC ⁸⁴	TBC/ CDC ⁸⁵	All
Undertake internal transformation and improvement of the Authority's services						CE
Commissioning & Contracts						
Approve the means by which the Authority's services will be provided including through a local authority company, community interest company, private organisation, trust or public/private partnership			✓			
Arrange for any Executive Function to be undertaken by another local authority			✓			
Arrange for any Executive Function to be exercised jointly with one or more local authorities through joint arrangements ⁸⁶			✓			
Appoint Member to a joint committee which undertakes Executive Functions and decide on the number of Members to be appointed and their term of office	✓					
Agree to Council appointment of member to a joint committee which undertakes at least one Executive Function and agree the number of members to be appointed and their term of office ⁸⁷	✓					
Represent (or arrange for a Cabinet Member or Officer to represent) the Authority as shareholder or member in a company in which the Authority holds an interest	✓					

⁸⁴ Subject to the terms of the delegation agreement to the Glos Joint Waste Committee

⁸⁵ Subject to the terms of the delegation agreements to Tewkesbury BC and Cotswold DC

⁸⁶ Defined in Article 11

⁸⁷ Stat ref ##

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Monitor the performance of contracts and service level agreements in respect of all non-internally provided services		✓				DC
Engage consultant or locum not exceeding £50,000 pa						All
Engage consultant or locum exceeding £50,000 pa			✓			
Accept tenders within budget and exceeding £500,000			✓			
Accept tenders within budget and not exceeding £500,000 and exceeding £100,000		✓				
Accept tenders and quotations within budget and not exceeding £100,000						All
Approve waiver to Contract Rules where the value is in excess of £100,000 ⁸⁸			✓			
Approve waiver to Contract Rules where the value does not exceed £100,000 ⁸⁹						CE/ED
Approve waiver from Contract Rules where the value exceeds 100K and an urgent decision is required ⁹⁰						CE
Local Strategic Partnerships						
Establish a policy or strategic framework for a partnership			✓			
Establish a partnership's annual work programme and make in year changes	✓	✓				
Implement an agreed policy or strategy						All
Constitution & Democratic Process						
Make Key Decision ⁹¹			✓			
Make urgent Key Decision ⁹²	✓		✓			CE
Respond to call-in of a decision ⁹³	✓	✓	✓	✓	✓	All
Respond to petition to Council		✓				
Appoint and remove Cabinet Members and decide their portfolios	✓					

⁸⁸ In accordance with Rule 6.2.1 Contract Rules

⁸⁹ In accordance with Rule 6.2.2 Contract Rules

⁹⁰ In accordance with Rule 6.2.1 Contract Rules

⁹¹ As defined in Article 13.

⁹² The Leader, Chief Executive (or, in his absence or where he is unable to act, an Executive Director) may take an urgent key decision in accordance with Rule 16 Access to Information Rules (Part 4E). Also see Table 6.

⁹³ Whoever took the decision will respond

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Establish Cabinet Committee or working group			✓			
Delegate Executive Function to a Cabinet Member or Officer pursuant to 3E.6	✓					
Delegate Executive Function to an Officer with prior consent of Leader pursuant to 3E.4		✓	✓			
Undertake such specific Executive Function as may be allocated from time to time by the Leader	✓	✓	✓			All
Undertake any Executive Function which is delegated to an Officer where the Leader directs it should be exercised by Cabinet			✓			
Undertake any Executive Function which is delegated to an Officer where the Officer decides to refer it to Cabinet			✓			
Undertake any Executive Function delegated to a Cabinet Member where through absence, conflict or otherwise the Cabinet Member is unable to act	✓					
Undertake any Executive Function delegated to Cabinet which in the opinion of the Chief Executive requires an urgent decision before the next meeting of Cabinet	✓					
Appoint or nominate individuals to outside bodies in respect of Executive Functions and revoke or withdraw such appointment or nomination provided all Group Leaders agree ⁹⁴	✓					
Legal Services						
Undertake the role and functions of the Authority's Borough Solicitor and chief legal officer and provide the Authority's legal service					TBC ⁹⁵	
Audit						
Undertake the functions of the Authority in respect of internal audit					CDC ⁹⁶	

⁹⁴ Where there is no Group Leader consensus on an appointment or nomination or revocation or withdrawal of such, the matter will be referred to Council for decision

⁹⁵ Tewkesbury BC pursuant to s101 LGA 1972/s19 LGA 2000. wef 30/11/09. See Appendix # for list of functions of One Legal.

⁹⁶ Cotswold DC pursuant to s101 LGA 1972/s19 LGA 2000. wef 1/4/12. See Appendix # for list of functions of Audit Cotswolds.

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Finance, HR and Procurement Shared Services						
Undertake functions of the Authority in respect of finance, procurement, human resources and payroll					CDC ⁹⁷	
Waste						
<i>To be completed</i>				GJWC ⁹⁸		

⁹⁷ Cotswold DC pursuant to s101 LGA 1972/s19 LGA 2000. wef 1/4/12. See Appendix # for list of functions of GO Shared Services.

⁹⁸ Gloucestershire Joint Waste Committee pursuant to s# LGA 2000. wef // //. See Appendix # for list of functions.

ADDITIONAL DELEGATION OF EXECUTIVE FUNCTIONS TO OFFICERS

3E.17 All Executive Functions, other than those allocated in Table 5 of this Part 3E, are delegated to the Chief Executive, Executive Directors and Directors as set out in Table 6 below.

3E.18 In addition, the Chief Executive, Executive Directors and Directors will exercise powers or duties specifically delegated to them by the Leader, Cabinet or a Cabinet Member⁹⁹.

Table 6

Chief Executive	
Function	Condition
Discharge any Executive Function which is delegated to an Officer under Part 3E	Where that Officer is absent or unable to act through conflict of interest or otherwise
Take an urgent decision ¹⁰⁰ in respect of an Executive Function (excluding a key decision ¹⁰¹) in a situation where there is not sufficient time for a report to be considered by the Leader, Cabinet or Lead Member.	Wherever possible this shall be done in consultation with the Leader and Lead Member (where not the Leader). The decision shall be reported to the next scheduled ordinary Cabinet meeting.
Authorise the use of the Authority's Coat of Arms and make arrangements for civic and twinning functions	
Authorise any Officer to or for any legal purpose including Statutory Officer appointments ¹⁰²	Unless otherwise prescribed by law or allocated to Council in Part 3B
Make arrangements with other local authorities for the placing of staff at the disposal of those other authorities ¹⁰³	
Approve transformational change, cultural and organisational development policies	Except those relating to terms and conditions of employment ¹⁰⁴
Executive Directors	
Function	Condition
Discharge any Executive Function which is delegated to an Officer (including the Chief Executive) under this Part 3E	Where that Officer is absent or unable to act through conflict of interest or otherwise.
Undertake the role of Chief Executive	Where the Chief Executive is absent or unable to act through conflict of interest or otherwise. This Function falls to the Executive Director who is deputising for that period

⁹⁹ Cabinet or a Cabinet Member may only delegate to an Officer with the prior approval of the Leader

¹⁰⁰ As defined in Article 13.

¹⁰¹ The Chief Executive may take an urgent key decision in accordance with Table 5 and Rule 16 Access to Information Rules (Part 4E)

¹⁰² See Appendix # for Proper and Statutory Officer appointments

¹⁰³ s113 LGA 1972

¹⁰⁴ This is a non-Executive Function and is delegated in Part 3D

Undertake emergency planning and civil defence functions	
Director Resources	
Function	Condition
Corporate Finance Council Tax Benefit Creditors (client side) Debtors (client side) Insurance (client side) Fraud Front Line Services Council Tax Housing Benefit Internal Audit (client side) ICT HR, organisational development and payroll (client side) Gloucestershire Airport Cheltenham Development Taskforce Procurement Corporate Governance Risk Management Land/Property/Asset Management Public Toilets	Except those Functions which are specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E
Director Commissioning	
Function	Condition
Elections & Electoral Registration Democratic Services & Scrutiny Member allowances Shared Services Equalities Corporate Performance Community Development & Regeneration Voluntary/Community Groups Community Safety Partnerships Community & Young People Partnerships Communications Corporate Policy Strategic Commissioning CSP/Leader's Group South West Councils Parish Liaison Sustainability/Climate Change Twinning & Civic Housing - Public (client side) Street Cleaning (client side) Waste Services (client side) Recycling (client side) Complaints/maladministration	Except those Functions which are specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E
Director Built Environment	
Function	Condition
Building Control	Except those Functions which are

<p>Conservation & Urban Design Development Control Land Charges Planning Policy (inc Joint Core Strategy) Strategic Land Use Major Sites Development Transport Planning Sustainable Travel Car Parking (on and off street) inc enforcement Homelessness Housing Needs Housing - Private Housing Enabling Lifetime Housing Supporting People (Housing) Economic Development</p>	<p>specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E</p>
<p>Director Wellbeing & Culture</p>	
<p>Function</p>	<p>Condition</p>
<p>Children & Young People - delivery Healthy Living Art Gallery & Museum Arts/Festivals/Entertainments Community Play Development Leisure@Cheltenham Sports Development Tourism Allotments Cemetery & Crematorium Tree Management & Protection (Parks) Parks & Open Spaces Licensing Health & Safety Environmental Health Environmental Pollution & Contaminated Land Community Safety Abandoned Vehicles Environmental maintenance/enforcement</p>	<p>Except those Functions which are specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E</p>