

## **RESPONSIBILITY FOR FUNCTIONS**

### **LEGISLATION**

The Local Government Act 1972 Section 101 permits the Council to arrange for the carrying out of its powers and duties by a Committee, Sub-Committee or an Officer or by another local authority. The Act does not permit the Council to arrange for a single Councillor to take decisions.

The law allows local authorities to operate the following forms of governance:

- (a) Executive arrangements;
- (b) a Committee system; or
- (c) arrangements prescribed by the Secretary of State.

For those Councils that operate Executive arrangements the Local Government Act 2000, as amended by the Localism Act 2011, allows for individual Councillor decision-making. However, Tewkesbury Borough Council operates a Committee system which does not allow individual decision-making by Members.

### **GENERAL PROVISIONS**

1. In exercising any power, or any matter which relates to service standards, approval of service business plans and performance measures and monitoring, the Officer exercising the delegated power will only do so after consultation with the appropriate Lead Member and the Officer's decision following that consultation should:
  - (1) not conflict with any existing or proposed policy or strategy of the Council.
  - (2) be within approved budgets or virement discretion.
  - (3) not be considered to be sensitive or controversial.
  - (4) be entered onto an Officer decision form and submitted to Democratic Services for publication.
2. Without prejudice to Paragraph 1 above, each Committee has delegated authority to decide matters within their aims and objectives except:
  - plans and strategies reserved to the Council for approval;
  - major new policy;
  - substantial variation or extension of existing policy;
  - the general allocation of capital expenditure;
  - the raising of money by precept or loan;
  - the revenue budget and the level of local taxation;
  - the promotion of any local or personal legislation; and
  - any function which by Law may not be delegated.
3. Committees exercising delegated functions of the Council should, as necessary, make recommendations as to the level of budget to carry out those functions in an efficient and effective manner.

4. Where a power or duty of the Council has been delegated to a Committee, the Chief Executive, a Chief Officer or other nominated Officer, the delegation shall be deemed to include any action that may be incidental to the exercise of the power or duty.
5. In exercising any powers on a matter, a Committee or Officer must have regard to any other Committees or Officers having responsibility for that or related matters.
6. A Committee may delegate any of its functions to a nominated Officer in addition to the General Provisions which have been drawn up by the Council.
7. Any additional duties which are imposed upon the Council by law at any time will be allocated to a Committee by the Monitoring Officer automatically after consultation with the Leaders of Political Groups so long as any additional duties are appropriate to the aims and objectives of that Committee.
8. Officers are empowered in respect of their duties and responsibilities to take any action required to implement a decision of the Council or its Committees.
9. The Chief Executive, the Chief Officers, Directors and Associate Directors are authorised to respond, in consultation with the Chair or Vice-Chair of the appropriate Committee and appropriate Lead Member, to consultation documents where the period during which a response is required does not allow the consultation paper to be reported to the relevant Committee. Any such response will be included in the Members' Update Sheet or reported to the appropriate Committee.
10. The Chief Executive may authorise, in writing, any Chief Officer or other nominated Officer to exercise in his/her absence any power or duty delegated to the Chief Executive.
11. Officers may further delegate, in writing, any function which has been delegated to them to another Officer or Officers. Neither the Chief Finance Officer's nor Monitoring Officer's statutory functions may however be delegated; although they may each appoint a member of their staff to carry out those functions in their absence.
12. Any powers delegated to an Officer under the Scheme of Delegation shall also include the delegation of that function to the Chief Executive or any Chief Officer provided that they hold any statutory qualification necessary for undertaking that function.
13. Any reference to a function or matter shall be deemed to include a reference to all statutory powers relating to that function or matter, whether directly or indirectly, and shall be deemed to include authority to exercise all such powers.
14. Any reference in this Scheme of Delegation to an Act of Parliament or Statutory Instrument includes a reference to any amendment, modification or Statutory re-enactment (with or without modification) of the same.

15. The arrangements made in this Part for the discharge of the Council's functions by a Committee or Officer do not prevent the Council from exercising those functions.
16. As the Council's Senior Information Risk Officer (SIRO), the Chief Executive will provide guidance on information security, develop relevant policy, conduct annual reviews and investigate suspected breaches of relevant procedures or other requirements.
17. A central record of all delegations (including sub-delegations) will be held by the Head of Democratic and Electoral Services. A template for sub-delegations will be used by Officers when required and this should be obtained from the Head of Democratic and Electoral Services.

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