

Section 4 Executive Functions

Most day to day operational decisions are delegated to Officers. The majority of decisions made at member level (i.e. decisions taken by councillors) relate to activities which are defined as “executive matters” and can only be dealt with by the Executive (known in South Somerset as the “District Executive”)

This means that:

- Members of the Council who are not on the District Executive cannot take these decisions
- Full Council itself cannot take executive decisions
- Non-executive or regulatory committees cannot take executive decisions
- The Executive can take decisions collectively or:
 - Individual members of the District Executive may take decisions where the District Executive or the Leader of the Council has approved such arrangements (to be shown in this section of the Constitution or by a subsequent written authorisation by the Leader or District Executive).
 - Area Committees may be given delegated authority to exercise both “executive” and “non-executive” functions. All executive delegations will be shown in this section.
 - The Executive may appoint, and delegate functions to Executive Committees as identified in this section.
 - Joint committees established by the Executive may exercise executive functions and where established by the Council may exercise a combination of executive and non-executive functions. All executive delegations will be shown in this section.
 - Officers may exercise executive functions. These will be identified in Section 6 of this part of the Constitution.

1. Decisions to be taken collectively by the District Executive

	Function	Decision Taker	Delegation
Policy and Budget Framework			
4.1.	To make recommendations to the Council on the Council's key priorities and in respect of the plans and strategies that form the Policy and Budget Framework.	District Executive	Not delegated
4.2.	To utilise Council balances (capital and revenue) in responding to matters of urgency or to deliver the agreed policy framework provided that all uses of balances are reported to full Council in the Budget and Medium Term Financial Plan report and Audit Committee in the Annual Outturn report subject to a limit of 5% of useable capital balances.	District Executive	Not delegated
4.3.	To approve policies and strategies with the exception of those (as listed in section 1 no.2) which the Council has reserved to it, by legislation or through its own discretion.	District Executive	Portfolio Holders may approve minor amendments to existing policies and strategies other than those reserved to Council.
4.4.	To agree policies in respect of the Council's regulatory functions, other than where legislation prescribes that such policies must be determined by the full Council. Licensing policies to be approved by the Executive including all policies relating to the licensing functions listed in section 2 above with the exception of the Licensing Act 2003.	District Executive	Not delegated
4.5.	To co-ordinate the policy objectives of the Council, monitor progress towards the corporate objectives, and give Area Committees strategic direction.	District Executive	Not delegated
4.6.	To consider referrals from Area Committees on matters which have major policy or resource implications.	District Executive	Not delegated
4.7.	To agree the policy and guidelines for all grants made by the Council to include grants made by Area Committees.	District Executive	Not delegated
4.8.	To write off irrecoverable debts	District Executive	Portfolio Holder – Finance and Legal Services may write off debts over £20,000. Debts of £20,000 or less delegated to s151 Officer Director (Support Services)
4.9.	To maintain an awareness of the ongoing financial position of the Council.	District Executive	Not delegated

4.10.	To approve loans in line with the Council's loans policy.	District Executive	Area Portfolio Holders may approve loans of less than £5000.
4.11.	To recommend to Council the Treasury Management Strategy and Prudential Indicators.	District Executive	Not delegated
4.12.	To take decisions on budgetary matters, including budget virements, within the budgetary framework agreed by the Council and in accordance with the Financial Procedure Rules.	District Executive	Portfolio Holders and Officers may make budgetary decisions in line with F financial P procedure R rules.
4.13.	To agree fees and charges for car parking as part of the budget and Medium Term Financial Plan To agree charges for personal licences and registrations To agree other charges	District Executive Licensing Committee District Executive	No delegation No delegation Relevant Director or Manager in consultation with Portfolio Holder and s151 Officer/Lead Specialist – Finance Director (Support Services) (to be reported to District Executive as part of the Budget and Medium Term Financial Plan report.)
Performance			
4.14.	To agree core minimum standards for service delivery. The Executive will receive reports from the Scrutiny Committee on performance matters	District Executive	Portfolio Holders are responsible for the performance of services within their remit. No delegation of corporate governance matters
4.15.	District Auditor's Management Letter - the Audit Committee will consider the response to the letter and make recommendations to District Executive on areas of improvement.	District Executive	No delegation

4.16.	To approve the Audit Plan	District Executive	All the executive functions in respect of the Council's internal audit function have been delegated to the South West Internal Audit Partnership
Other decisions that shall be taken by the Full Executive			
4.17.	To agree waivers of, or exemptions to, Contract Standing Orders (where not delegated to officers).	District Executive	Director (S trategy & S upport Services) in line with the F inancial P rocedure R ules.

4.18.

To approve strategic disposals and acquisitions including leases and sales of land valued in excess of £10,000.

District Executive

Disposals and acquisitions above the threshold permitted as follows:

1. Acquisitions for investment purposes up to an individual limit of £10 million delegated to the Chief Executive in consultation with the Leader in accordance with the Commercial Land and Property Strategy;

2. Disposals of up to £250,000 for non-investment property and up to £10 million for investment purposes delegated to the Chief Executive in consultation with the Leader in accordance with the Asset Disposal & Community Asset Transfer Policy; and

3. Acquisitions and disposals for strategic development and regeneration purposes to the Lead Director in consultation with the Chair and s151 Officer in accordance with the terms of reference of the Strategic Development Board and the Regeneration Programme Boards.

Disposals and acquisitions below defined thresholds may be approved by the Chief Executive, Directors, or Portfolio Holder in line with the Financial Procedure Rules. March 2018

4.19.	<u>To establish limited companies and limited liability partnerships and decide all associated matters, including the appointment of individuals to hold offices in such company or partnership</u>	District Executive	<u>Chief Executive in consultation with the Leader where required to give effect to a decision of the Investment Assessment Group</u>
4.19.4.20	To approve Compulsory Purchase Orders.	District Executive	Not delegated
4.20.4.21	To approve the Annual Members' Training and Development Policy and Programme, and other matters relating to members support.	District Executive	The Member Support Portfolio Holder may approve attendance by members at conferences and training events.
4.21.4.22	To approve the Council's Emergency Planning arrangements.	District Executive	Chief Executive
4.22.4.23	To agree submissions to the County Council in respect of the Annual Local Transport Plan.	District Executive	Not delegated
4.23.4.24	To prepare, monitor and review the Human Resources Strategy, and the policies that comprise the strategy.	District Executive	Member Support Portfolio Holder
4.24.4.25	The Executive may agree the establishment and deletion of posts other than those required to be established by the full Council in accordance with the Employment Procedure Rules. Financial Procedure Rules will make for provision for new posts to be approved by officers, where there is existing budget provision and subject to the support of the Senior Leadership Team. This Team shall also decide if a post needs to be submitted to District Executive for approval. District Executive may not take decisions in respect of terms and conditions, the appointment or dismissal of staff. Changes to the organisational structure of the Council's management shall be recommended for approval to the full Council.	District Executive	Staffing Delegations shown separately
4.25.4.26	To exercise all the duties of the Council as Housing Authority	District Executive	Levels of delegation to Portfolio Holder shown in 2a of this part.
4.26.4.27	To exercise all the powers and duties of the Council which are not delegated to another committee or person other than those which either cannot be delegated to the Executive or are specifically reserved to the Council.	District Executive	Not delegated