

PROPOSED Part C

Responsibility for Functions, Scheme of Delegation, Key Decisions and Forward Plan

3A Principles of Decision Making

3A1. All decisions will be made in line with the Budget and Policy Framework (Part D4) and in accordance with the following principles:

- Consideration of all relevant considerations and ignoring those which are irrelevant
- compliance with finance, contract, and all other procedure rules
- due consultation and proper advice taken and alternative options considered before decisions are reached
- impartiality and an absence of bias or pre-determination
- any interests are properly declared
- decisions are properly recorded and published
- decisions are proportionate to the desired outcome
- respect for human rights, equality, and climate change impacts
- approach decision making on a transparent and open basis and decisions will be taken in a public forum wherever possible. clarity of aims and desired outcomes
- due consideration of all available options
- reasons are given for decisions

3A2. The Council has arranged for some of its functions to be carried out by officers employed by Publica Group (Support)Limited, which is a company operated by the Council in partnership with Forest of Dean District Council, Cheltenham Borough Council and West Oxfordshire District Council. Where it is necessary for functions carried out by Publica to be delegated, these will be to officers who have a joint contract of employment with the Council. A “joint contract” is a contract of employment for Officers employed to undertake functions by both Publica and Cotswold District Council.

3A.3 Introduction

The Council consists of several distinct elements which are allocated certain functions by statute. The most important elements are:

- Council (all councillors)
- Committees (undertaking specific functions delegated by Council / specified in statute)
- The Executive (Leader and Cabinet)

These are the primary decision-making bodies within the Council, and they exercise different powers and functions. To assist the efficient working of the Council these bodies have delegated some of their functions to other parts of the Council including Sub-Committees and Officers.

3A.4 This part of the Constitution describes the way in which the Council's powers and functions are distributed amongst the various parts of the Council and who may lawfully exercise those powers within any limits or in accordance with any conditions.

3A.5 The law provides a framework under which functions:

- must not be the responsibility of the Executive – Non-Executive or Council Functions
- may or may not be the responsibility of the Executive – Local Choice Functions
- must be the responsibility of the Executive – Executive or Cabinet functions

3A.6 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) Delegation of non-Executive Functions is set out in Part 3B 'Council Functions', Part 3C 'Committee Functions' and Part 3D 'Officer Non-Executive Functions'.

3A.7 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.8 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.

Key Decisions and Forward Plan

3A9. Key Decisions

A Key Decision is an Executive decision that is likely to:

1. result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or

2. be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the authority.
- 3A10. The Council has decided that something is financially significant for these purposes if it is an Executive decision which requires a budget expenditure of £150,000 or more or generates savings of £150,000 or more.
- 3A11. Key Decisions 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 / her absence or where he / she is unable to act, the Deputy Chief Executive) is making an urgent decision (as set out in Paragraph 37 of the Council Procedure Rules).
- 3A12. The Chief Executive will decide whether a decision will have a significant impact on two or more wards.
- 3A13. A decision-taker may only make a Key Decision in accordance with the requirements of the Access to Information rules.
- 3A14. It is for the Chief Executive to decide which decisions are Key, subject to guidance from the Monitoring Officer who may require that a decision be treated as a Key Decision.
- 3A15. In considering whether a decision is likely to be 'significant', the decision-maker should consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of a community or quality of service provided by the council to a significant number of people living or working in the locality affected. The following should be considered:
- the effect on businesses and communities
 - the expectation of the public and councillors as to whether the decision should be taken by the Cabinet
 - the anticipated interest of the public and of councillors
 - the effect on other council services and functions

3A16. Forward Plan

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 say that the Council must publish a notice containing information about any key executive decision which will be taken. This must be published 28 clear days before the date of the decision and must contain information about any executive decision which will be taken by the Cabinet or an individual member of Cabinet in private session. The Forward Plan enables elected members, members of the public and the Scrutiny committees to consider which items they wish to examine and consider in good time before they are determined.

3A17. The plan includes details of:

- items to be debated by the Cabinet which relate to policy or budget formulation
- items which will be subject to a recommendation to Council
- other matters to be considered by the Cabinet (when known)
- the names and responsibilities of current members of the Cabinet

3A18. The Forward Plan is updated and published as a minimum monthly and covers all decisions proposed to be made by the Council, Cabinet, individual Cabinet members and Key Decisions made by officers within the following four months. Not all decisions will be known four months in advance and so advance notice of decisions will be included as soon as they become known

3A19. There is also a requirement to publish details at least 28 clear days in advance of any meeting if there is an intention to consider in private a Key Decision or any other executive decision - even if not a Key Decision. Both these requirements are achieved through the Forward Plan

3A20. Sometimes, it is impracticable to include the intention to make a Key Decision on the Forward Plan but there is still time to give advance public notice. Such a decision may still be made in accordance with the general exception procedure if three conditions are fulfilled:

- The Monitoring Officer must inform (by written notice) the Chair of the Overview & Scrutiny Committee.
- A copy of such notice must be placed on the website and made available for public inspection.
- Five clear working days must have elapsed, not counting the day upon which the copy notice was given.

3A21. As soon as practicable, the Monitoring Officer will make available a notice setting out the reasons why it was impracticable for notice of the intended decision to appear on the Forward Plan and to publish that notice on the website.

3A22. Sometimes even reduced public notice cannot be given and decisions need to be made urgently outside the usual process, e.g., reducing the pre-decision notification time. Urgency in these cases is defined as cases where the Council will be significantly disadvantaged by a delay. Where these provisions are used, clear explanations must be made in the written reports.

3A23. In accordance with Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, if less than five clear working days' notice of a Key Decision has to be given, or if an item has not appeared on the Forward Plan and a decision needs to be taken before the next edition of the Forward Plan is published, then the agreement of the Chair of the Overview & Scrutiny Committee (or, in their absence, the Vice-Chair of Overview & Scrutiny, or in their absence, the Chair of the Council) that the making of the decision is urgent and

cannot reasonably be deferred must be obtained in writing before the decision can be made. Their views must be included in the report alongside the explanation as to why the matter is urgent, why it cannot await the next edition of the Forward Plan and why it missed the last edition of the Forward Plan.

3A24. In either case, the Chair of Overview & Scrutiny Committee must report on such consultations/agreements at the next meeting of Overview & Scrutiny committee.

3A25. Call-in is intended to be used in exceptional circumstances for decisions believed to be contrary to the authority's decision making principles. Call-In may be abridged or disappplied by a decision of the Cabinet or Cabinet member, if to do so is necessary to safeguard the interests of the Council or of the public. In any such case, professional advice will be taken from the relevant officer, and the reasons for the disapplication will be discussed with the Chair (or in their absence the Vice-Chair) of the Overview & Scrutiny Committee and the reasons for disapplying. Call-In will be stated at the top of the report and further explained – with the views of the Chair of Overview & Scrutiny committee – in the body of the report.

3A26. In such cases, whilst the actual decision cannot be Called-In, the Overview & Scrutiny committee may ask to consider the circumstances and provide recommendations if they so wish.

3A27. Following the taking of an urgent decision, the Leader will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why it was treated as urgent.

3B Council Functions

The functions which may only be exercisable by Council are set out in the table below:

Council Functions	
1	Determine which plans, strategies and policies shall comprise the Council's Policy Framework and from time to time approve, adopt and amend those plans, strategies and policies.
2	Determine and amend the Council's Budget.
3	Approve a departure from the approved Policy Framework and / or the approved Budget.
4	Appoint and remove the Leader.
5	Change the executive arrangements of the Council.
6	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.
7	Make and amend Procedural Rules, Financial Rules and Contract Rules.
8	Change the name of the District or a parish.
9	Elect a Council Chair and Vice-Chair
10	Promote or oppose local or personal bills.
11	Where it is the function of the Council, divide Parliamentary Constituencies and local government electoral divisions into polling districts.
12	Appoint an Electoral Registration Officer and Returning Officer for local government elections.
13	Make, amend, revoke, or re-enact by-laws.
14	Fill Council or Parish Council vacancies in the event of insufficient nominations.
15	Change ordinary year of election of parish councillors.
16	Confirm the appointment of the Head of Paid Service (Chief Executive) and designate officers as the Monitoring Officer and the S151 Officer.
17	Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council.
18	Establish and abolish Joint Committees (in respect of non-Executive functions).
19	Approve the Pay Policy Statement.
20	In addition to annual approval of appointments to outside bodies, to appoint or nominate individuals to outside bodies in respect of non-Executive Functions and revoke or withdraw such appointment or nomination where there is no Group Leader consensus on the decision to be taken.
21	Adopt or amend the Code of Members' Conduct and the Arrangements for investigating allegations
22	Take decisions and/or give advice on matters brought to Council by the Leader, Cabinet, Officers and other bodies or persons.
23	Receive and consider statutory reports from the Head of Paid Service,

	the Section 151 Officer, and the Monitoring Officer.
24	Authorise virements from the Council's approved Annual Revenue and Capital Budgets in excess of £150,000.
25	Certain functions of local authorities are classified as "Local Choice" functions under the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations 2000, Schedule 2. The Council can decide which of these decisions should be taken by the Full Council and which should be taken by the Cabinet.
26	Approval and allocation of the Council's annual borrowing limit
27	The power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000
28	Any resolution for whole Council elections
29	Any change in the name of electoral areas
30	Any decision as to whether a casino should be in the District
31	To undertake the function of Trustee in respect of all Trusts held by the Council (where applicable)
32	Make changes to the Constitution (other than minor amendments which are delegated to the Monitoring Officer or any protocol which falls within the Terms of Reference of any Committee)
33	Delegating functions to other local authorities and deciding whether to accept such a delegation from another authority
34	Set the Council Tax
35	Approving the acquisition or disposal of land or property outside of the Council's Recovery Investment Strategy over £1,000,000.
36	Approving the acquisition or disposal of land and property made under the Council's Recovery Investment Strategy over £3,000,000
37	All other matters which by law must be reserved to the Council

3B2. Policy Framework

The policy framework comprises the following plans and strategies:

- Corporate Strategy/Corporate Plan
- Community Strategy
- Crime and Disorder Reduction Strategy
- Plans and strategies which together comprise the Development Plan (the Cotswold District Local Plan and the Council's input into the Gloucestershire County Structure Plan)
- Housing Strategy
- Pay Policy
- Licensing Policy Statements (Licensing Act 2003 and Gambling Act 2005)
- Budget, which includes:
 - The Medium-Term Financial Strategy
 - Capital Programme
 - Setting the Council Tax
 - Decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits
 - The Capital, Treasury Management and Investment Strategies

3C Committee Functions

3C.1 Council has established the Committees set out in the table below to discharge certain functions but retains the right to a concurrent and overriding exercise of all functions in the table below. Unless otherwise required by law, a Committee or Sub-Committee may determine not to exercise a function delegated to it and refer that function upwards for determination by Council or the parent Committee

3C.2 The Council must have at least one Overview and Scrutiny Committee.

3C.3 A Committee may establish such Sub-Committee(s) as it sees fit to undertake certain of its functions and the Table below include such Sub-Committees. (If applicable)

Functions of Committees

Overview and Scrutiny	
To perform a broad-based overview and scrutiny role across all areas of the Council, while discharging the functions conferred by the Local Government Act 2000 as amended and any associated regulations, including:	
1	Co-ordinate, champion, and lead on the scrutiny of Council and Executive decisions. Ensure consistency and compatibility between the policies and strategies of the Council contributing to the Continuous Improvement of Public Services
2	Have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000 (as amended)
3	Determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Sub-Committee or Task and Finish Group
4	Review the operation of the scrutiny process and work programmes of the Overview & Scrutiny Sub Committees and Task and Finish Groups and inform and advise Council in relation to priorities and the allocation of resources
5	Oversee and review the resources, support, training, and development of Overview & Scrutiny Members
6	Develop a positive “critical friend” approach to the role of scrutiny of the Council and Community issues and Review and scrutinise decisions made, or other action taken, by the Cabinet collectively or by individual Cabinet Members

7	Provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit and Produce special interest reports following topic reviews
8	Consider the management of matters called in for review under the Overview and Scrutiny Rules
9	Consider matters referred to it by the Councillors' Call for Action
10	Review and scrutinise the work of the Cabinet and consider, and comment, on the Corporate Plan, Community Strategy; and the draft Medium Term Financial Strategy, and annual Budget.
11	Review and scrutinise the content of the Forward Plan and monitor that actions required arising out of decisions made are implemented and evaluate the impact of decisions made
12	Review and scrutinise the decisions and policies of the Council (N.B. This does not apply to decisions made on quasi-judicial matters but can apply to the process by which such decisions are made)
13	Consider any matters which affect the authority, the District, or its residents Liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the interests of local people are protected or enhanced by collaborative working.
14	Overview the development of policies and strategies within the Council and scrutinise the effectiveness of the Council's policies and strategies, in particular in achieving defined outcomes or objectives. Assist in the development of new policies and strategies, or the review of existing ones.
15	Review and assess the Council's overall performance in relation to its policy objectives, performance targets and budgets and/or particular service areas, and make recommendations thereon to the Cabinet and/or the Council
16	Review and assess the quality of service delivery, performance and efficiency across the Council, identify and promote best practice and make recommendations thereon to the Cabinet and/or the Council
17	Consider and comment on service reviews/transformation
18	Participate in county-wide joint scrutiny arrangements. Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
19	Review and scrutinise the performance of other public bodies in the area (inviting reports from them by requesting them to address the Committee and

	local people about their activities and performance)
20	Act as the Council's Crime and Disorder Committee, having all the powers and functions, powers and duties conferred by Section 19 of the Crime and Justice Act 2006
	Powers
21	<p>The Committee has the right to require the attendance of any Council Officers and/or Members in order to respond directly to any issue under consideration.</p> <p>To review any issues referred to it by the Chief Executive, other Statutory Officer, or any other Council body; and,</p> <p>The power to call expert witnesses from outside the Council to give advice on matters under review or discussion.</p>
Planning & Licensing Committee	
1	To determine planning applications, the terms of planning agreements and such other matters as are considered appropriate from time to time, excluding matters relating to policy.
2	To determine matters relating to planning as a Local Planning Authority excluding strategic planning matters such as the preparation, adoption and review of the Council's statutory Local Development Plan and representation of the Local Planning Authority's view to other bodies as appropriate on strategic planning matters.
3	Without prejudice to the above roles and the Council's Scheme of Delegation, the Planning Committee shall be responsible for those matters set out in Part A (Functions relating to Town and Country Planning and Development Control) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
4	<p>To determine:</p> <ul style="list-style-type: none"> • Applications submitted by or on behalf of the District Council, or for development on Council owned land or where the Council has a direct interest, except where no objections are received or any application required in connection with flood prevention/alleviation schemes. For purposes of clarity, once the principle of development has been established by Committee, subsequent applications to discharge conditions or for minor variations may be determined in accordance with the Non-Executive Officer Scheme of Delegation • Applications submitted by a serving Member or Officer of the Council or a consultant employed by the Council, or in which they have a beneficial interest (i.e. they own the land or are a prospective purchaser), or submitted by an immediate relative to the above; with the exception of applications made by non-Planning staff (excluding those in politically

	restricted posts) for householder development.
5	<ul style="list-style-type: none"> • Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved or adopted by the Council for Development Management purposes. • Applications which involve an agreement under S.106 of the Town & Country Planning Act 1990, or the proposed variation or discharge of a Section 106 deed, that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation • Applications which are accompanied by an Environmental Statement. • Applications for the felling of a tree(s) protected by a Tree Preservation Order (except where exempted by the Act) and not associated with an application for planning permission, where there are objections received
6	To make recommendations to the Cabinet on the budget for the Committee.
7	To make recommendations to Full Council in terms of the level of delegation to Officers.
8	<p>To undertake all matters in relation to the statutory licensing and registration functions of the Council (save to the extent that such responsibility has been delegated to another sub-committee of this Committee or Officer by the Council) such duties to include liquor, entertainment and late night refreshment licensing and the Gambling Act 2005. The Committee's role includes the formulation and approval of policy guidelines with the exception of the following which are dealt with by the Council:</p> <ul style="list-style-type: none"> • Licensing Policy Statement - Licensing Act 2003 • Gambling Policy - Statement of Principles - Gambling Act 2005.
9	To hear and determine licence applications that are contentious and/or where objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an applicant.
10	Without prejudice to the above roles and the Council's Scheme of Delegation the Planning & Licensing Committee shall be responsible for those matters set out in Parts B and C (Licensing and Registration functions) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the Licensing Act 2003 and the Gambling Act 2005.
11	The Planning & Licensing Committee shall be empowered to set up a sub-committee or sub-committees to discharge functions and act in accordance with powers delegated by the Committee. In the context of the Committee's powers under the Gambling Act 2005, sub delegation may extend to the permitted discharge of functions by an officer.
12	To receive reports and determine policy in relation to street trading.
13	To approve policy and to determine fees in relation to scrap metal dealer licensing.

Licensing Sub Committee (Licensing Act 2003)

1	To determine applications where representations are made, or to determine a review application.
2	To review a personal licence.

Licensing Sub Committee (Taxi, Private Hire and Street Trading)

1	To determine applications where relevant offences feature on the Disclosure Barring Service (DBS) check
2	To consider representations as made or to review a licence.

Audit Committee

Governance, risk and control

1	<p>Monitor the adequacy and effectiveness of the Council's governance arrangements including:</p> <ul style="list-style-type: none"> • Monitoring the effectiveness of the Chief Finance Officer's responsibility for ensuring an adequate internal control environment; • To approve the Risk Management Policy Statement and monitor its operation; • Monitoring the arrangements for the identification, monitoring and control of strategic and operational risk within the Council; • Monitoring the adequacy and effectiveness of the arrangements in place for combating fraud and corruption; • Providing an annual report to Council that its systems of governance are operating effectively, which includes the Committee's performance in relation to the terms of reference; • Reviewing and approving the annual Statement of Accounts, Annual Governance Statement and its associated assurance framework; • Considering the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements; • Ensuring that Internal Audit has the right of independent access to the Committee and its Chair; • Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice; • Considering and advising changes to the Council's Constitution in respect of Contract Standing Orders and Financial Regulations; • Formulating and keeping under review a Code of Conduct to promote high ethical standards amongst Officers and doing anything that is
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	<p>considered to promote and maintain high standards of conduct by Officers;</p> <ul style="list-style-type: none"> • Formulating and keeping under review the Council's 'whistle-blowing' policy; • Formulating and keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman, and; • Monitor the adequacy and effectiveness of cyber security arrangements (the protection of information systems, hardware, software and associated infrastructure, the data on them, and the services they provide, from unauthorised access, harm or misuse). This includes harm caused intentionally by the operator of the system, or accidentally, as a result of failing to follow security procedures.
Ethics and Behaviours	
2	<p>To promote, maintain and assist the achievement of high standards of conduct by Councillors and co-opted members in accordance with the Council's Code of Conduct for Members.</p> <ul style="list-style-type: none"> • To monitor the operation of the Code of Conduct for Members; • To advise the Council on any amendment or revision of the Code; • To secure adequate and appropriate training of Councillors and co-opted Members on the Code of Conduct for Members; • To give general guidance and advice to Councillors on Members' interests and keep under review the Register of Members' Interests maintained by the Monitoring Officer; and • To give general guidance and advice to Councillors and employees on gifts and hospitality.
External Audit	
3	<p>Monitor the adequacy and effectiveness of the Council's external audit service and respond to its findings. Specifically:</p> <ul style="list-style-type: none"> • Considering the appointment, nature and scope of the external audit of the Council's services and functions; • Receiving and considering all external audit reports including the annual plan, annual audit letter and governance report; and • Monitoring management's response to the external auditor's findings and the implementation of external audit recommendations.
Internal Audit	
4	<p>Monitor the adequacy and effectiveness of the Internal Audit service. Specifically:</p> <ul style="list-style-type: none"> • Approving the Internal Audit Charter; • Approving the annual risk based Internal Audit Plan; • Receiving communications from the Chief Internal Auditor on the internal

	<p>audit activity's performance relative to its plan and other matters, including the annual report and opinion;</p> <ul style="list-style-type: none"> • Receiving and considering major Internal Audit findings and recommendations; • Monitoring management's response to Internal Audit findings and the implementation of the recommendations; • Making appropriate enquiries of management and the Chief Internal Auditor to determine whether there are inappropriate scope and resource limitations; • Agreeing the scope and form of the external assessment as part of the quality assurance and improvement plan; • Receiving the results of internal and external assessments of the quality assurance and improvement programme, including areas of non-conformance with professional standards; and • Approving significant consulting services not already included in the audit plan, prior to acceptance of the engagement, if this materially impacts on core assurance activity.
Treasury Management	
5	<p>To consider reports on the Council's Treasury Management function including:</p> <ul style="list-style-type: none"> • Recommending the Treasury Management Strategy to Council • Recommending the half-year and outturn Treasury Management performance reports to Council • Receiving updates from the Council's Treasury Management advisor and providing guidance to the S.151 Officer in exercising delegations under the Treasury Management Strategy
Powers	
6	<ul style="list-style-type: none"> • The Committee has the right to require the attendance of any Council officers and/or members in order to respond directly to any issue under consideration; • To review any issues referred to it by the Chief Executive, other statutory officer or any Council body; and • The power to call expert witnesses from outside the Council to give advice on matters under review or discussion.
Hearings Panel	
1	<p>To establish a Hearings Panel to make recommendations to Council, in conjunction with the Independent Person, to hear allegations that Members have failed to comply with the Member's Code of Conduct. Specifically to:</p> <ul style="list-style-type: none"> • Assess and review allegations of Member misconduct; and • Determine allegations of Member misconduct. • Agree sanctions if appropriate.

Performance & Appointments Committee (Statutory Officers)	
1	To recommend the appointment of the Chief Executive, Deputy Chief Executive, (Section 151 Officer if not the Deputy Chief Executive) and Monitoring Officer to Council.
2	To consider all relevant matters relating to the salaries and contractual terms of the Chief Executive/Head of Paid Service and Statutory Officers.
3	To approve terms for the retirement of the Chief Executive (Head of Paid Service).
4	To conduct grievance and disciplinary matters in respect of the Statutory Officers in accordance with the Council or statutory procedures (Members must be trained to carry out this role).
5	To suspend the Chief Executive and Statutory Officers whilst an investigation takes place into alleged misconduct.
6	To conduct appraisals of the Chief Executive (N.B. For this purpose, the Leader of the Council, in consultation with the other Panel Members, will select an Appraisal Panel of four Members, to include one other Group Leader).
7	To manage and consider any disciplinary and/or capability and any grievance matters arising in relation to the Statutory Officers
8	To 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.
9	<p>In respect of Statutory Officers to:</p> <ul style="list-style-type: none"> (a) decide whether the issues requires no formal action or (b) whether the issue should be referred to an Independent Person (c) be responsible for the appointment and terms of reference of the Independent Person (d) receive and consider the report of the Independent Person (e) hold a capability or disciplinary hearing <p>Following receipt of any Independent Person report, to determine a course of action (up to and including dismissal) within the Council's powers under law and in accordance with the Council's procedures including the procedures set out in the Officer Employment Procedure Rules. Council must approve any dismissal of Statutory Officers.</p>
Appeals Committee	
1	To deal with appeals in respect of those licensing, registration and other functions of the Council where there are no rights of appeal through the Court system.

Working Groups

1	Working Groups may be formed by the Cabinet, Cabinet Members, or by Committees, for ad hoc, project-specific tasks. Their work should be scoped upon formation, and time-limited and business to be discussed at any meeting will be prescribed in advance by terms of reference
2	Whilst Members of the Council will be invited to participate, other persons may be invited to attend at the discretion of the 'body' that formed the working group.
3	Working Groups are designed to facilitate discussion and the exchange of ideas on specific topics, which could include policy development but are not decision-making bodies.
4	Working Groups will be serviced by subject matter expert officers and a record will be kept of the issues considered and the outcome of the Group's discussions will be circulated to body that formed the working group.
5	Working Groups may be formed to consider a cross-cutting issue, or to assist a scrutiny inquiry.

Part 3E – Executive or Cabinet Functions

- 3E1. The Council operates a Leader and Cabinet form of Executive and the Leader of the Council specifies how the functions of the Executive (known as ‘Executive Functions’) will be carried out. All functions of the Council that are not reserved by law as Non-Executive (see Part 3C above), are Executive functions. Except where the law otherwise provides, it is at the Leader’s discretion to determine how decision-making in relation to Executive functions will be exercised.
- 3E2. The Leader may discharge any Executive functions directly or may arrange for the discharge of those functions by:
- the Cabinet
 - a Cabinet Committee
 - an individual member of the Cabinet (Cabinet Member)
 - an officer of the Council
 - another local authority
 - jointly with another local authority through a joint committee or Officer
- 3E3. The Cabinet undertakes all Executive functions including:
- (a) proposing plans and strategies, including the overall Budget, the Policy Framework, changes to the Constitution and arrangements for the good governance of the authority, to Council to approve and adopt
 - (b) publishing in the Forward Plan all decisions by Cabinet, individual Cabinet members and Key Decisions made by officers
 - (c) establishing committees to discharge specific Executive functions, or establishing working groups or panels to review or advise on specific issues
 - (d) representing the Council locally, nationally, and international
 - (e) attending meetings of the Overview & Scrutiny committee and any Task and Finish Groups when required to do so.
 - (f) agreeing the acquisition and disposal of property (within limits set out in the Financial Rules and the Acquisition and Disposal Policy) and the management of the Council’s landholdings
 - (g) proposing acquisition or disposal of land and property to Council where the financial implications exceed the threshold delegated to the Cabinet
 - (h) exercising the powers and duties of the Council in respect of leisure, museums, consumer protection and environmental health
 - (i) acting as waste collection authority
 - (j) agreeing protocols for consultation and relations with outside bodies
- 3E4. As a rule, matters of corporate policy and high-level strategic matters will be determined by the Cabinet collectively; strategic matters relating to Cabinet member portfolios will be determined by individual Cabinet members; and operational service matters will be determined by the Chief Executive and / or Deputy Chief Executive in consultation with the Leader and / or relevant

Cabinet Member, where appropriate. Where there is doubt, the Leader will be asked to decide.

3E5. Delegations

The Leader has exercised the power of delegation in the manner set out below in Table 4 'General Scheme of Delegation of Executive Functions' and Table 5 'Additional Delegation of Executive Functions to Officers'. In Table 4 reference to 'Cabinet Member' means a Cabinet Member acting in portfolio as set out in Appendix A and reference to 'Officer' means Chief Executive, Deputy Chief Executive, or designated senior Publica employee, when acting as an employee of Cotswold District Council.

3E6. The Leader has directed that the Executive Functions delegated to Cabinet Members as set out in Table 5 shall not be sub-delegated to Officers without prior consent.

3E.7 Each person or body to whom an Executive Function is delegated shall be empowered to take any step for the purposes of or in connection with the discharge of the Function and may do anything incidental or conducive to discharge of the Function or do anything expedient in connection with the discharge of the Function.

3E8. The Leader may amend these 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 Officer (in this case the Chief Executive or in their absence or where they are unable to act the Deputy Chief Executive) 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.

3E9. Where an Executive Function has been delegated by the Leader this does not prevent the Leader from exercising that Function.

3E10. 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.

3E11. Article 13 'Decision Making' applies to the exercise of all Executive Functions in this Part 3E.

3E12. Officer Delegations - Special Provisions

The Chief Executive and Deputy Chief Executive 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.

3E13. An Officer does not have delegated authority to take a Key Decision unless

- specifically authorised to do so by the Leader or
- the Chief Executive
- or, in their absence or where they are unable to act, the Deputy Chief Executive is taking an urgent decision as set out in

this Part 3E.

- 3E14. 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.
- 3E15. The Leader may direct in any case that a power delegated 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 Deputy Chief Executive.
- 3E16. A Cabinet Member may in respect of an Executive Function which falls within their portfolio direct in any case that a delegated power to an Officer shall not be exercised by an Officer and shall instead be exercised by them as Cabinet Member. Such direction must be exercised in consultation with the Chief Executive or Deputy Chief Executive and the Leader.
- 3E17. The Chief Executive or Deputy Chief Executive may at their discretion and in consultation with the Leader or Cabinet Member refer any matter to the Leader or Cabinet for decision.
- 3E18. Officers have responsibility to report to the Leader or Cabinet Member matters that are of political or strategic significance related to any function they are exercising where it is proper for them to be aware of the position.

3E19. **Cabinet Member Portfolios**

Cabinet members have personal responsibility for decisions taken in relation to and discharging those Executive functions within their remit (portfolio of responsibility) as determined by the Leader.

As a general proposition, Cabinet members are responsible for:

- leading on developing Council policy and make recommendations to the Cabinet
- providing guidance to the Cabinet on running activities
- giving guidance to the Cabinet on budget priorities
- monitoring performance and ensure policy is delivered
- leading on improving Council services
- making sure that activities meet the Council's overall vision, core values and guiding principles
- contributing to debate and decision-making
- working with councillors who are not members of the Cabinet, including members of Overview & Scrutiny Committee, members of the Opposition and Officers to make sure that the overview and scrutiny process works correctly
- appearing before and responding to Overview and Scrutiny Committee reports
- representing the Council at a national and local level
- Each Cabinet Member is the spokesperson for the policy area or 'portfolio' they are responsible for

- 3E20. If a Cabinet Member wishes to make a decision contrary to the advice of the relevant Officer, they must refer the issue to the

Cabinet for a decision. If a Cabinet Member considers that any decision they are being asked to take is likely to be particularly sensitive or controversial, they have the discretion to refer the decision to the Cabinet for consideration.

3E21. A description of the Cabinet functions that are exercisable by individual Cabinet members is here ([insert link to Cabinet poster](#)).

Part 3E(a) Tables of Executive Functions

Table 4

FUNCTION	Leader	Cabinet Member	Cabinet	Other Local Authority	Officer Chief Executive (CX) or Deputy Chief Executive (DCX)
Policy & Strategy					
Recommend to Council all plans strategies and policies which comprise the Policy Framework (Part 2 article 4) 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 that are contrary to or not wholly in accordance with the Policy Framework	✓		✓		CX
Refer to Cabinet those plans strategies and policies which do not comprise the Policy Framework and require Cabinet approval	✓	✓			CX/DCX
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)		✓			
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Officer approval (except Key Decisions)					CX/DCX
Respond to consultations from Government, local authority associations and similar bodies which have policy or cross service issues	✓	✓			
Respond to all other consultations					CX/DCX

FUNCTION	Leader	Cabinet Member	Cabinet	Other Local Authority	Officer Chief Executive (CX) or Deputy Chief Executive (DCX)
Implement the Council's Risk Management Policy & Strategy	✓	✓	✓		CX/DCX
Finance					
Prepare and consult on the Council's Budget and recommend to Council for approval			✓		
Receive and consider quarterly budget monitoring reports			✓		
Take urgent decisions that are contrary to or not wholly in accordance with the Budget	✓		✓		CX/DCX
Make bid for funding with resource implications exceeding £150,000			✓		
Make bid for funding with resource implications exceeding £100,000 and not exceeding £150,000	✓	✓			
Make bid for funding with resource implications not exceeding £100,000					CX/DCX
Agree a contribution to reserves above the level set in the Budget up to £150,000			✓		
Propose to Council a contribution to reserves above the level set in the Budget over £150,000			✓		
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		✓			CX/DCX
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					CX/DCX
Undertake internal changes and improvement of the Council's services					CX

FUNCTION	Leader	Cabinet Member	Cabinet	Other Local Authority	Officer Chief Executive (CX) or Deputy Chief Executive (DCX)
Commissioning and Contracts					
Approve the means by which the Council's services will be provided including through a delegation to another local authority, 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			✓		
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	✓				
Represent (or arrange for a Member or Officer to represent) the Council as shareholder or member in a company in which the Council holds an interest	✓				
Monitor the performance of contracts and service level agreements in respect of all non-internally provided services					CX/DCX
Accept tenders within budget and exceeding £250,000		✓			
Accept tenders and quotations within budget and not exceeding £250,000					CX/DCX
Approve waiver to Contract Rules where the value is in excess of £100,000			✓		

FUNCTION	Leader	Cabinet Member	Cabinet	Other Local Authority	Officer Chief Executive (CX) or Deputy Chief Executive (DCX)
Approve waiver to Contract Rules where the value does not exceed £100,000 pursuant to Contract Rule 6.2					DCX/Monitoring Officer
Approve waiver from Contract Rules where the value exceeds £100,000 and an urgent decision is required pursuant to Contract Rule 6.2.1					CX
Constitution & Democratic Process					
Make Key Decision		✓	✓		
Make urgent Key Decision	✓		✓		CX
Respond to call-in of a decision	✓	✓	✓		CX/DCX
Respond to petition to Council		✓			
Appoint and remove Cabinet Members and decide their portfolios	✓				
Establish Cabinet Committee or working group			✓		
Delegate Executive Function to a Cabinet Member or Officer	✓				
Delegate Executive Function to an Officer with prior consent of Leader		✓	✓		
Undertake such specific Executive Function as may be allocated from time to time by the Leader	✓	✓	✓		CX/DCX
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	✓				

FUNCTION	Leader	Cabinet Member	Cabinet	Other Local Authority	Officer Chief Executive (CX) or Deputy Chief Executive (DCX)
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	✓				
Legal Services					
Undertake the role and functions of the Council's Solicitor and Chief Legal Officer and provide the Council's legal service					Monitoring Officer / Head of Legal Services
Audit					
Undertake the functions of the Council in respect of internal audit					DCX - SWAP
HR					
Undertake functions of the Council in respect of human resources and payroll					CX - Publica
Building Control					
Undertake functions of the Council in respect of building control					CX - Publica
Assets & Property					
Agree asset strategic/management plan			✓		
To be notified of any disposal of non-land assets with a value exceeding £10,000			✓		DCX - Publica
To be notified of any disposal of non-land assets with a value not exceeding £10,000		✓			DCX - Publica
Make compulsory purchase order (CPO)			✓		
Acquire land or property following CPO					CX
Propose to Council a property acquisition or disposal under the Council Recovery Investment Strategy with a value exceeding £3,000,000			✓		
Acquire or disposal of land and property under the Council Recovery Investment Strategy with a value up to £3,000,000			✓		

FUNCTION	Leader	Cabinet Member	Cabinet	Other Local Authority	Officer Chief Executive (CX) or Deputy Chief Executive (DCX)
Propose to Council a property acquisition or disposal (other than following CPO or under Council Recovery Investment Strategy) where the value exceeds £1,000,000;			✓		
Agree a property acquisition or disposal (other than following CPO or under the Council Recovery Investment Strategy) where the value is over £250,000 and up to £1,000,000;			✓		
Agree a property acquisition or disposal (other than following a CPO or under the Council Recovery Investment Strategy) where the value is more than £50,000 but does not exceed £250,000;		✓			
Agree a property acquisition or disposal (other than following a CPO or under the Recovery Investment Strategy) where the value does not exceed £50,000;					DCX - Publica
Agree Surplus Property Register and determine whether to retain the property or to dispose of it (the timing of such disposal to be at the discretion of the Deputy Chief Executive)		✓			DCX - Publica
Dispose of, exchange or appropriate public open space (any value) where there have been objections to the statutory notice of disposal or appropriation			✓		
Appropriate land (except public open space where objections to the statutory notice of intended appropriation are received)		✓			
Propose to Council to dispose of or exchange land with a value exceeding £1,000,000 except under the Council Recovery Investment Strategy where the threshold is £3,000,000			✓		
Dispose of or exchange land with a value exceeding £250,000 up to £1,000,000 (including at an undervalue)			✓		

FUNCTION	Leader	Cabinet Member	Cabinet	Other Local Authority	Officer Chief Executive (CX) or Deputy Chief Executive (DCX)
Dispose of or exchange land with an annual value exceeding £500,000 but not exceeding £250,000 including at an undervalue (and including public open space disposals where there have been no objections to the statutory notice of disposal)		✓			
Dispose of or exchange land with an annual value not exceeding £50,000 including at an undervalue (and including public open space disposals where there have been no objections to the statutory notice of disposal)					DCX - Public
Dispose of statutory allotments			✓		
Apply to Secretary of State to dispose of housing land under Housing Act 1985		✓			
Give public notice of a proposal to dispose of or change the use of public open space					DCX - Publica
Approval of rent reviews where the annual rent exceeds £250,000 and reviews are the subject of negotiation			✓		
Determination of rent reviews: (a) Where the annual rental does not exceed £250,000; or (b) Where the annual rental exceeds £250,000, where a calculation mechanism is set down in the lease and has no element of negotiation		✓			DCX - Publica
Determination of rent reviews: (a) Where the annual rental does not exceed £50,000; or (b) Where the annual rental exceeds £50,000, where a calculation mechanism is set down in the lease and has no element of negotiation					DCX - Publica
Grant consents and licences under any leases granted by the Council					DCX - Publica
Apply for consents and licences under any leases under which property is held by the Council					DCX - Publica

FUNCTION	Leader	Cabinet Member	Cabinet	Other Local Authority	Officer Chief Executive (CX) or Deputy Chief Executive (DCX)
Authorise rent subsidy (exceeding a value of £250,000) to third party on Council owned land			✓		
Authorise rent subsidy (exceeding £50,000 but not exceeding a value of £250,000) to third party on Council owned land		✓			
Authorise rent subsidy (not exceeding £50,000) to third party on Council owned land					DCX - Publica
All other matters within the day-to-day management of the Council's property portfolio where the value of the action taken does not exceed £50,000					DCX - Publica

Definitions:

- “Acquire” includes the acquisition (including the acceptance of a surrender where appropriate) of a freehold or leasehold interest, rights, benefits or privileges, the dedication under statutory powers or obligations and includes the variation of any lease where the Council is a tenant under the lease.
- Appropriation (appropriate)” is the formal transfer of property within the Authority from one statutory function to another
- “Dispose” includes the transfer of a freehold interest, dedication under statutory powers or obligations, easements (leasehold or freehold) and the grant, release, assignment or giving of a surrender (as appropriate) of any lease, covenants, benefits rights or privileges and includes the variation of any lease where the Council is a landlord under the lease.
- “Land” includes all buildings structures, rights and interests associated with land
- “Lease” includes any tenancy, licence, consent to occupy
- “Subsidy”, where there is reference to rent subsidy, is to the value of the identifiable rent, service charges, business rates and other outgoings for the identifiable period of commitment
- “Value”, where there is reference to a lease/tenancy/licence/surrender, is to the identifiable rent, service charges, business rates and other outgoings for the identifiable period of commitment

Additional Delegation of Executive Functions to Officers

3E.17 All Executive Functions, other than those allocated in Table 4 of this Part 3E, are delegated to the Chief Executive and Deputy Chief Executive as set out in Table 5 below.

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

Table 5-Additional Executive Functions of Officers

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 in respect of an Executive Function (excluding a key decision) in a situation where there is not sufficient time for a report to be considered by the Leader or Cabinet Member.	Wherever possible this shall be done in consultation with the Leader and Cabinet Member (where not the Leader). The decision shall be reported to the next scheduled ordinary Cabinet meeting.
To authorise Officers to represent the Authority before a court or tribunal pursuant to: - (a) Paragraph 1(3) Schedule 3 of the Legal Services Act 2007 in respect of: - (i) Section 223 of the Local Government Act 1972 (ii) Section 60 of the County Courts Act 1984 (b) Paragraph 1(7) Schedule 3 of the Legal Services Act 2007 (c) The Lay Representatives (Rights of Audience) Order 1999.	In consultation with the Head of Legal Services
Authorise any Officer to or for any legal purpose including Statutory Officer appointments.	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.	
Authorise requests for investigations under the Regulation of Investigatory Powers Act 2000 and to maintain a register of investigations authorised under the Act.	
Deputy Chief Executive	
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 Deputy Chief Executive or Monitoring Officer who is deputising for that period.
Undertake emergency planning and civil defence functions.	

Appendix A - Cabinet, Cabinet Member Portfolios and Decision making by Individual Cabinet Members

Cabinet	
1	The Cabinet will bear the responsibility for any of the local authority's functions which are delegated to it by the Leader.
2	The Leader will publish a Forward Plan at least monthly, showing a twelve-month programme of work and those decisions which are "Key Decisions", and also those decisions that may be made by an Individual Cabinet Member or which are delegated to an officer to make.

Decisions by Individual Cabinet Members

1. Decision making by Individual Cabinet Members applies only to Executive functions that have been delegated to the Leader. The process does not apply to any function exercised by Council itself, or that Council has delegated to a Committee, Sub-committee or Officer.
2. Individual Cabinet Members are empowered to make all executive decisions in respect of their own portfolio area of responsibility (portfolios are outlined below) except:
 1. Decisions already taken by Cabinet or an Officer acting under delegated powers.
 2. Decisions involving a departure from the Council's Budget or Policy Framework or any Cabinet or regulatory committee policy.
 3. Decisions which the Leader wishes to be taken by the full Cabinet or a decision which the Cabinet Member has asked to be taken collectively by the full Cabinet.
 4. Where at least 3 Members of the Council request that a decision be taken by the full Cabinet.

provided that all such decisions will be taken by the decision maker having regard to the advice of the Monitoring Officer and Deputy Chief Executive in interpreting these provisions.

3. Cabinet Portfolios

Individual Cabinet Members are empowered by the Leader to make all executive decisions in respect of their own portfolio area of responsibility.

The allocation of portfolios to Cabinet Members will be reported to Council by the Leader of the Council from time to time.

Part 3F - Statutory and Proper Officers

The council has appointed Proper Officers for the purposes of the statutory provisions set out below. Power to appoint Proper Officers is delegated to the Head of Paid Service (Chief Executive), following consultation with the Monitoring Officer, unless legislation requires the appointment to be made by Council.

The Chief Executive and other senior officers shall be authorised to act as the Proper Officer for the statutory responsibilities which fall within their areas of responsibility set out below:

PURPOSE OF APPOINTMENT	PROPER OFFICER
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the council	Monitoring Officer
Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the council	Deputy Chief Executive (S151 Officer)

LOCAL GOVERNMENT ACT 1972		
Section	Purpose	Proper Officer
83	Witness and receive declarations of Members' acceptance of office	Monitoring Officer
84	Receive written notice of Members' resignation from office	Chief Executive
88(2)	Convene Council meeting for election to vacant office of Chair.	Chief Executive
89(1)(B)	Receive notice of casual vacancy from two local government electors	Chief Executive
100B(2)	Decide on the exclusion of reports and agendas from public inspection	Monitoring Officer
100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press	Monitoring Officer
100C(2)	Produce a written summary of proceedings taken by a committee in private	Monitoring Officer
100D(1)(a)	Compile a list of background papers to a committee report.	Officer / Public Officer in whose name the report is written
100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based	Officer / Public Officer in whose name the report is written
100F(2)	Identify which documents contain exempt information not open to inspection by Members	Monitoring Officer

115(2)	Receive from Officers any money and property committed to their charge in connection with their office	Deputy Chief Executive
146(1)	Sign the statutory declaration to enable the transfer of securities in the event of a change in the name or status of the Council	Deputy Chief Executive
151	Responsibility for the administration of the Council's financial affairs.	Deputy Chief Executive
191(2)77	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries.	Chief Executive
210(6)-(7)	Exercise residual functions relating to charities.	Deputy Chief Executive
225(1)	Receive and retain documents deposited with the Council	Head of Legal Services
229(5)	Certify, for the purpose of any legal proceedings, that a document is a photographic copy of the original	Head of Legal Services
234(1)	Sign public notices, orders and other documents on behalf of the council	Head of Legal Services (generally) and the officers listed in the Scheme of Delegation within their area of responsibility (see Part 3 Section 18)
238	Certification of copy bylaws	Head of Legal Services
Sch.12 Pt1 Para.4(2)(b)	Sign and send to all Members of the council the summons to attend meetings of the council	Chief Executive
Sch.12 Pt1 Para 4(3)	Receive written notice from a Member of the address to which a summons to the meeting is to be sent	Monitoring Officer
Sch.16 Para 38	Receive of deposit of lists of protected buildings (Section 2 Planning (Listed Buildings and Conservation Areas) Act 1990	Senior Officer for Planning
Schedule 29, Para.4	Undertake duties at council elections which, under the Representation of the People Acts, are required to be undertaken not by the Returning Officer but by the Proper Officer	Chief Executive
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Head of Legal Services

LOCAL GOVERNMENT ACT 1974

Section	Purpose	Proper Officer
30(5)	Give public notice of receipt of Local Government Ombudsman's report	Monitoring Officer

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Purpose	Officer
41	Certifying copy resolutions and minutes of proceedings	Publica Senior Officer with

		responsibility for Democratic Services
REPRESENTATION OF THE PEOPLE ACT 1983		
Section	Purpose	Proper Officer
8	Appointment as Electoral Registration Officer	Chief Executive
35	Appointment as Returning Officer	Chief Executive
67(7)(b)	Receive declarations and give public notice of election agents' appointments	Chief Executive
81 and 89	Appropriate officer for the election of councillors	Chief Executive
82(4)	Receive declarations and give public notice of election agents' or candidates' election expenses	Chief Executive
131	Providing accommodation for holding election count	Chief Executive

LOCAL GOVERNMENT FINANCE ACT 1988		
Section	Purpose	Proper Officer
114, 115 and 115B	Responsibility for Chief Financial Officer reports	Deputy Chief Executive
116(1)	Notify the external auditor of a meeting (and decisions made at such a meeting) to consider a report from the Chief Financial Officer (under section 114 and 115 above)	Deputy Chief Executive

LOCAL GOVERNMENT AND HOUSING ACT 1989		
Section	Purpose	Proper Officer
2(4)	Hold the council's list of politically restricted posts	Monitoring Officer
3A	In consultation with the Monitoring Officer, determine applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Monitoring Officer
5(7)	Nominated as Deputy Monitoring Officer	Head of Legal Services
15-17	Undertake all matters relating to the formal establishment of political groups within the membership of the council	Monitoring Officer

THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990		
Regulation	Purpose	Proper Officer
8(1), 8(5), 9(b), 10, 13(1), 14 and 17	Notifications to and by the Proper Officer	Monitoring Officer

**LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22 LOCAL AUTHORITIES
(EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION)
(ENGLAND) REGULATIONS 2012**

Regulation	Purpose	Proper Officer
7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public	Publica Senior Officer with responsibility for Democratic Services
10	Inform the relevant Overview and Scrutiny Committee Chair or the Committee Members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the "Forward Plan") and make available for public inspection notices relating to this	Monitoring Officer
12	Produce a written statement of Cabinet decisions made at meetings	Publica Senior Officer with responsibility for Democratic Services
13	Produce a written statement of decisions made by individual Cabinet Members	Publica Senior Officer with responsibility for Democratic Services
14	Make a copy of written statements of Cabinet and Cabinet Member and officer executive decisions and associated reports available for inspection by the public	Publica Senior Officer with responsibility for Democratic Services
15 and 2	Make available for inspection a list of background papers	Publica Senior Officer with responsibility for Democratic Services
16(5)	Determine whether certain documents contain exempt information	Head of Legal Services /Monitoring Officer
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant	Monitoring Officer
20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant	Head of Legal Services or Monitoring Officer

**LOCAL GOVERNMENT ACT 2000, SECTION 34
LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS
2000**

Regulation	Purpose	Proper Officer
4-5	Publish the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Chief Executive

**REGULATION OF INVESTIGATORY POWERS ACT (RIPA) 2000
THE REGULATION OF INVESTIGATORY POWERS (PRESCRIPTION OF OFFICES,
RANKS AND POSITIONS) ORDER 2000**

Section	Purpose	Proper Officer
21, 22, 27, 28 and 29	Functions relations to the Regulation of Investigatory Powers Act 2000 (RIPA)	Chief Executive

**REGULATION OF INVESTIGATORY POWERS ACT 2000, SECTIONS 22(2)(B) AND 25(2);
THE REGULATION OF INVESTIGATORY POWERS (COMMUNICATIONS DATA) ORDER
2010; THE REGULATION OF INVESTIGATORY POWERS (COVERT SURVEILLANCE
AND PROPERTY INTERFERENCE: CODE OF PRACTICE) ORDER 2010; THE
REGULATION OF INVESTIGATORY POWERS (COVERT HUMAN INTELLIGENCE
SOURCES: CODE OF PRACTICE) ORDER 2010**

Regulation	Purpose	Proper Officer
-	Designated Senior Responsible Officer	Chief Executive

FREEDOM OF INFORMATION ACT 2000

Section	Purpose	Proper Officer
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Senior Officer with responsibility for Data Protection

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Regulation	Purpose	Proper Officer
Sch.1, Pt.II, Paras 5-6	Notifications to the Cabinet concerning appointments and dismissals	Chief Executive

LOCAL GOVERNMENT ACT 2003

Section	Purpose	Proper Officer
25	When the annual budget report is considered by Cabinet or by the Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	Deputy Chief Executive

LOCALISM ACT 2011		
Section	Purpose	Proper Officer
29	Establish, maintain and publish a Register of Interests	Monitoring Officer
33(1)	Receiving applications for dispensations	Monitoring Officer
33(2)	Grant dispensations to Members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Monitoring Officer
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Senior Officer with responsibility for Democratic Services

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012		
Regulation	Purpose	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Executive decisions	Monitoring Officer
12-13	Grant dispensations in respect of conflicts of interest declared by an Executive member making a decision, or declared by an Executive member consulted by a member or officer taking such a decision	Chief Executive

Section	Purpose	Proper Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Senior Officer with responsibility for Data Protection

In the event of the Chief Executive being unavailable to deal with matters for which they have been designated the Proper Officer, the Deputy Chief Executive or Monitoring Officer may be authorised by them to act as Proper Officer in their absence.

In the event of any other designated officer being unable to fulfil their duties as Proper Officer, their deputy shall be authorised to undertake such duties instead.

Notwithstanding the above, a Proper Officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

Part 3G - ROLES AND RESPONSIBILITIES OF ALL COUNCILLORS

Councillors will participate constructively in the good government of the District in the interest of all residents. They will contribute actively to the formation and scrutiny of the Council's policies, budget, strategies, plans and service delivery.

Councillors will deal with the constituents' enquiries and representations, and will effectively represent the interests of the Ward for which they were elected and views of constituents.

Councillors may also be required to represent the Council on an outside body, such as a governing body or charitable trust.

DUTIES

- To fulfil the statutory and locally determined requirements of an elected Member of the Council.
- To participate effectively as a Member of any working group to which the Councillor is appointed.
- To participate in the activities of an outside body to which the Councillor is appointed.
- To participate, as appointed, in the scrutiny of the services and policies of the Council and their effectiveness in meeting the strategic objectives of the Council and the needs of its residents.
- To participate in Working Groups.
- To represent the Council to the community and the community to the Council and to other relevant bodies. To provide a voice and advice for local individuals and interest groups in their dealings with the Council and, where appropriate, to advise them on the pursuit of complaints.
- To develop and maintain a working knowledge of the Council's services, management arrangements, powers/duties and constraints and to develop good working relationships with relevant Officers of the Council.
- To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the Community's well-being and identity, including developing and maintaining good working relationships local Town and Parish Councils and with local County Councillors.
- To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.
- To keep up to date with all developments affecting the District and the Council including Government policies and prospective legislation.

Part 3H – GLOSSARY OF TERMS USED IN CONSTITUTION

Cabinet - A number of elected Council members appointed by the Leader of the Council and who, together with the Leader, act as the body which is responsible for most formal decisions.

Cabinet Member - A councillor who has been appointed by the Leader of the Council as a Member of the Cabinet. Cabinet Members remain in office until the next election unless they resign, are suspended, are no longer a member of the Council or are removed from office by the Leader.

Call-in - The consideration by Overview & Scrutiny committee of a decision made, but not yet implemented, which may result in the recommendation that the decision be reconsidered by the person or persons who made that decision or that Full Council be recommended that the decision be reconsidered.

Chair - The person appointed to preside at meetings of any properly constituted body.

Chief Executive - The officer with overall management and operational responsibility (including overall management responsibility for all officers). This post holder is also the “Head of Paid Service” as appointed in accordance with Section 4 of the Local Government and Housing Act 1989.

Chief Finance Officer - The officer appointed by the Council under Section 151 of the Local Government Act 1972, to exercise the proper administration of the Council’s financial affairs, with specific responsibilities under the Local Government Act 1972 (currently the Deputy Chief Executive).

Clear working day - A clear working day excludes Saturday, Sunday and bank and public holidays (and in the case of committee agenda excludes the date of publication of the agenda and the date of the meeting).

Committee - A committee of the authority.

Council - Cotswold District Council.

Exempt - Information to be considered at a Council or Committee meeting in respect of which the public may be excluded (as defined by Schedule 12A of the 1972 Act (as amended)). Categories of exempt information are:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or task
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Executive Functions - Functions which may be discharged by the Leader, or delegated by the Leader to the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer or another local authority.

Forward Plan - A plan to be published by the Cabinet and updated on a monthly basis in accordance with Regulations 13 and 14 of the 2000 Regulations, setting out the Key Decisions which the Cabinet plans to take over the coming months.

Head of Paid Service - The officer appointed in accordance with Section 4 of the Local Government and Housing Act 1989, i.e. the Chief Executive.

Key Decision - A decision which is significant. This Council has previously determined the definition of a “key decision”, which is:

- (i) any Cabinet decision which requires a budget expenditure, or generates savings, of £100,000 or more;
- (ii) any executive decision where the outcome will have a significant impact on communities living or working in an area comprising two or more District Wards.

Leader of a Political Group - The leader of a political group as defined in the Local Government (Committee etc.) Regulations 1990.

Leader - Such person as the Council elects to be the Leader with powers outlined in the Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007.

Local Choice Functions As defined by Regulation 3 and Schedule 2 to the Local Authority (Functions and Responsibilities) (England) Regulations 2000, where the authority has decided which functions are to be the responsibility of the Executive.

Meeting - A meeting of the Council, Cabinet, a committee or sub-committees or task groups as the case may be.

Member - In relation to the Council, an elected Councillor; in relation to any other

body, a person appointed as a member of that body, whether or not entitled to vote.

Monitoring Officer - The officer appointed by the Council in accordance with Section 5 of the Local Government and Housing Act 1989, to promote and maintain high standards of ethical conduct and ensure lawfulness and fairness of decision making or, if he/she is unable to act owing to absence or illness, the person nominated as his/her deputy).

Overview and Scrutiny Committee – Committee or Committees of the Council established in accordance with Section 21 of the Local Government Act 2000, to assist in the development of policy and to review and scrutinise the decisions made by the Cabinet, committees and council officers (there is currently one Overview and Scrutiny Committee which also acts as the Council's Crime and Disorder Committee).

Political Balance Rules - As defined in the Local Government and Housing Act 1989 relating to proportional representation of political groups; on committees, sub-committees and certain other bodies.

Political Groups - Any two or more councillors notifying the Monitoring Officer in the appropriate form is considered a political group for the purpose of seat allocation.

Portfolio Holder - A Cabinet Member with a specific and detailed area of responsibility, and who may be delegated to take executive decisions.

Proper Officer – An officer, appointed in accordance with the terms of Section 270(3) of the Local Government Act 1972, to carry out specified actions of the performance of certain specified duties on behalf of the Council.

Regulatory Committee - A committee undertaking quasi-judicial functions of the Council (such as Planning & Licensing Committee).

Task & Finish Group – a small working group of interested elected members who review specific issues of concern to Overview and Scrutiny in depth.

The 1972 Act - The Local Government Act 1972.

The 1989 Act - The Local Government and Housing Act 1989.

The 2000 Act - The Local Government Act 2000.

The 2007 Act - The Local Government and Public Involvement in Health Act 2007.

Vice-Chair - The person appointed to preside in the absence of the Chair, at meetings of any properly constituted body.