

PART 3

RESPONSIBILITY FOR FUNCTIONS

RESPONSIBILITY FOR FUNCTIONS

Introduction

The Local Government Act 2000 and regulations made under the Act, distribute responsibility for the Council's functions between the full Council and the Executive (which is known as the "Cabinet"). The law therefore specifies certain Council functions and by whom decisions in respect of those functions may or may not be taken. Any functions not specified by the law are the responsibility of the Cabinet. The allocation of functions within this Constitution is intended to reflect the law but in the event of any conflict, the law shall prevail.

The volume of the Council's business makes it quite impracticable for the full Council of 53 Members to make every decision that lies within its remit. The full Council has therefore delegated certain of its functions to other "Council bodies", which are known as "Committees". Under the law, the full Council and the Cabinet may also delegate power to Officers and Cabinet Members to make decisions that they could make. The distribution of these powers to Officers and Cabinet Members is set out in what is known as the "Scheme of Delegation", which is set out in Sections 4 and 5 of Part 3 of the Constitution.

The dispersal of responsibility for making decisions is necessary because it assists the effective and efficient administration of local government. The Council, however, recognises that those who exercise power on behalf of the Council ought to be accountable for the decisions that they make. This part of the Constitution describes the powers that may be exercised by the full Council, the Cabinet and other Council bodies, and sets out the scheme of delegation of those functions. From this, the public may discover who may make decisions about various matters.

SECTION 1 - THE FUNCTIONS OF THE FULL COUNCIL

The full Council has responsibility for making decisions in respect of each of the functions that are set out in Table 3.1.

Table 3.1: The functions of the full Council

(a)	Adopting and changing the Constitution.
(b)	Approving or adopting or making material change to the Policy Framework and the budget.
(c)	Making decisions about any matter in the discharge of a Cabinet function, which is covered by the Policy Framework or the budget where the Cabinet is minded to make it in a manner, which would be contrary to, or not wholly in accordance with, the Policy Framework or the budget.
(d)	Appointing and removing the Leader.
(e)	Appointing the Chairs of the Overview and Scrutiny Committees.
(f)	Determining and amending the terms of reference of committees established by the full Council, determining their composition and making appointments to them.
(g)	Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the full Council to another Council body or an Officer.
(h)	Adopting a Members' Allowances Scheme under Article 2.
(i)	Changing the name of the area.
(j)	Conferring the title of honorary alderman.
(k)	Confirming the appointment of the Head of Paid Service.
(l)	Approving the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer
(m)	Arranging for the exercise of those local choice functions set out in Section 2 of this part of the Constitution, which the full Council decides should be undertaken by itself rather than the Cabinet.
(n)	Making, amending, revoking or re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills in Parliament.
(o)	Making the decision described in Article 11.02 of this Constitution on joint arrangements.
(p)	All other matters, which by law, must be reserved to full Council.

SECTION 2 - LOCAL CHOICE FUNCTIONS

2.1 The law allows the full Council to decide whether some functions (known as “local choice functions”), should be exercised by the full Council, the Cabinet or another Council body. Table 3.2 therefore describes how local choice functions have been allocated.

Table 3.2: The allocation of Local Choice Functions

	Function	Who will be responsible for these functions
(a)	The exercise of functions under local Acts (at present there are none).	Constitution Committee (to advise Council on allocation of responsibilities that may arise).
(b)	The determination of appeals (where a right of appeal exists either by law or where the Council has expressly determined there shall be a right of appeal) against executive or non-executive decisions made by or on behalf of the County Council.	Appeals Committee.
(c)	The making of arrangements for the determination of the review of a decision to exclude pupils.	Appeals Committee.
(d)	The making of arrangements for the determination of school admission appeals.	Appeals Committee.
(e)	The making of arrangements for the determination of appeals by Governing Bodies against decisions made by or on behalf of the County Council to admit a child to whom Section 87(2) of the Schools Standards and Framework Act 1998 applies.	Appeals Committee.
(f)	The conduct of best value reviews.	Cabinet.
(g)	Any function related to contaminated land.	Planning Committee.
(h)	Any function relating to the control of pollution or the management of air quality.	Planning Committee.
(i)	Obtaining information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning Committee.
(j)	Obtaining particulars of persons interested in land; Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning Committee
(k)	Making agreements under Section 278 of the Highways Act 1980 (as amended) for the execution of the highway works.	Cabinet.
(l)	The appointment (and the revocation of any such appointment) of any individual: <ul style="list-style-type: none"> • To any office other than an office in which they are employed by the Authority; • To any body other than: 	The full Council or, where the appointment relates to a Cabinet function, the Cabinet.

	<ul style="list-style-type: none">- The County Council;- A joint committee of two or more Authorities; or to any committee or sub-committee of such a body.	
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SECTION 3 - FULL COUNCIL FUNCTIONS OF A REGULATORY NATURE (NON-CABINET FUNCTIONS)

The full Council has established the following Council bodies to exercise certain of its functions:

- 3.1 Appeals Committee
- 3.2 Appointments Committee
- 3.3 Constitution Committee
- 3.4 Pensions Committee
- 3.5 Pensions Board
- 3.6 Planning Committee
- 3.7 Safety & Licensing Committee
- 3.8 Commons & Rights of Way Committee
- 3.9 Traffic Regulation Committee
- 3.10 Overview and Scrutiny Committees
- 3.11 Health and Wellbeing Board
- 3.12 Gloucestershire Police and Crime Panel
- 3.13 Gloucestershire Joint Waste Committee
- 3.14 Gloucestershire Economic Growth Joint Committee

3.1 APPEALS COMMITTEE

The role of the Appeals Committee is, in essence, to act as a forum for hearing and determining complaints by employees, pupils and other individuals and to make arrangements for the determination of certain appeals in accordance with the law and under the Council's own grievance and other procedures. The duties of the Appeals Committee are set out in Table 3.01.

Table 3.01: The duties of the Appeals Committee

1.	Individual appeals by Directors reporting directly to the Chief Executive under the Council's Managing Performance Improvement Procedure and any other employment related procedure that expressly provides for a right of appeal to elected members.
2.	The making of arrangements for the determination of admission appeals in accordance with Section 94(1) and (4) of and Schedule 24 to the School Standards and Framework Act 1998.
3.	The making of arrangements for the determination of appeals by Governing Bodies concerning children to whom Section 87 of the School Standards and Framework Act 1998 applies in accordance with Section 95(2) of and Schedule 25 to that Act.
4.	The making of arrangements for the review of decision to exclude pupils in accordance with Section 52 of the Education Act 2002 and regulations made thereunder.
5.	Appeals under Regulation 11 of the Access to Personal Files (Social Services) Regulations 1989.
6.	Appeal against the exercise of the Council's functions as a Social Services Authority.
7.	Act as an independent appeal panel and assess appeals lodged by parents, guardians, carers and other professionals against the decision of the County Council to decline requests for transport.
8.	Subject to any other requirements of the Constitution, any other appeals (where a right of appeal exists either by law or where the Council has expressly determined there shall be a right of appeal) against executive or non-executive decisions made by or on behalf of the Council.

Appeals Committee Membership:

15 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee

Note: For the purpose of hearing appeals relating to home to school transport there shall be a panel of three members taken from the 15 trained members of the committee.

3.2 APPOINTMENTS COMMITTEE

The purpose of the Appointments Committee is to enable Members to play a full role in deciding which persons should be employed, or not, as the Council's most senior Officers and to determine terms of employment.

Table 3.02: The duties of the Appointments Committee

To be responsible for:
1. Recommending to the full Council the appointment (on a permanent or temporary or acting up basis) of the Chief Executive/Head of Paid Service.
2. The appointment (on a permanent or temporary or acting up basis) of the Chief Finance Officer, Monitoring Officer, the Chief Fire Officer, the Director of Public Health and all Strategic Commissioning Directors, including the statutory posts of Director of Childrens Services and Director of Adult Social Care.
3. The dismissal of the Chief Fire Officer, the Director of Public Health and all Strategic Commissioning Directors, including the statutory posts of Director of Childrens Services and Director of Adult Social Care.
4. Determining the terms of employment and any variation to those terms of employees of the Council including terms of employment and exercising employer discretions in relation to pensions.
5. Subject to any other provisions of the Council's Constitution, determining any other matters affecting employees of the Council.

Appointments Committee Membership:

6 County Councillors

1. At least one of whom must be a Member of the Cabinet;
2. At least one of whom should be a Cabinet Member whose portfolio of duties includes responsibility for the service in which an appointed Officer would be employed. This requirement should be met by a County Councillor appointed to membership of the Appointments Committee being substituted by the appropriate Cabinet Member of the same political party in order to meet political balance requirements. This requirement will not apply in connection with the appointment (on a permanent or temporary or acting up basis) of the Chief Executive/Head of Paid Service (including their terms and conditions of employment and any variation to those terms and conditions). Failure to comply with this requirement will not invalidate any proceedings of the Appointments Committee.
3. For decisions on the appointment of those officers detailed at item 2 in Table 3.02 above the Appointments Committee will operate through a sub-committee acting as an interviewing panel comprising four members (politically balanced) (2:1:1)
4. Council has resolved that for joint appointments with the NHS in Gloucestershire, which are within the remit of the Appointments Committee, a sub-committee should be established comprising four members to be drawn from the Appointments Committee's membership and shall be politically balanced (2:1:1).

Note 1: Reference should be made to the consultation required under paragraph 2 of the Officer Employment Rules to be found in Part 4 of the Constitution.

Note 2: There is granted to the Chief Executive express delegated authority (in consultation with the relevant Cabinet Member, Group Leaders and relevant Scrutiny Chair) to

appoint on an interim basis to the position of Director within the employment of the Council for a maximum period of up to six months.

3.3 CONSTITUTION COMMITTEE

The role of the Constitution Committee is primarily to keep the Constitution under review to ensure the structures and procedures that it contains continue to promote the effective and efficient administration of the Authority and open, accountable decision making.

Table 3.03: The duties of the Constitution Committee

1.	To oversee, review and make recommendations to full Council on changes to and the effectiveness and operation of Council bodies and the Constitution and any of its provisions.
2.	To advise the full Council on the Scheme of Members' Allowances.
3.	To advertise for, interview and appoint persons as members of an Independent Remuneration Panel.
4.	To make recommendations to the full Council on the making, amendment or revocation of byelaws.
5.	To make recommendations to the full Council on the promotion of, or opposition to, local Bills and personal Bills.
6.	To undertake and make recommendations on the Council's functions in relation to elections.
7.	To make recommendations to the full Council on the name and status of the Council's area.

Constitution Committee Membership:

9 County Councillors

3.4 PENSIONS COMMITTEE

The purpose of the Pensions Committee is to give advice on the proper management of the Gloucestershire Pension Fund and carry out the function of the Council as Administering Authority.

Table 3.04: The duties of the Pensions Committee

In accordance with the policies and budget of the Council from time to time:	
1.	To set the investment strategy and policies of the Fund, including the establishment and maintenance of a strategic benchmark for asset allocation, drawing upon appropriate professional advice.
2.	To appoint and review the performance of all Fund Managers and associated professional service providers.
3.	To consider any other matter relevant to the proper operation and management of the Fund.
4.	To approve and keep under review the funding Strategy Statement.
5.	To approve and keep under review the Investment Strategy Statement.
6.	To report annually to the full Council.
7.	To review the County Council's performance as Administering Authority.
8.	To decide upon arrangements for managing the Administering Authority's relationship with employers in the fund, e.g. agreeing contribution rates, establishing dispute resolution procedures and ensuring employers have established policies as required by Regulations.
9.	To decide upon requests for admission of qualifying organisations wishing to join the Fund.
10.	To decide upon key pension policy and discretions that is the responsibility of the Administering Authority.
11.	To consider advice and recommendations from the Pension Board on areas that may improve the governance of the Pension Fund (the remit of the Pension Board is detailed in its Terms of Reference).
12.	To consider the Pension Board's proposed business plan for the forthcoming financial year and annual budget request.
13.	To undertake such tasks as the Committee thinks appropriate to progress implementation of investment pooling, and to take such decisions and do all other things deemed necessary in order to promote the interests of the County Council with respect to investment pooling, which without limitation shall include agreeing and authorising any documentation, contracts, terms of reference, financial expenditure or investment that may be required consequential upon the County Council's participation in the Brunel Pension Partnership.

Pensions Committee Membership:

6 County Councillors

One Member with voting rights to be co-opted by the Pensions Committee following nomination by the Gloucestershire branch of the Local Government Association to represent the interests of District Councils.

One staff representative without voting rights to be co-opted by the Pensions Committee following nomination by the unions.

Note: *Because of the specialist nature of this work, no substitution is permitted.*

3.5 PENSIONS BOARD

1. Role of the Pension Board

1.1 The role of the local Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to –

- Assist Gloucestershire County Council as Scheme Manager; –
 - to secure compliance with the Local Government Pension Scheme (LGPS) Regulations and any other legislation relating to the governance and administration of the LGPS
 - to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator
 - in such other matters as the LGPS regulations may specify
- Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest.

1.2 In addition the LGPS (Amendment) (Governance) Regulations 2015 expect the Pension Board to assist the Scheme Manager to secure the effective and efficient governance and administration of the LGPS for the Gloucestershire Local Government Pension Fund.

1.3 The Board shall provide an annual report to the Pension Committee and then to a full meeting of Gloucestershire County Council. The report will include information on the business conducted by the Pension Board with any risks or concerns identified and mitigation steps proposed. The report will also be published on the Pension Fund's website. Any concerns requiring reporting outside the annual process should be raised with the Pensions Committee.

1.4 The Pension Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

- 1.5 The Pension Board will also help ensure that the Gloucestershire Local Government Pension Fund is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
- 1.6 The cost of running the Pension Board will be met from the Pension Fund.

2. Appointment of members of the Pension Board

- 2.1 The Pension Board shall consist of 5 members and be constituted as follows:

- a) The Chair

The Chair of the Pension Board, who can demonstrate their knowledge and understanding of the Local Government Pension Scheme will be appointed by the Scheme Manager following a selection process to be determined by the Constitution Committee members. The Chair of the Pension Board cannot be a Gloucestershire County Councillor.

- b) Two employer representatives who can demonstrate their capacity to represent other scheme employers, and their knowledge and understanding of the Local Government Pension Scheme. To be appointed by the Scheme Manager following a selection process to be determined by the Constitution Committee members.

- c) Two scheme member representatives who can demonstrate, their capacity to represent other scheme members, and their knowledge and understanding of the Local Government Pension Scheme. To be appointed by the Scheme Manager following a selection process to be determined by the Constitution Committee members.

One of the employer or member representatives should be a County Councillor appointed annually at a meeting of Full Council.

3. Length of term and removal:

- 3.1 The Chair, each employer representative, and scheme member representative so appointed shall serve initially for a 4 year term, which may be extended for further 4 year terms subject to re-nomination and re-selection.
- 3.2 Board members can be removed on grounds of non-attendance, breach of code of conduct and non-participation in training.
- 3.3 Each Board member should endeavour to attend all Board meetings during the year and is required to attend at least one of the scheduled meetings each financial year. In the event of a Board member failing to do this, or other persistent non-attendance then the tenure of that member should be reviewed by the other Board members in liaison with the Constitution Committee members.

3.4 Other than by ceasing to be eligible, a Board member may only be removed from office during a term of appointment by the unanimous agreement of all of the other members in attendance at the Board Meeting where this is being considered. The removal of the Chair also requires the consent of the Scheme Manager.

4. Quorum

The Board shall have a formal quorum of 3 to include one employer representative and one member representative.

Because of the specialist nature of their work, no substitution is permitted.

5. Code of Conduct and Conflicts of Interest

The principles included in the County Council's Member Code of Conduct applies to all members of the Local Pension Board. Likewise, all other relevant County Council policies shall apply to members of the Pension Board.

As a condition of appointment, Board members shall be required to enter into a confidentiality agreement with the County Council.

6. Knowledge and Skills

A member of the Pension Board will be conversant with –

- The legislation and associated guidance of the Local Government Pension Scheme (LGPS).
- Any document recording policy about the administration of the LGPS which is for the time being adopted by the Gloucestershire Local Government Pension Fund.

A member of the Pension Board must have knowledge and understanding of –

- The law relating to pensions, and
- Any other matters which are prescribed in regulations.

7. Board Meetings and Publication of Board Information

7.1 The Board shall meet no less than twice per annum. If there is a need for an additional meeting this will be determined by the Chair of the Board.

7.2 The agenda and supporting papers shall be distributed to members of the board 5 clear working days prior to each meeting

7.3 Pension Board papers, agendas and minutes of meetings will be published on the Gloucestershire Local Government Pension Fund website subject to the Rules on Access to Information and the Data Protection Act 1998.

8. Remit of the Board

The Board shall:

- i. Ensure the Pension Fund's strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are the: communications policy statement; funding strategy statement; governance compliance statement; pensions administration strategy; Pension Fund annual report and accounts; statement of investment principles.
- ii. Ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually.
- iii. Review the Pension Fund's performance in complying with the requirements of the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS.
- iv. Review the Pension Fund's performance in complying with the requirements of the Pension Regulator.
- v. Provide advice and make recommendations when required, to the Pensions Committee, on areas that may improve the governance of the Pension Fund.
- vi. Each January, submit a proposed work plan for the forthcoming financial year, to the Pensions Committee.
- vii. To carry out any other activities relating to the efficient governance and administration of the Pension Fund, which the Pensions Committee may request the Pension Board to undertake.

9. Voting Rights and Decision making

- 9.1 Only members of the Pension Board who are employer or member representatives will have an individual voting right but it is expected the Pension Board will as far as possible reach a consensus.
- 9.2 A majority of Board members, with a voting right and present at a meeting, will be required to agree any decision of the Board, including any referrals back to the Pensions Committee.

10. Accountability

The Pension Board will be collectively and individually accountable to the Scheme Manager.

Definitions

The undernoted terms shall have the following meaning when used in this document:

“Pension Board” or “Board”	Means the local Pension Board for Gloucestershire County Council as administering authority for the Gloucestershire Local Government (LGPS) Pension Fund as required under the Public Service Pensions Act 2013
“Scheme Manager”	Means Gloucestershire County Council as administering authority of the Gloucestershire Local Government (LGPS) Pension Fund
“LGPS”	The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009
“Scheme”	Means the Local Government Pension Scheme as defined under “LGP

3.6 PLANNING COMMITTEE

Parliament has decided that the Cabinet should not be responsible for determining applications for permissions, approvals, licenses, consents and certificates under the Town and Country Planning Act 1990 and other related statutes. The Council has therefore established the Planning Committee to carry out these functions.

Table 3.05: The duties of the Planning Committee

	(1) Function	(2) Provision of Act or Statutory Instrument
1.	Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).
2.	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3.	Power to grant planning permission for development already carried out.	Section 73 of the Town and Country Planning Act 1990.
4.	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990
5.	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I.1995/419) and directions made thereunder.
6.	Power to determine applications for planning permission made by a Local Authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I.1992/1492).
7.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I.1995/418).
8.	Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9.	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990 (c).
10.	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11.	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
12.	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.

13.	Power to authorise the issue and service by the Head of Legal Services of a planning contravention notice or breach of condition notice.	Sections 171C and 187A of the Town and Country Planning Act 1990.
13A	Power to authorise the issue and service by the Head of Legal Services of a stop notice or temporary stop notice.	Sections 171E to 171H of the Town and Country Planning Act 1990.
14.	Power to authorise the issue and service by the Head of Legal Services of an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
15.	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990
16.	Power to determine applications for hazardous substances consent and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10).
17.	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mining sites, as the case may be, are to be subject. Power to require proper maintenance of land.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 of the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act. Section 215(1) Town and Country Planning Act 1990.
18.	The obtaining of information on interests in land.	Section 330 of the Town and Country Planning Act 1990.
19.	The obtaining of particulars of persons interested in land.	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
20.	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I.1999/1892).
21.	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I.1997/1160).
22.	Any function in relation to contaminated land.	
23.	Any function relating to the control of pollution or management of air quality.	
24.	Power to consider applications to assess environmental effects in relation to applications to develop land.	Section 71A of the Town and Country Planning Act 1990, the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) or any regulations amending or replacing the same.

25.	Any other function relating to town and country planning that is the responsibility of the County Council as Local Planning Authority arising under any Act of Parliament now or in the future and any statutory instrument or order made thereunder and which is not reserved by the law or the Constitution to the full Council, the Cabinet or another Council body.	
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Planning Committee Membership:

15 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee.

Council Regulatory Functions

Parliament has decided that a wide range of powers connected with the granting, revocation and variation of permissions, licenses, consents and certificates should not be exercised by the Cabinet. The Council has therefore delegated these functions to the Safety and Licensing Committee, Commons and Rights of Way Committee and Traffic Regulation Committee.

3.7 SAFETY AND LICENSING COMMITTEE

The duties of the Safety and Licensing Committee are set out in Table 3.06.

Table 3.06: The duties of the Safety and Licensing Committee

1.	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 31(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.6)(g).
2.	All functions for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52) (as amended by Part II of the Fire Safety and Safety of Places of Sport Act 1987 (c.27)).
3.	All functions for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
4.	Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c.33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).
5.	Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I.1995/510).
6.	Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).
7.	Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c.16).
8.	Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I.1995/11).
9.	Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
10.	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
11.	Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I.1998/871).
12.	Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (C.35).
13.	Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the Authority’s capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c.37).

Safety and Licensing Committee Membership:

9 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee

3.8 COMMONS AND RIGHTS OF WAY COMMITTEE

The duties of the Commons and Rights of Way Committee are set out in Table 3.07.

Table 3.07: The duties of the Commons and Rights of Way Committee

1.	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: (a) An exchange of lands effected by an Order under Section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67); or (b) An Order under Section 147 of the Inclosure Act 1845 (c.8 & C.9 Vict.c.118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I.1969/1843).
2.	Power to register variation of rights of common and to make amendments to the register of common land and town and village greens of any identified anomalies.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I.1966/1471)(a)). Section 19(2)(a) and Paragraphs 6-9 of Schedule 2 of the Commons Act 2006 implemented by the Commons Registration (England) Regulations 2014 (S.I. 2014/3038)
3.	Duty to keep a definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c.69).
4.	Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.
5.	Power to create footpath or bridleway by agreement.	Section 25 of the Highways Act 1980 (c.66).
6.	Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980.
7.	Duty to keep a register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
8.	Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.
9.	Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
10.	Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
11.	Power to make a special extinguishment order.	Section 118B of the Highways Act 1980
12.	Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.
13.	Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.
14.	Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
15.	Power to make a special diversion order.	Section 119B of the Highways Act 1980.
16.	Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
17.	Power to enter into agreements with respect of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c.37).

18.	Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000.
19.	Any other function relating to the County Council's responsibilities for highways, commons, town and village greens under any Act of Parliament enacted now or in the future and any statutory instrument or order made thereunder, which is not reserved by law or under this Constitution to the full Council, the Cabinet or another Council body.	

Commons and Rights of Way Committee Membership:

9 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee

3.9 TRAFFIC REGULATION COMMITTEE

The duties of the Traffic Regulation Committee are set out in Table 3.08.

Table 3.08: The duties of the Traffic Regulation Committee

1.	Power to permit deposit of a builders' skip on the highway.	Section 139 of the Highways Act 1980 (c.66).
2.	Power to license planting, retention and maintenance of trees, etc, in part on highway.	Section 142 of the Highways Act 1980.
3.	Power to authorise erection of stiles, etc, on footpaths or bridleways.	Section 147 of the Highways Act 1980.
4.	Power to license works in relation to buildings, etc, which obstruct the highway.	Section 169 of the Highways Act 1980.
5.	Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
6.	Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
7.	Power to restrict the placing of rails, beams, etc, over highways.	Section 178 of the Highways Act 1980.
8.	Power to consent to construction of cellars, etc, under street.	Section 179 of the Highways Act 1980.
9.	Power to consent to the making of openings into cellars, etc, under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
10.	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
11.	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980
12.	To respond to consultation upon executive proposals for traffic regulation orders to which valid objections have been received and not been resolved or withdrawn.	

Traffic Regulation Committee Membership:

9 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee

3.10 OVERVIEW AND SCRUTINY COMMITTEES

Introduction

3.10.1 The roles of overview and scrutiny committees are set out in Article 8 of the Constitution;

3.10.2 Work programmes, except those of the Audit and Governance Committee, will be monitored by the Overview and Scrutiny Management Committee, which will also establish overview and scrutiny policy and working practices and related Member training and development;

3.10.3 All overview and scrutiny committees, except the Audit and Governance Committee, will undertake work in relation to service area key targets, Council’s key priorities and issues of public interest or concern including by use of time-limited task groups;

3.10.4 The Council will appoint the overview and scrutiny committees set out in the left hand column of the table below to discharge the overview and scrutiny functions on behalf of the Council (as conferred by Section 21 of the Local Government Act 2000, Sections 7-10 of the Health and Social Care Act 2001 and Section 19 Police and Justice Act 2006) as set out in the right hand column of the same table.

Scrutiny committee	Terms of reference
<p>Overview and Scrutiny Management Committee</p> <p>12 County Councillors</p>	<p>Direct, carry out and monitor the overview and scrutiny functions of the County Council by:</p> <ol style="list-style-type: none"> 1. Co-ordinating and overseeing an annual planning cycle for the whole overview and scrutiny function of the County Council. 2. Commissioning all Scrutiny Task Groups, including agreeing their objectives, their political balance (if any) and time limit. 3. Managing, co-ordinating and reviewing resources available to support time limited task groups commissioned by all overview and scrutiny committees with clear terms of reference delivering the roles set out in Article 8 of the Constitution in respect of any County Council functions. 4. Receiving reports from overview and scrutiny

	<p>committees and progressing the matters addressed.</p> <p>5. Receiving and determining all call-ins under the Call-in Procedure Rules.</p> <p>6. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution by providing a corporate overview of performance, the budget and service improvement.</p> <p>7. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution by scrutinising those County Council functions not covered by other overview and scrutiny committees. These include Strategy and Challenge, Enabling and Transition, customer services, equalities and the Meeting the Challenge Programme.</p>
<p>Children and Families Overview and Scrutiny Committee</p> <p>9 County Councillors</p>	<p>Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all children and young persons' related matters in accordance with a work plan monitored by the Overview and Scrutiny Management Committee.</p>
<p>Health and Care Overview and Scrutiny Committee</p> <p>9 County Councillors</p>	<p>1. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution focussing on health issues from the public's perspective including the use of task groups to carry out its overview and scrutiny functions. To act as a lever to improve the health and those services that impact on the health of local people, working in partnership with other agencies. To address issues of health inequalities between different groups in the community. To determine those matters referred to in Article 11.02.2 of the Constitution (joint committees concerning health service changes).</p> <p>2. Under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, to exercise the Council's role:</p> <ul style="list-style-type: none"> • in reviewing and scrutinising matters relating to the planning, provision and

	<p>operation of health services in the area; and</p> <ul style="list-style-type: none"> • In commenting on or making a recommendation in relation to proposals for a substantial development or variation to services save that ‘referral powers’ to the Secretary of State remain with full Council. <p>3. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all matters relating to adult social care.</p>
<p>Environment and Communities Overview and Scrutiny Committee</p> <p>9 County Councillors</p>	<p>1. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of matters relating to</p> <ul style="list-style-type: none"> • highways, waste management, planning, transport and other Environmental Services; • the fire and rescue service, emergency management, trading standards, registration service and coroners; • libraries and information and lifelong learning. <p>2. Scrutinise the actions and decisions of the responsible authorities under Section 5 of the Crime and Disorder Act 1998 in relation to their crime and disorder functions.</p> <p>3. Receiving and monitoring regular reports from Gloucestershire First in respect of the Gloucestershire Economy.</p>
<p>Audit and Governance Committee</p> <p>9 County Councillors</p> <p>The Chair of the Audit and Governance Committee to be drawn from outside the group or groups forming the administration.</p>	<p>(1) Advise on the adequacy and effectiveness of the Council’s corporate governance arrangements and internal control environment.</p> <p>(2) 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 Officer’s responsibility for ensuring an adequate internal control environment; • Monitoring the arrangements for the identification, monitoring and control of strategic and operational risk within the Council; • Monitoring the adequacy and effectiveness of the

	<p>arrangements in place for combating fraud and corruption;</p> <ul style="list-style-type: none"> • Providing an annual report to the County Council that its systems of governance are operating effectively; • Reviewing and approving the annual Statement of Accounts and Annual Governance Statement; • The Chief Internal Auditor has the right of independent access to the Committee and its Chair; • Being responsible for the implementation and undertaking regular monitoring of the Council's treasury management policies and practices; • Formulating and keeping under review a Code of Conduct to promote high ethical standards amongst Officers and doing anything that is calculated to promote and maintain high standards of conduct by Officers; • Formulating and keeping under review the Council's 'whistle-blowing' policy; and • Formulating and keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman. <p>(3) To promote, maintain and assist the achievement of high standards of conduct by County 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 County Councillors and co-opted Members on the Code of Conduct for Members; • To give general guidance and advice to County 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 County Councillors and employees on gifts and hospitality. <p>(4) Monitor the adequacy and effectiveness of the Council's External Audit service and respond to its findings.</p>
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	<p>Specifically:</p> <ul style="list-style-type: none"> • Considering the nature and scope of the External Audit of the Council's services and functions; • Receiving and considering External Audit Reports including the Annual Audit Letter and Governance Report; and • Monitoring management's response to the External Auditor's findings and the implementation of External Audit recommendations. <p>(5) 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 audit activity's performance relative to its plan and other matters, including the annual report and opinion; • 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. <p>(6) To grant dispensations to County Councillors and co-opted Members related to interests specified in the Code of Conduct for Members following written requests to the proper officer (Chief Executive) by a Member or Co-opted Member under section 33 of the Localism Act 2011, when</p>
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	<p>the Council:</p> <ul style="list-style-type: none"> • Considers that without the dispensation, the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; • Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be upset as to alter the likely outcome of any vote relating to the business; • Considers that granting the dispensation is in the interests of persons living in the authority's area; • Considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or • Considers that it is otherwise appropriate to grant a dispensation. <p>(7) To establish a Sub-Committee known as the Hearings Panel to hear allegations that Members have failed to comply with the Authority's Code of Conduct.</p> <ul style="list-style-type: none"> • To assess and review allegations of Member misconduct; and • To determine allegations of Member misconduct. <p>Note: the committee has the right to require the attendance of any Council officers or members in order to respond directly to any issue under consideration.</p>
<p>Hearings Panel Sub-Committee</p> <p>5 County Councillors proportional to the political composition of the Council. Quorum of 3 members present for its duration</p>	<p>(1) To receive reports referred from the Monitoring Officer following investigations into complaints and other steps associated with that function.</p> <p>(2) To conduct standards hearings and all other steps associated with that function, including taking into account the advice of the Independent Person.</p> <p>(3) If the panel determines that a breach of the Authority's Code of Conduct has occurred, the panel can impose one or more of the following if appropriate:</p>

	<p>a) Censure; b) Report to Council; c) Recommend actions to the Leader of the Council; d) Recommend actions to Group Leader; e) Removal from Outside Bodies; f) Withdrawal of facilities, such as Council email/website/internet access; g) Exclusion from the Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Committees or Sub-Committees and/or nominating a single point of contact; and/or h) Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology.</p> <p>(4) To set-up when necessary an interview panel comprising of the lead members of each party to shortlist and interview candidates for the role of Independent Person.</p> <ul style="list-style-type: none"> • To recommend successful candidates to the County Council to be chosen by a majority of Councillors.
<p>Gloucestershire Economic Growth Overview and Scrutiny Committee</p> <p>6 County Councillors</p>	<p>(1) To review the decisions, plans and policies of the Gloucestershire Economic Growth Joint Committee and</p> <p>(2) To review the overall impact and delivery outcomes of the Gloucestershire Strategic Economic Plan and to make recommendations to the Gloucestershire Local Enterprise Community Interest Company and Gloucestershire Economic Growth Joint Committee on issues and improvements.</p>

Specific Functions of Overview and Scrutiny Management Committee

3.10.5 The Overview and Scrutiny Management Committee shall have the following additional functions:

1. To co-ordinate and monitor the County Council’s overview and scrutiny function;
2. To publish the Council’s annual overview and scrutiny plan;

3. To commission and co-ordinate Scrutiny Task Groups, other than that of the Audit and Governance Committee; this may include the commissioning of a Scrutiny Task Group jointly with one or more of the District Councils in Gloucestershire;
4. To take such other steps as are necessary to promote the efficient and effective exercise of the Council's overview and scrutiny function;
5. To develop and implement a system for monitoring the performance of Scrutiny Task Groups and overview and scrutiny committees;
6. Where matters (other than a called-in decision) fall within the remit of more than one overview and scrutiny committee, determine the division of responsibility;
7. To promote good practice in the operation of the Council's overview and scrutiny function and to develop and manage a programme for Member training in the overview and scrutiny function and committee process;
8. Overall responsibility for the finances and other resources that the Council makes available to the overview and scrutiny function (if any);
9. To report annually to the full Council on its and all overview and scrutiny committees' work undertaken during the year and make recommendations for future work programmes. The report will consider and may make recommendations to secure adequate resources for the discharge of the overview and scrutiny function. Upon receiving this report, the full Council will consider any recommendations on the resources available to the overview and scrutiny function and take such action as it considers necessary to address those recommendations. This function is in addition to reports to full Council from the Overview and Scrutiny Management Committee and overview and scrutiny committees on specific issues during the year;
10. To monitor the individual work programmes of the overview and scrutiny committees (except the Audit and Governance Committee). In the event the Overview and Scrutiny Management Committee considers those work programmes cannot be appropriately resourced, co-ordinated and/or managed, they may be referred back to the relevant overview and scrutiny committee for further consideration.

Meetings and Proceedings of overview and scrutiny committees

- 3.10.6 Meetings of Overview and Scrutiny Committees shall take place in accordance with Scrutiny Procedure Rules 9 and 10.

3.10.7 Scrutiny Task Groups

1. This paragraph 3.10.7 shall apply to all Scrutiny Task Groups.
2. All Scrutiny Task Groups will undertake work in relation to key targets for service areas, the Council's key priorities and issues of public interest or concern. Each Scrutiny Task Group will operate in pursuit of the aims set it by the Overview and Scrutiny Management Committee.
3. Where the commissioning of a Scrutiny Task Group is urgently required, the Lead Members of the Overview and Scrutiny Management Committee may agree to do so in advance of the next Overview and Scrutiny Management Committee meeting.
4. Before each Scrutiny Task Group begins its work, the terms of reference will be agreed by the Overview and Scrutiny Management Committee or its Lead Members.
5. The final report of each Scrutiny Task Group will be presented to the relevant overview and scrutiny committee, which may as a result, make recommendations to any Council body or any other public body or third party or, exceptionally, the full County Council. The Overview and Scrutiny Management Committee will receive a summary of the findings of each scrutiny review.
6. Scrutiny Task Groups will operate to a deadline set by the Overview and Scrutiny Management Committee at their creation, although this may be amended by agreement of the Overview and Scrutiny Management Committee. At the expiration of the deadline, the Scrutiny Task Group will cease to exist.
7. Unless there are exceptional circumstances, there will be no more than eight Scrutiny Task Groups appointed by the Overview and Scrutiny Management Committee in existence at any one time, in general limited to two Scrutiny Task Groups per Committee (not counting the Audit and Governance Committee).
8. Each Scrutiny Task Group may adopt whatever means of operation it deems most effective, bearing in mind the resources available to it.

3.10.8 Proceedings of the overview and scrutiny committees

Overview and scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution.

3.11 HEALTH AND WELLBEING BOARD

In accordance with the requirements of the Health & Social Care Act 2012 (“the Act”) the Council has established the Health and Wellbeing Board as a committee of the Council. Its duties/terms of reference are:

1.	For the purpose of advancing the health and wellbeing of the people of Gloucestershire to encourage persons who arrange for the provision or delivery of any health or social care services in the county to work in an integrated manner
2.	To encourage persons who arrange for the provision of any health or social care services in the county and persons who arrange for the provision or delivery of any health-related services in the county to work closely together.
3.	Pursuant to section 116 of the Local Government and Public Involvement in Health Act 2007 to prepare and publish a joint strategic needs assessment for the county
4.	To prepare and publish a strategy for meeting the needs identified in the joint strategic needs assessment and ensuring a strategic planning framework is in place
5.	To provide such advice assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services
6.	To encourage persons who arrange for the provision or delivery of any health-related services in the county to work closely with the Board

Membership of the Health and Wellbeing Board comprises:

- Chair of Clinical Commissioning Gloucestershire
- Additional Clinical Commissioning Gloucestershire member
- Accountable Officer of Clinical Commissioning Gloucestershire
- A District Council elected representative from Leadership Gloucestershire
- Four County Councillors, as appointed by the Leader of the County Council
- The Director of Adult Social Services, Gloucestershire County Council
- The Director of Children’s Services, Gloucestershire County Council
- Police and Crime Commissioner
- The Director of Public Health, Gloucestershire County Council
- A representative of the local Healthwatch
- A representative of the NHS Commissioning Board Local Area Team
- A District Council Chief Officer and link for housing related business
- Chair of Gloucestershire Care Services NHS Trust
- Chair of 2gether NHS Foundation Trust
- Chair of Gloucestershire Hospitals NHS Foundation Trust
- Chief Constable of Gloucestershire
- Chief Fire Officer for Gloucestershire

Note 1: Political proportionality will not be applied

Note 2: Voting – Individual members of the Board shall be non-voting. Instead each member organisation or group of organisations will have one vote. The nominee of each organisation

must be present to vote. There will be no absence voting provision. The Chair will have the casting vote.

Voting organisations are:

- Gloucestershire Clinical Commissioning Group, Gloucestershire Care Services NHS Trust, Gloucestershire Hospitals NHS Foundations Trust and 2gether NHS Foundation Trust
- Gloucestershire County Council
- HealthWatch
- District Councils (one vote for all six)
- NHS England
- PCC and Gloucestershire Constabulary

Note 3: For the purpose of enabling it to carry out its functions the Health and Wellbeing Board may request the Council, the Local Healthwatch, the Clinical Commissioning Group or other member of the Board to supply it with information specified in the request.

Note 4: Terms of Office – Each term of office will run for the term of the County Council unless a member organisation advises otherwise.

Note 5: Substitutions: There will be no substitutions, if an organisation is unable to send its representative a named substitute may be nominated for that meeting only. Notice of this shall be given by the absent Board member to the committee administrator in advance of the meeting. Ideally a week's notice shall be given to allow all Board members to be advised of the substitution. Procedural Standing Order 28 shall not apply.

Note 6: Quorum: The quorum for meetings of the Health and Wellbeing Board is that one quarter of the membership be present and at least 4 be voting member organisations.

3.12 GLOUCESTERSHIRE POLICE AND CRIME PANEL

TERMS OF REFERENCE

The functions of the panel are to be exercised with a view to supporting the effective exercise of the functions of the Police and Crime Commissioner.

The panel is under a duty to support, as well as challenge, the commissioner.

- 1) To review the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner. The panel must make a report or recommendations to the commissioner.
- 2) To review the annual report and make a report or recommendations to the commissioner. The panel is to ask the commissioner questions, as appropriate, on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation of proposed senior appointments made by the Police and Crime Commissioner, this includes:
 - a) The commissioner's chief executive
 - b) The commissioner's chief finance officer
 - c) A deputy police and crime commissioner

The panel has the power to veto the appointment of the Chief Constable.

- 4) To review and make a report and recommendation (as necessary) on the proposed precept. The panel has the power to veto the proposed precept.
- 5) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 6) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
- 7) To appoint an Acting Police and Crime Commissioner if necessary.

GLOUCESTERSHIRE POLICE AND CRIME PANEL PANEL ARRANGEMENTS

1 OPERATING ARRANGEMENTS

- 1.1 Gloucestershire County Council shall act as the host authority in establishing the Police and Crime Panel and provide the necessary officer support.
- 1.2 The panel shall be made up of a minimum of 10 councillors and two independent members.
- 1.3 The elected membership shall be made up of a minimum of six district councillors and a minimum of four county councillors. Each council will appoint deputies equivalent to the number of members it has appointed to the panel.
- 1.4 Gloucestershire County Council as host authority shall promote the role of the police and crime panel through meetings held in public.
- 1.5 Any funding provided by the Home Office to meet the costs of establishing, supporting and running the panel will be managed by Gloucestershire County Council as host authority.

2 ELECTED MEMBERSHIP

- 2.1 All county councillors and district councillors in the county of Gloucestershire are eligible to be members of the panel.
- 2.2 Included in the panel's membership will be one councillor from each district council.
- 2.3 The 10 elected members of the panel will be appointed in May 2012 at the annual meeting of each council. Named deputies will be appointed for each member.
- 2.4 Future appointments will be made at each annual meeting, or at the annual meeting following an election. Terms of office may not be for more than four years, but members may subsequently be appointed for more than one term.
- 2.5 The panel membership shall, as far as is reasonably practicable, meet the balanced appointment objective as set out in the Police Reform and Social Responsibility Act 2011.
- 2.6 The panel may resolve to co-opt additional elected members if, for example, the appointments made by each council do not meet the balanced appointment objective across the whole panel. The co-opted elected members may be drawn from the county council or the district councils and will be recommended to the panel by the Leader of Gloucestershire County Council following consultation with Leadership Gloucestershire. The appointment of co-opted elected members will be reviewed annually.
- 2.7 In accordance with the Police Reform and Social Responsibility Act 2011, any increase in the size of the panel as a result of the co-option of elected members will be subject to the approval of the Home Secretary. The maximum number of members of the panel including co-opted members shall not exceed 20.
- 2.8 All elected members, including co-optees, of the panel may vote in proceedings of the panel.

3 CASUAL VACANCIES

- 3.1 A vacancy on the panel arises when a county councillor, a district councillor or an independent member resigns from the membership of the panel.

- 3.2 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for co-opted elected members and independent members will be filled in accordance with the selection processes outlined in sections 2.6 and 4.

4 INDEPENDENT MEMBERS

- 4.1 The panel shall co-opt two independent non-elected members onto the panel for a term of four years, starting in July 2012.
- 4.2 The selection process for co-opting independent members should include a reasonable period of advertising for the positions. A closing date for the receipt of applications should be given of at least two weeks from the date the advert is first placed.
- 4.3 Information packs should be prepared and sent to those requesting application forms.
- 4.4 The applications will be considered against agreed eligibility criteria and then the chair and vice-chair of the panel will be invited to meet to consider applications and interview candidates. At all times consideration should be given to the balanced appointment objective.
- 4.5 The 'balanced appointment objective' referred to is the objective that local authority members of a police and crime panel (when taken together):
- a) represent the political make-up of the relevant local authorities;
 - b) represent all parts of the relevant police area;
 - c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.
- 4.6 Following the interviews, the chair and vice-chair will make recommendations to the panel about membership for the panel to confirm.
- 4.7 Independent members may vote in all proceedings of the panel.

5 REMOVAL OF MEMBERS

- 5.1 An Authority may decide in accordance with their procedures to remove their appointed member from the panel at any point and on doing so shall give notice to the Chief Executive of Gloucestershire County Council as host authority.
- 5.2 An appointed member may resign from the panel by giving written notice to the Chief Executive of Gloucestershire County Council as host authority and the Authority they represent on the panel.
- 5.3 In the event that any appointed member resigns from the panel, or is removed from the panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative member to the panel. The validity of the proceedings of the panel is not affected by a vacancy in the membership.

6 ALLOWANCES

Allowances will be assessed by the Independent Remuneration Panel at Gloucestershire County Council.

3.13 GLOUCESTERSHIRE JOINT WASTE COMMITTEE

1. Pursuant to a partnership arrangement between Cheltenham Borough Council, Cotswold District Council, Forest of Dean District Council, Tewkesbury Borough Council and Gloucestershire County Council, the Gloucestershire Joint Waste Committee was formed under Sections 101 and 102 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions (England) Regulations 2012, to oversee the recycling, waste collection and street cleansing services for the four district authorities, and to deliver the waste treatment and disposal services for the County.

2. The aims of the Gloucestershire Joint Waste Committee are to:
 - a) Provide a shared decision making body from which to improve services, deliver savings and minimise costs;
 - b) Ensure a fair distribution of savings between partners and their council tax payers;
 - c) Provide and improve good customer service within the bounds of the resources available;
 - d) Undertake operations in an environmentally sustainable manner, and
 - e) Identify and share initiatives and best practice amongst partner authorities.

3. Subject to the retained functions set out in paragraph 4 below, the statutory functions delegated to the Committee relating to the collection, management, disposal, treatment, or recycling of waste street cleansing are as follows:

Environmental Protection Act 1990 Part II	
Section 34	Duty of Care - to prevent the unlawful deposit or treatment of waste in your control
Section 45	Duty to collect waste in your area and to make arrangements to collect, to collect commercial waste where requested.
Section 46	Authority to serve notice on householders to use prescribed receptacles for waste and to put them out for collection
Section 47	Authority to provide commercial customers with receptacles
Section 48	Duty to deliver waste collected to specific places (as specified by the WDA)
Section 51	Duty to arrange for disposal and duty to provide HRCs

Section 52	Duty to pay recycling credits
Section 55	Duty to make arrangements to recycle waste

Waste and Emissions Trading Act 2003	
Section 9	Duty not to exceed allowances
Section 12	Duty to maintain records of biodegradable waste sent for treatment/disposal
Section 31	Power to make directions to WCAs as to separation of waste
Section 32	Duty to have in place a Joint Strategy for waste

Waste Minimisation Act 1998	
Section 1	Power to take steps to minimise waste

Household Waste and Recycling Act 2003	
Section 1	Duty to collect at least two types of recyclable waste

Environment Act 1995	
Section 108	Powers to take action to investigate pollution incidents or where harm to human health has been caused by pollution
Section 109	Powers to take action to prevent pollution or harm to human health

Clean Neighbourhoods & Environment Act 2005	
Part 2	Abandoned Vehicles
Part 3	Litter and Refuse
Part 4	Graffiti
Part 5	Waste

Local Government Act 1972	
Section 111	Powers to act as a local authority In so far as its use is calculated to facilitate or is incidental or conducive to the discharge of any of the functions referred to in paragraphs (a) to (h) listed below

	(a) European Community Strategy for Waste Management 1989 (as reviewed in 1996);
	(b) EU Directive 757 4427 EEC as amended by Directive 917 1567 EEC and adapted by Directive 967 3507 EEC on Waste (The Framework Directives on Waste);
	(c) Environmental Protection Act 1990;
	(d) Public Health Act 1936;
	(e) Anti-Social Behaviour Act 2003;
	(f) Clean Neighbourhoods and Environment Act 2005;
	(g) Refuse Disposal (Amenity) Act 1978 (insofar as this relates to abandoned vehicles, public safety and amenity);
	(h) Environmental Protection (Waste Recycling Payments) Regulations 1992 (as amended 1994)

Localism Act 2011	
Section 1	Power of General Competence

4. The functions retained by the individual partner authorities include:

- a) Authorising changes to the Inter Authority Agreement, (agreed framework for the committee);
- b) Budget setting;
- c) Service changes;
- d) Collection and disposal methods and policy changes to such collection and disposal methods;
- e) Procurement decisions in respect of the functions;
- f) Enforcement proceedings or other legal action in respect of the functions;
- g) Corporate media communications

5. The membership of the committee comprises two elected members from each partner authority on a 'one member, one vote' basis. Each partner authority shall appoint two of its members as its representatives, one of which will be a member of the partner authority's Executive.

6. Each member shall remain in office until removed or replaced by their appointing partner authority, or in the case of an executive member, until they cease to be a member of the executive of the appointing partner authority.

7. Where a substitute member takes the place of a committee member who is an executive member of the appointing partner authority, the substitute member must also be a member of the executive. The substitute member shall have the same rights of speaking and voting at meetings as the member for whom the substitution is made.

8. The committee will meet formally in public session on a quarterly basis with informal meetings, workshops and visits arranged as and when required.
9. The committee may appoint working groups, comprising Gloucestershire Joint Waste Committee members; officers from the Administering Authority, and officers of any of the partner authorities, to consider specific matters and to report back to the committee with recommendations. Each partner authority may also send any of its officers to committee meetings to support its members or anyone invited to observe at meetings.
10. Decisions made by the committee shall be subject to the scrutiny arrangements of the relevant partner authority.
11. A Chair and Vice Chair will be elected at the first committee meeting, and annually thereafter at the Annual General Meeting.
12. The quorum for a meeting shall be five committee members, which shall include at least one member appointed by each of the five different partner authorities. No business shall be transacted unless quorum is reached. If quorum is not reached within 30 minutes of the start of the meeting, (or if quorum ceases to be present during a meeting), the meeting shall be adjourned to the same time and venue within five working days of the meeting or to a date determined by the Chair.

3.14 GLOUCESTERSHIRE ECONOMIC GROWTH JOINT COMMITTEE

1. Pursuant to a partnership arrangements between Cheltenham Borough Council, Cotswold District Council, Gloucester City Council, Stroud District Council and Tewkesbury Borough Council, Forest of Dean District Council and Gloucestershire County Council, the Gloucestershire Economic Growth Joint Committee was formed under Sections 101, 102 of the Local Government Act 1972 and under Part 1A Chapter 2 Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangements for the Discharge of Functions (England) Regulations 2012
2. The functions of the Gloucestershire Economic Growth Joint Committee are as follows:
 - 2.1 Each of the Councils empowers the Joint Committee to discharge on their behalf the power to do anything it considers likely to achieve the promotion or improvement of the economic wellbeing of the area of Gloucestershire together with such additional functions as the respective constituent Councils may determine from time to time.
 - 2.2 To facilitate and enable collaboration between the local authorities on economic development and associated activities.
 - 2.3 In conjunction with the GFirst LEP Board, to formulate and agree the Gloucestershire Strategic Economic Plan GFirst LEP Plan (and Implementation Plans), the GFirst LEP EU Structural and Investment Fund Strategy, and other plans and strategies related to economic growth, and to work jointly to ensure their delivery.

- 2.4 To lobby and carry out other activities that help achieve the promotion or improvement of the economic wellbeing of the area of Gloucestershire.
- 2.5 To promote the vision contained in the Gloucestershire Strategic Economic Plan and to make recommendations to the GFirst LEP Board on any other matter relating to the economic wellbeing of Gloucestershire.
- 2.6 To have insight and the opportunity to review the GFirst LEP Board's activities and consider any further measures necessary to strengthen the relationship with the GFirst LEP Board.
- 2.7 To seek the allocation of resources to achieve the promotion or improvement of the economic wellbeing of the area of Gloucestershire.
- 2.8 To ensure a co-ordinated approach to and liaise with the:-

- Local Transport Board
- County Strategic Planning and Infrastructure Group
- LEP Investment Panel
- EU Structural and Investment Fund Board
- Business Rates Pool Arrangements

and other relevant Groups/Boards as the respective constituent Councils may determine from time to time.

- 2.9 To provide political and democratic accountability by:
 - Monitoring the delivery of each priority, plan, project or programme included in the SEP and by ensuring that action is taken to review and prepare revised action plans as necessary
 - Monitoring the annual SEP budget
 - Reviewing the annual SEP Report of GFirst LEP
 - Advising and making recommendations to the Accountable Body.

3. The membership of the committee comprises

3.1 one elected member from each partner authority on a 'one member, one vote' basis. Such member to be the leader (or other appointed executive member where executive arrangements are in place) from each partner authority.

3.2 the Chair and one other Board member of GFirst LEP or Substitute Board Members notified in advance (non-voting).

4. Each Committee member shall remain in office until removed or replaced by their appointing local authority, or in case of an executive member, until they cease to be a member of the Executive of the appointing local authority.

5. Where a substitute member takes the place of a committee member who is an executive member of the appointing partner authority, the substitute must also be a member of the

executive. The substitute member shall have the same rights of speaking and voting at meetings as the member for whom the substitution is made.

6. The Committee will meet formally in public session on a quarterly basis with informal meetings, workshops and visits arranged as and when required.
7. The Committee may appoint working groups, comprising Gloucestershire Economic Growth Joint Committee members; officers from any of the partner authorities to consider specific matters and to report back to the committee with recommendations or any sub-committee with recommendations. Each partner authority may also send any of its officers to committee meetings to support its members or anyone invited to observe at meetings.
8. A Chair and Vice-Chair will be elected at the first committee meeting and annually thereafter at the Annual General Meeting.
9. The quorum for a meeting shall be four voting members. If quorum is not reached within 30 minutes of the start of the meeting, (or if quorum ceases to be present during a meeting), the meeting shall be adjourned to the same time and venue five business days later or to such other date, time and venue as the Chair (or other person who is chairing the meeting) shall determine.

SECTION 4 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 4.1 In accordance with the Local Government Act 2000 (as amended) the Leader of the Council has determined that executive functions of the Council should be the responsibility of the Cabinet, individual Members of which may take executive decisions within their area of responsibility, and Officers.
- 4.2 The Cabinet is not responsible for approving the Council's budget or the Policy Framework. It is, however, responsible for leading the development of the budget and Policy Framework. The Cabinet is also responsible for making decisions on the delivery of Council services within the approved budget and Policy Framework in respect of any matter that is not reserved by law or under the Constitution to the full Council or another Council body.
- 4.3 In Gloucestershire, executive decisions can be taken by the Cabinet collectively, by Cabinet Members individually and by Officers of the Council to whom powers have been delegated. Decisions will be taken in accordance with the Cabinet Procedure Rules, Access to Information Procedure Rules and the Policy Framework and Budget Procedure Rules.
- 4.4 Every Cabinet Member is assigned areas of responsibility by the Leader of the Council, as described below.

Area of responsibility	
4.4.1	Leader of the Council
	1. Overall responsibility for the Council
	2. Regional and national affairs
	3. Accountable body status – Local Enterprise Partnership
	4. Performance
	5. Communications
	6. Customer Experience

4.4.2	Deputy Leader and Cabinet Member for Finance and Change
	1. Finance and resources
	2. Support Services
	3. Shareholder of UBICO

4.4.3	Cabinet Member for Environment and Planning
	1. Vision 2050 strategic housing, infrastructure and adaptation planning – including Local Transport Plan, highways development management and subregional partnerships
	2. Sustainable transport network planning – including green transport, Electric Vehicle Strategy, Carbon Reduction Strategy and Air Quality Management Strategy
	3. Sustainable energy planning – including Energy from Waste and green energy promotion
	4. Community Resilience Planning – including Climate Change adaptation and flood

resilience
5. Minerals and Waste Planning and Planning Authority liaison – duty to co-operate
6. Strategic Waste Disposal: recycling and waste reduction
7. Public Transport: relationship with major operators; Concessionary Fares; Community Transport
8. Sustainable Procurement Strategy

4.4.4 Cabinet Member for Highways and Flood
1. Highways 5 year investment plan
2. Highways maintenance
3. Traffic manager
4. Streetworks
5. Asset Management Plan
6. Public Rights of Way
7. Flooding protection works

4.4.5 Cabinet Member for Public Health and Communities
1. Public Health
2. Asset Based Community Development
3. Welfare reform
4. Travellers
5. Parish and Town Councils
6. Advice and information

4.4.6 Cabinet Member for Adult Social Care Commissioning
1. Commissioning including joint commissioning
2. Adult Single Programme
3. Demand management
4. Services for vulnerable people

4.4.7 Cabinet Member for Children & Young People
1. Children's safeguarding
2. Looked After Children/Care Leavers
3. Young people
4. Early help (including troubled families, family support, and early intervention)
5. Early years including children's centres
6. Special Educational Needs
7. strategic oversight of education
8. Adoption & Fostering
9. Children with disabilities

4.4.8 Cabinet Member for Adult Social Care Delivery
1. GCC-provided services
2. Adult safeguarding

3. Operational services for Learning Disabilities and Physical Disabilities
4. Mental Health
5. Transitions
6. Adults living in vulnerable circumstances
7. Reablement
8. Residential and Nursing Care
9. Dementia
10. Carers
11. Domiciliary Care
12. Domestic Abuse

4.4.9 Cabinet Member for Economy, Skills and Growth
1. Economic growth
2. Skills, post 16 education and lifelong learning
3. Apprenticeships
4. Superfast broadband
5. Industrial strategy
6. Economic led major infrastructure (see link to infrastructure and adaptation planning in 4.4.3)
7. School improvement/access and place planning
8. Home to school transport
9. School funding (see link to 4.4.7 strategic oversight of education)

4.4.10 Cabinet Member for Public Protection, Parking and Libraries
1. Fire and Rescue Service
2. Civil Contingencies
3. PCC relationship
4. Trading Standards
5. Coroners Service
6. Road Safety
7. Parking and TROs
8. Libraries and Registration

4.5 Every area of responsibility shall include the Council’s executive function of investigating and/or prosecuting suspected or actual criminal and civil acts relating to the executive functions referred to in the portfolio.

Note: Prosecution of suspected criminal acts are subject to authorisation by the Head of Legal Services.

4.6 The Leader of the Council may appoint up to five Cabinet Project Champions to assist the Cabinet with its work. Cabinet Project Champions do not have executive powers. The Leader has assigned the following roles:

Cabinet Champion Infrastructure Planning
Cabinet Champion Community Empowerment
Cabinet Champion Culture and Change
Cabinet Champion Care Leavers

SECTION 5 - SCHEME OF DELEGATION

5.1 The Council is required to make very many executive and non-executive decisions every day. It would be quite impracticable to make all or many of these decisions through full Council, the Cabinet and other Council bodies. The full Council, Cabinet and, under the Council's new executive arrangements from June 2009, the Leader, are able to delegate powers to the Cabinet, individual Cabinet Members and to Officers. Such powers are called "delegated powers" and the distribution of responsibility amongst the Leader of the Council, Cabinet Members and Officers for making decisions under delegated powers is set out in this Scheme. Such powers must be exercised in accordance with the conditions specified in paragraphs 5.2 to 5.8 below.

This scheme does not delegate to the Leader of the Council, Cabinet Members and Officers:

5.1.1 Except under delegation CE1 any matter reserved to full Council (see Tables 1 and 2 of this Part of the Constitution);

5.1.2 Any matter that by law may not be delegated to the Leader of the Council, a Cabinet Member or Officer.

5.2 Delegated powers must be exercised in accordance with:

5.2.1 The law;

5.2.2 All of the rules, procedures, codes and protocols contained in the Council's Constitution;

5.2.3 Council policy.

5.3 Before exercising delegated powers, the Leader of the Council, Cabinet Members and Officers must satisfy themselves that the decision is:

5.3.1 Authorised by law and, if in doubt, will consult with the Head of Legal Services;

5.3.2 Within budget (allowing for such variance as may be permitted under the Council's Financial Regulations) and if in doubt will consult with the Director: Strategic Finance.

5.4 Before exercising delegated powers the Leader of the Council, Cabinet Members and Officers must consider whether it would be advantageous and/or prudent to consult

with the Leader of the Council, another Cabinet Member or any other Member of the Council and/or Officer, and whenever they consult with another will carefully consider any response that they receive. In any event, consultation will always be required with all persons referred to in the column “Consultation under paragraph 5.4” in the table below headed Particular Delegations to Officers and in accordance with paragraph 5.9.

5.5 Before exercising delegated powers, Officers will consider whether the use of a power might be regarded as sensitive or contentious by Members of the Council and if it appears that this will be the case, they will:

5.5.1 In respect of any executive function, consult with the Leader of the Council or Cabinet Member with responsibility for that area;

5.5.2 In respect of any non-executive function, consult with the Chair and other political groups’ Lead Members of the committee having responsibility for that matter and any Member of the Council whose electoral division will be affected by the exercise of delegated powers.

5.6 In the absence of a Cabinet Member or if a Cabinet Member is unable to or should not exercise a delegated power, the Leader of the Council may exercise that delegated power.

In the absence of the Leader of the Council or if the Leader of the Council is unable to or should not exercise a delegated power or other power under the Constitution, any Cabinet Member or the Cabinet may exercise those powers.

5.7 The Officers named in this scheme shall be deemed to include any other Officer of the Council that they authorise in writing to exercise delegated powers on their behalf provided:

5.7.1 An Officer named in this scheme must maintain a written record of any other Officer they have authorised to exercise delegated powers on their behalf and any limitation that they have imposed on the extent and duration or other exercise of those powers in addition to those specified in this scheme;

5.7.2 A copy of the information specified in paragraph 5.7.1 must be given to the Monitoring Officer before another Officer exercises a power on behalf of a named Officer and the Monitoring Officer shall place this information on a register that, in accordance with Section 100G of the Local Government Act 1972, will be maintained for inspection by the public.

- 5.8 The Leader of the Council, Cabinet Members and Officers must maintain a complete and permanent written record of all executive decisions, which must (as a minimum) include:
- 5.8.1 A dated record of that decision;
 - 5.8.2 A record of the reasons for the decision;
 - 5.8.3 Details of any alternative options considered and rejected at the time by the person when making the decision;
 - 5.8.4 A record of any consultation with Members and/or Officers
 - 5.8.5 A record of any conflict of interest declared by any Executive Member who is consulted in relation to the decision; and
 - 5.8.6 In respect of any declared conflict of interest a note of any dispensation granted by the Audit and Governance Committee of the Council.

Note: Records of all executive decisions are required to be available for public inspection after the decision has been taken, in the same way as Cabinet papers.

- 5.9 There shall be delegated to the Leader of the Council and each Cabinet Member all executive functions, duties or powers of the Council within their area of responsibility as specified in paragraph 4.4 of Section 4 of the Constitution. In exercising such functions, duties or powers, the Leader and Cabinet Members will consult with the Director or Head of any service area affected by their decision.
- 5.10 The functions, powers and duties identified in the table below headed “Particular Delegations to Officers” are delegated to Officers of the Council. Any Officer referred to in the “Appropriate Officer” column of the table below and to whom powers have been delegated, shall include any other person subsequently taking on that Officer’s responsibilities.
- 5.11 The Commissioning Director: Children and Families has responsibility for the statutory functions of the Director of Children's Services in accordance with Section 18 of the Children Act 2004.
- 5.12 The Officer designated as Director of Adult Social Services in accordance with Section 6(A1) of the Local Authority Social Services Act 1970 (as inserted by paragraph 2(2) of Schedule 2 to the Children Act 2004) shall be the Commissioning Director: Adults

Particular Delegations to Officers

Decision Category Number	Function, duty or power to be delegated	Appropriate Officer	Consultation under paragraph 5.4
CE1	To take any decision that could be taken by the Council, the Cabinet, any committee or any Officer (provided such action is taken in accordance with the law, Rules on Access to Information about the County Council's Business and the Cabinet Procedure Rules).	Chief Executive.	<p>Council function - Chair and Leader of the Council.</p> <p>Cabinet function - Leader of the Council or Cabinet Member, as appropriate.</p> <p>Committee function - Chair and Lead Members</p>
CE2	To be the Proper Officer of the County Council in relation to all County Council functions, including the Proper Officer under Section 270(3) of the Local Government Act 1972.	Chief Executive	<u>N/A</u>
CE3	To fill casual vacancies on committees, in accordance with Sections 15-17 of the Local Government & Housing Act 1989.	Chief Executive	Group leader of the political group entitled to appoint a Member to any committee by virtue of any vacancy that has arisen

CE4	To be the Returning Officer for County Council elections and undertake the functions of the Council in relation to elections.	Chief Executive	N/A
CE5	<p>To permanently appoint, determine the terms of appointment and terminate the appointment of all staff (except those Officers within the responsibility of the Appointments Committee) under Section 112 of the Local Government Act 1972; and</p> <p>To appoint on a temporary or acting up basis for up to one year, determine the terms of appointment and terminate the appointment of those Officers within paragraph 2 of the duties of the Appointments Committee.</p> <p>To appoint on an interim basis and for a maximum period of up to six months to the positions of those officers within paragraph 2 of the duties of the Appointments Committee.</p>	Chief Executive	<p>Director: Strategic Finance</p> <p>Relevant Cabinet Member Group Leaders and relevant Scrutiny Chair.</p> <p>Relevant Cabinet Member Group Leaders and relevant Scrutiny Chair.</p>
DSF 1	To be responsible for and do anything required for the proper administration of the financial affairs of the Council.	Director: Strategic Finance	N/A

DSF 2	To make arrangements for the financing of the capital programme of the Council by borrowing, leasing or other arrangements.	Director: Strategic Finance	Leader of the Council or Cabinet Member, as appropriate.
DSF 3	The functions, duties or powers of the Pensions Committee.	Director: Strategic Finance	Chair of the Pensions Committee for all decisions with financial implications over £250,000
DSF 4	To formulate and issue general guidelines to Officers on financial matters including insurance and the writing-off of debts.	Director: Strategic Finance	N/A
DSF 5	To determine arrangements for treasury management in accordance with the Council's policy statement and approved treasury management practices and where relevant CIPFA's Standard of Professional Practice on Treasury Management.	Director: Strategic Finance	N/A
DSF 6	To make arrangements for the Internal Audit of the Council.	Director: Strategic Finance	N/A
DSF 7	To manage the County Fund and all subsidiary accounts and any reserve or other fund.	Director: Strategic Finance	N/A

DSF 8	To operate the Local Government Superannuation Regulations, including the exercise of discretion under those Regulations.	Director: Strategic Finance	Relevant Cabinet Member for all decisions with financial implications over £250,000
DSF 9	To implement national and local pay awards and increase payments under the Pension Increase Act.	Director: Strategic Finance	N/A
DSF 10	To make finance leasing arrangements and authorise and make any other financial transaction including the borrowing and lending of money.	Director: Strategic Finance	Relevant Cabinet Member for all decisions with financial implications over £250,000
DSF 11	To authorise the writing-off of stock, other than through fair wear and tear.	Director: Strategic Finance	N/A
DSF 12	To effect adequate insurance cover for the Council.	Director: Strategic Finance	N/A
DSF 13	To exercise all other functions relating to the Financial Management of the Council.	Director: Strategic Finance	N/A
DSF 14	To acquire and dispose of any interest in land and manage the Council's estate.	Director: Strategic Finance	Relevant Cabinet Member for all decisions with financial implications over £250,000
DSF 15	To manage the provision of information technology services to the Council.	Director : Strategic Finance	N/A

DSF 16	To manage the function relating to Communications and Engagement	Director: Strategic Finance	N/A
DSF 17	To exercise all other functions relating to support services except for functions falling within decision categories DPS 1 and 2, HLDS 1 to 3, MO1 and D:S&C 1 and 2	Director: Strategic Finance	N/A
DSF 18	To secure the proper management of the Council's human resources except for functions falling within decision categories CE5 and HLDS 1 to 3	Director: Strategic Finance	N/A
D:S&C 1	The functions of the Safety & Licensing Committee under paragraphs 2 and 3 of its terms of reference.	Director: Strategy and Challenge	N/A
D:S & C 2	To publish standards for the whole Council, which will secure the efficient processing of information.	Director: Strategy and Challenge	N/A
D:S & C 3	To exercise all other functions relating to the following services: Planning, Performance & Change; Democratic Services; Information Management, Corporate Complaints, Archives; the Executive and Cabinet Offices; and the SHE Team; and Legal Services except for functions within decision categories HLDS 1 to 5.	Director: Strategy and Challenge	N/A

MO1	To make payments or award other benefits under Section 92 of the Local Government Act 2000 (payments in respect of maladministration and related discretionary payments).	Monitoring Officer	Chief Executive, Chief Financial Officer and/or Director responsible for the service in respect of which a payment or other benefit is awarded.
MO2	To amend the Constitution in any way whatsoever in order to secure compliance with the law and the convenient, efficient and effective discharge of any Council function. Such amendment to be reported to the Constitution Committee and reported to and ratified by the full Council (in respect of any non-executive function) or the Cabinet (in respect of any executive function).	Monitoring Officer	Chief Executive and any Director whose service is affected by any amendment to the Constitution.
MO 3	The functions of the Constitution Committee to advertise for, interview and appoint persons as members of an Independent Remuneration Panel.	Monitoring Officer	Lead Members of the Constitution Committee.

CFO 1	To manage the operations of the Gloucestershire Fire and Rescue Service.	Chief Fire Officer	Most relevant Cabinet Member(s) or Chief Executive for all decisions with financial implications over £250,000
CD: C & I 1	The functions of the Safety and Licensing Committee except those within paragraphs 2, 3, 4 and 7 of its terms of reference and decision categories HLDS1 to 3.	Commissioning Director: Communities & Infrastructure.	N/A
CD: C & I 2	To enforce the Trading Standards, Food, Animal Health and other legislation referred to in the Trading Standards Legislation Master List held by the Head of Legal Services and issue statutory notices in relation to that legislation	Commissioning Director: Communities and Infrastructure	N/A
Deputy Chief Fire Officer	Without prejudice to the powers of the Commissioning Director: Communities & Infrastructure to sign warrants and authorise Officers to enforce the legislation referred to in the Trading Standards Legislation Master List held by the Head of Legal Services and to issue statutory notices in relation to that legislation	Deputy Chief Fire Officer	N/A

CD: C & I 3	To exercise the functions of the Commons and Rights of Way Committee as Local Highway Authority Commons and Rights of Way Committee terms of reference 3 to 19.	Commissioning Director: Communities & Infrastructure	N/A
CD: C & I 4	To be the Proper Officer in relation to functions under the Highways Act 1980.	Commissioning Director: Communities & Infrastructure	N/A
CD: C & I 5	To exercise the functions falling within Planning Committee terms of reference 1 to 14 and 16 to 25, except decision categories HLDS1 to 3 of this Scheme of Delegation.	Commissioning Director: Communities & Infrastructure. (Note: Where the Director is an Officer whose responsibilities include any aspect of the management of any land or building to which an application made by the Council relates, or is responsible for a function (other than as planning authority) materially affected by any planning matter, this power is delegated to the appropriate senior officer).	Head of Legal Services.
CD: C & I 6	To exercise the functions of the Traffic Regulation Committee (terms of reference 1 to 12), except those falling within decision categories HLDS1 to 3 of this Scheme of Delegation.	Commissioning Director: Communities & Infrastructure.	Head of Legal Services.

CD: C & I 7	To exercise all other functions relating to the areas of responsibility of the following services: Development, Planning, Transport & Community Infrastructure, Road Safety, Trading Standards, Civil Protection, Registration & Coroners, Libraries and Waste Management except decision categories CFO 1, HLDS1 to 3 (although, in cases when only an Officer other than the Head of Legal Services may institute proceedings, the Commissioning Director: Communities & Infrastructure may institute a prosecution once it has been authorised under HLDS2).	Commissioning Director: Communities and Infrastructure	Relevant Cabinet Member for all decisions with financial implications over £250,000
CD: A 1	The functions of the Safety and Licensing Committee under paragraph 7 of its terms of reference.	Commissioning Director: Adults.	N/A
CD: A 2	To exercise all other functions relating to the areas of responsibility of Adult Social Care except decision category HLDS1 to 3.	Commissioning Director: Adults.	Relevant Cabinet Member for all decisions with financial implications over £250,000
CD: C & F 1	The functions of the Safety and Licensing Committee under paragraph 4 of its terms of reference.	Director of Children's Services	N/A

CD: C & F 2	To exercise all other functions relating to the areas of responsibility of Children's Services, Education and Learning except decision category HLDS1 to 3 and in relation to the commissioning of Children's Services.	Director of Children's Services	Most relevant Cabinet Member(s) for all decisions with financial implications over £250,000
HLDS1	To authorise the institution, defence withdrawal or settlement of any claims or legal proceedings, civil or criminal, the issue of cautions and to authorise the enforcement of any order made in those proceedings.	Head of Legal Services	Director of any service area affected by such a decision.
HLDS2	To authorise Officers of the County Council to prosecute or defend or appear in any legal proceedings (NB: The Head of Legal Services will <i>authorise</i> every decision to prosecute or defend such proceedings, including those which by law may only be <i>instituted</i> by another Officer).	Head of Legal Services	Director of any service area affected by such a decision.

HLDS3	To authorise the withdrawal or settlement of any dispute between the Council and any third party, including those that have been referred to any statutory or non-statutory Tribunal or arbitrator (this includes authorising ex gratia payments not otherwise delegated).	Head of Legal Services	Director of any service area affected by such a decision.
HLDS4	To be the adjudicator for disputes under the Local Government Pension Scheme.	Head of Legal Services	N/A
HLDS5	The functions of the Commons and Rights of Way Committee under paragraphs 1, 2 and 19 or its terms of reference.	Head of Legal Services	Lead members
DPH1	To exercise the functions conferred on the Director of Public Health by section 73A of the National Health Service Act 2006 for the improvement of the health of the people of Gloucestershire	Director of Public Health	
DPH2	To exercise the commissioning function relating to the areas of responsibility of Children's Services, Education and Learning	Director of Public Health	Relevant Cabinet Member for decisions with financial implications in excess of £250,000

GEN1	To enter into any contract for works and the supply of goods and services.	Chief Executive and Directors or Head of Service or equivalent in relation to their service areas.	Relevant Cabinet Member for decisions with financial implications in excess of £250,000
GEN2	To take any decision under the Regulation of Investigatory Powers Act 2000.	Directors or Head of Service or equivalent in relation to their service areas.	N/A
GEN3	To do anything that is required for the effective management of staff and other resources within each Service of the Council.	Directors or Head of Service or equivalent in relation to their service areas.	N/A

SECTION 6 - GENERAL STATEMENT OF POLICY BY THE LEADER, THE FULL COUNCIL AND THE CABINET IN RESPECT OF THE DISTRIBUTION OF FUNCTIONS TO THE FULL COUNCIL, COUNCIL BODIES, CABINET MEMBER AND OFFICERS

The Council, the Leader and Cabinet intend that Officers should be able to exercise any duty or power that could be exercised by them or any Council body. Accordingly, where the law confers a function, duty or power on the Authority but no Officer has been expressly authorised to exercise that function, duty or power under the Scheme of Delegation, the Council, the Leader and Cabinet (insofar as it is within their remit) hereby authorise any Director and any person authorised by any of them, to exercise that function, duty or power on behalf of the Authority.

Note: Where an Officer has been expressly authorised to exercise a function, duty or power, only that Officer and any other Officer authorised in accordance with paragraph 5.7 of Section 5, can exercise that function, duty or power.