

Executive Decision Making by an Officer with Delegated Powers

Decision to be taken by: Rob Ayliffe, Monitoring Officer

Pursuant to delegation reference MO2 within the Council's Scheme of Delegation

Report title: Changes to the Scheme of Delegation within the Council's Constitution

The decision	<i>To make changes to the Scheme of Delegation (Part 3, section 5.12 of the Council's Constitution as set out in paragraph 3 of this report, with immediate effect.</i>
Background Documents	Gloucestershire County Council's Constitution
Reasons for the decision	<i>To rectify an error in the Scheme of Delegation, which incorrectly assigns authority for enforcement action taken under Trading Standards Legislation</i>
Resource implications	<i>None</i>
Who has been consulted?	<i>Chief Executive Executive Director: Economy, Environment and Infrastructure Chief Fire Officer Cabinet Member for Fire, Community Safety & Libraries</i>
What were their comments?	All consultees were fully supportive of the change.
Background/Context	<ol style="list-style-type: none">1. The Scheme of Delegation assigns responsibility for certain teams and functions between the senior officers of the council, and sets out the extent of the powers delegated to them with respect to those functions.2. A review of the scheme has identified that it currently delegates authority for enforcement action taken under Trading Standards Legislation to the Executive

Director: Economy, Environment and Infrastructure. Operationally, Trading Standards has been the responsibility of the Chief Fire Officer for several years. The scheme of delegation needs to be updated to reflect that reality.

3. The following changes to the scheme of delegation are made in order to correct the error and ensure that the scheme of delegation reflects operational reality.

Decision Category Number	Function, duty or power to be delegated	Appropriate Officer	Consultation under paragraph 5.4
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
CFO2	To exercise all other functions relating to the areas of responsibility of the following services: Trading Standards and Coroners	Chief Fire Officer	Most relevant Cabinet Member(s) or Chief Executive for all decisions with financial implications over £250,000
<u>CFO3</u>	<u>To enforce the Trading Standards, Food, Animal Health and other legislation referred to in the Trading Standards Legislation Master List held by the Assistant Director of Legal Services and issue statutory notices in relation to that legislation</u>	<u>Chief Fire Officer</u>	<u>N/A</u>
DEE11	The functions of the Safety & Licensing Committee under paragraphs 4 and 5 of its terms of reference except those which fall in decision categories ADLS1 to 3.	Executive Director of Economy, Environment and Infrastructure	N/A
DEE12	To enforce the Trading Standards,	Executive Director of Economy,	N/A

	Food, Animal Health and other legislation referred to in the Trading Standards Legislation Master List held by the Assistant Director of Legal Services and issue statutory notices in relation to that legislation	Environment and Infrastructure	
DEE13 <u>DEE12</u>	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.	Executive Director of Economy, Environment and Infrastructure	N/A
DEE14 <u>DEE13</u>	To be the Proper Officer in relation to functions under the Highways Act 1980.	Executive Director of Economy, Environment and Infrastructure	N/A
DEE15 <u>DEE14</u>	To exercise the functions falling within Planning Committee terms of reference 1 to 14 and 16 to 26, except decision categories ADLS1 to 3 of this Scheme of Delegation.	Executive Director of Economy, Environment and Infrastructure	Assistant Director of Legal Services.
DEE16 <u>DEE15</u>	To exercise the functions of the Traffic Regulation Committee (terms of reference 1 to 12), except those falling	Executive Director of Economy, Environment and Infrastructure	Assistant Director of Legal Services.

	within decision categories ADLS1 to 3 of this Scheme of Delegation.		
DEE17 <u>DEE16</u>	To exercise all other executive functions relating to the areas of responsibility of the following services: Development, Planning and Natural Environment, Transport and Community Infrastructure, Road Safety, Registration, Libraries, Adult Education, Employment and Skills and Waste Management except decision categories ADLS 1 to 3 (although, in cases when only an Officer other than the Assistant Director of Legal Services may institute proceedings, the Director of Economy, Environment and Infrastructure may institute a prosecution once it has been authorised under ADLS2).	Executive Director of Economy, Environment and Infrastructure	Relevant Cabinet Member for all decisions with financial implications over £250,000

DEE18 <u>DEE17</u>	Making agreements under Section 278 of the Highways Act (as amended) for the execution of highway works.	Executive Director of Economy, Environment and Infrastructure	Relevant Cabinet Member for all decisions with financial implications over £250,000
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4. These changes are made with immediate effect and, in accordance with Article 15.02.3 of the Council's Constitution, will be reported to the next meeting of the Constitution Committee.



Rob Ayliffe, Monitoring Officer

9 April 2024

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