

## PART 3A

**DELEGATION OF EXECUTIVE FUNCTIONS**

1. The Leader will decide how arrangements for the discharge of Cabinet functions are to be exercised except insofar as they are already set out in the Cabinet arrangements adopted by the council.

This scheme of delegation records the arrangements made by the Leader or Cabinet for the discharge of executive functions by:

- The Cabinet as a whole
- a committee of the Cabinet
- an individual member of the Cabinet
- an area board
- an officer
- joint arrangements or
- another local authority.

**Cabinet as a whole**

In accordance with the terms of reference of Cabinet as set out at paragraph 3 of Part 3 of this constitution, the Leader either directly or through Cabinet will carry out within the council's policy and budget framework all of the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under this constitution.

Cabinet is defined at Article 7 of Part 2 of this constitution. The procedure rules governing meetings of Cabinet are set out at Part 7 of this constitution.

**A Committee of the Cabinet**

The Leader may appoint a committee of the Cabinet for the discharge of executive functions.

To date the following Cabinet committees have been appointed:

- **Cabinet (Capital Assets) Committee**

Membership and terms of reference details as set out in Appendix 1

- **Cabinet (Business Rates Relief) Committee**

Membership and terms of reference details as set out in Appendix 1

**An individual member of the Cabinet**

Cabinet members may exercise any executive functions within their allocated areas of responsibility, as set out in Appendix 2.

2. This does not include executive functions which are specifically reserved to the council, the leader and/or Cabinet, or officers.
3. In exercising delegated functions Cabinet members must have regard to the Leader's Protocol for individual decision making, Protocol ? of this constitution which promotes good practice and ensures transparency and consistency in the decision making process.
4. Cabinet members may in consultation with the leader refer matters to the Cabinet for decision if they consider that it is more appropriate to do so.
5. Where a Cabinet member is unable to act because of absence, a conflict of interest or any other reason, the leader may nominate another member of the Cabinet to exercise the function on their behalf.

### **An Area Board**

This scheme of delegation records the arrangements made by the leader for the discharge of executive functions by each of the 18 Area Boards constituted in accordance with paragraph 4 of Part 3 of this constitution

Area Boards may exercise the following executive functions within their geographical areas of responsibility subject to compliance with paragraph 4.17 – 4.24 of Part 3 of this constitution and specifically:

- The approval of applications from community and voluntary groups and town and parish councils for grant funding through the Area Boards grant scheme.
- The approval of applications for the disposal of non-strategic assets with a value below £250,000 provided that each application is supported by robust and appropriate business cases that benefit local communities in accordance with the Council's Community Asset Transfer Policy.

### **Officers**

The discharge of executive functions as delegated by the Leader having regard to the Scheme of Delegation to Officers as set out at Part 3B of this constitution.

### **Joint Arrangements**

The discharge of executive functions under joint arrangements with one or more local authority as described at Article 12.2 of Part 2 of this constitution.

### **Another local authority**

Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances as described at Article 12.4 of Part 2 of this constitution.

Those delegated to take decisions within this scheme of delegation must:

- act within the Council's budget and policy framework;
  - comply with the Council's constitution, including particularly its financial regulations and procedure rules and contract regulations, and all relevant legislation, guidance and codes of practice;
  - follow the principles of decision making in Article 14.2 of Part 2 of this constitution.
  - consider the implication of any council policy, initiative, strategy or procedure
  - consider the staffing, financial, legal and environmental implications of any proposal
  - consider the assessment of any risks associated with a proposal in accordance with the council's risk management strategy.
6. This scheme may be varied at any time in accordance with paragraph 9 of the Cabinet Procedure Rules.

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**Appendix 1**

**Cabinet Committees**

**Cabinet (Capital Assets) Committee**

Membership:

Cllr Jane Scott OBE – Leader of the Council  
Cllr John Thomson – Cabinet Member for Adult Care, Communities and Libraries  
Cllr Fleur de Rhe-Philippe – Cabinet Member for Finance, Performance and Risk  
Cllr Toby Sturgis – Cabinet Member for Waste, Property and Environment  
Cllr John Noeken – Cabinet Member for Resources

Other Cabinet members will be invited to attend in a non-decision-making capacity as relevant to the subject matter.

Quorum:

The Quorum is three members.

Purpose:

The Board will increase the political visibility of and accountability for the coordination and use of all capital assets. This will include and serve to develop a wide range of mechanisms for delivering the financial strategy, including partnership work.

Authority:

To discharge the executive functions of the Council with regard to the management of capital assets.

Draft Terms of Reference:

1. The Capital Assets Committee, in respect of all assets owned funded or occupied by Wiltshire Council, will be responsible for:
  - 1.1 Developing the corporate strategy;
  - 1.2 Delivering the Council's business plan insofar as it relates to or requires the acquisition, management and disposal of capital assets;
  - 1.3 Authorising the acquisition and disposal of real property assets by any means, including – but not restricted to – freehold property; and
  - 1.4 Preparing the Council's capital programme for consideration by the Cabinet and monitoring and ensuring the delivery of that programme,

Within the existing executive functions of the Cabinet and, for the avoidance of doubt, without rescinding any existing delegations.

2. In order to achieve this the Committee will
  - 2.1 Receive and monitor reporting information from the Workplace Transformation Programme Board regarding the delivery of that programme;
  - 2.2 Support the delivery of the economic development strategy, and take a strategic overview of the town 'vision' statements for Chippenham, Salisbury and Trowbridge;
  - 2.3 Strategic overview of the Council's policy on Section 106 funding and the use of the funds;
  - 2.4 Work within the framework set by the Council's financial strategy and Constitution;
  - 2.5 Ensure enhanced visibility of all capital asset transactions and budget monitoring for capital spend by Wiltshire Council;
  - 2.6 Advise the Cabinet as necessary on future capital projects and their impacts on the Council's revenue budget; and
  - 2.7 Investigate other mechanisms for the delivery and coordination of Council capital assets.

Frequency of meetings:

Every two months, with authority to hold additional ad hoc formal meetings as merited.

## **Cabinet Committees**

### **Cabinet (Business Rates Relief) Committee**

#### Membership:

Any three members of Cabinet appointed by the Head of Democratic Services.

#### Quorum:

The quorum is three members.

#### Purpose and Authority:

To determine applications for business rates relief where the rate relief applied for is in excess of £10,000 in accordance with the council's Hardship Rate Relief Application and Assessment Protocol.

Note: An Appeals Panel of the Appeals Committee will determine cases where an application has been rejected and an appeal by the ratepayer is lodged.

#### Frequency of meetings:

As and when required

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**Individual members of Cabinet**

**APPENDIX 2**

<b>CABINET MEMBER</b>	<b>RESPONSIBILITIES</b>	<b>CABINET MEMBER(S)</b>
<b>Leader</b>	<ul style="list-style-type: none"> <li>○ setting strategic direction</li> <li>○ ensuring the needs and aspirations of Wiltshire people are known</li> <li>○ management initiatives</li> <li>○ identifying priorities and setting targets</li> <li>○ setting priorities</li> <li>○ probity and financial monitoring and risk management</li> <li>○ communication policy</li> <li>○ monitoring performance of Cabinet members</li> <li>○ promoting the council</li> <li>○ relationships with other political group leaders and the chairman of the council</li> </ul>	Mrs J A Scott
<b>Adult care, communities and libraries and deputy leader</b>	<ul style="list-style-type: none"> <li>○ performance of adult care services including services for people with learning disability, mental health problems or a physical impairment and for older people</li> <li>○ relations with other organisations, especially the health service and voluntary organisations regarding social care services</li> <li>○ listening to people: community planning including consultation</li> <li>○ community development in local areas</li> <li>○ the Supporting People Programme</li> <li>○ performance of libraries and heritage</li> </ul>	Mr J Thomson

	services	
<b>Economic development, planning and housing</b>	<ul style="list-style-type: none"> <li>○ strategic planning including the Local Development Framework</li> <li>○ development control/management service including planning enforcement and conservation</li> <li>○ building control and local land charges</li> <li>○ Wiltshire and Swindon minerals and waste local plans</li> <li>○ economic development</li> <li>○ tourism</li> <li>○ housing and all matters relating to the housing revenue account and housing revenue subsidy</li> <li>○ housing PFI and all bidding for funds for social housing</li> </ul>	Mr J Brady
<b>Finance, performance and risk</b>	<ul style="list-style-type: none"> <li>○ finance</li> <li>○ performance</li> <li>○ risk</li> </ul>	Miss F de Rhe-Philipe
<b>Children's services</b>	<ul style="list-style-type: none"> <li>○ performance of children's social services including child protection, fostering and adoption, children's homes and special educational needs</li> <li>○ relations with other organisations, especially the health service and voluntary organisations regarding children's services</li> <li>○ partnership with Wiltshire's school governors and head teachers on education matters including school performance and funding, curriculum, buildings and admissions</li> <li>○ Performance of the youth development service and early years provision and youth justice</li> </ul>	Mr L Grundy
<b>Health and wellbeing</b>	<ul style="list-style-type: none"> <li>○ health</li> <li>○ community safety</li> <li>○ environmental health</li> </ul>	Mr K Humphries



	<ul style="list-style-type: none"> <li>○ trading standards</li> <li>○ licensing</li> <li>○ emergency planning</li> </ul>	
<b>Resources</b>	<ul style="list-style-type: none"> <li>○ human resources and organisational development</li> <li>○ ICT</li> <li>○ procurement and commissioning</li> <li>○ customer services</li> <li>○ shared services team</li> <li>○ business management programme</li> <li>○ business transformation (systems thinking/lean)</li> <li>○ legal and democratic services</li> <li>○ councillor development</li> <li>○ registration service and coroners</li> </ul>	Mr J Noeken
<b>Waste, property and environment</b>	<ul style="list-style-type: none"> <li>○ performance of waste management including collection, disposal and recycling, and property management including county farms</li> <li>○ performance of countryside management and the provision of gypsy and traveller services</li> <li>○ climate change and carbon trading</li> </ul>	Mr T Sturgis
<b>Highways and transport</b>	<ul style="list-style-type: none"> <li>○ performance and strategy for transport (including the Local Transport Plan and related strategies and policies.</li> <li>○ highways maintenance and improvements</li> <li>○ traffic management including car parking, road safety and passenger transport</li> <li>○ litter and cleansing activities and environmental enforcement including abandoned vehicles, fly tipping etc)</li> <li>○ rights of way</li> <li>○ public conveniences</li> <li>○ grounds and open space management including allotments</li> <li>○ cemeteries and markets</li> </ul>	Mr R Tonge

<b>Leisure, sport and culture</b>	<ul style="list-style-type: none"><li>○ cultural development including heritage, museums and arts</li><li>○ leisure and sports.</li></ul>	Mr S Wheeler
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