

## **I. Executive Procedure Rules**

### **1. How does the executive operate?**

#### **1.01 Who may make executive decisions?**

The Leader has discretion to decide how executive functions are to be exercised. The Leader may provide for executive functions to be discharged by:

- (i) the executive as a whole;
- (ii) a committee of the executive;
- (iii) an individual member of the executive;
- (iv) an officer;
- (v) an area committee;
- (vi) joint arrangements; or
- (vii) another local authority.

#### **1.02 Delegation by the Leader**

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (i) the names of the councillors appointed to the executive by the Leader;
- (ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such executive committees as the Leader appoints and the names of executive members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

#### **1.03 Sub-delegation of executive functions**

- (a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may

delegate further to an area committee, joint arrangements or an officer.

- (b) If the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.
- (c) Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

#### 1.04 **Amendment of Executive Delegations**

If the Leader wishes to do so, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

#### 1.05 **Conflicts of Interest**

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the executive, an individual member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

### **1.6 Executive meetings – when and where?**

The executive will meet at least monthly to be agreed by the Leader. The executive shall meet at the Council's main offices or another location to be agreed by the Leader.

## **2. How are the Executive Meetings Conducted?**

### **2.01 Who presides?**

The Leader will preside at any meeting of the executive or its committees at which he/she is present, or may appoint another person to do so.

### **2.02 Consultation**

All reports to the executive from any member of the executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Chairman of the Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### **2.03 Who can put items on the executive agenda?**

The Leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.

## **II. Cabinet Portfolios and Executive Scheme of Delegation**

The Leader of the Council is empowered to exercise all executive functions of the Council.

The following are the Cabinet Portfolios and Cabinet and Officer Delegations which have been established by the Leader. Within the scope of their Portfolios and the available budgetary provision and subject to the provisions of the Policy Framework each Portfolio Holder will be fully responsible for and authorised to take any decisions in respect of the functions and services allocated to them. This will include responsibility for examining and keeping under review the effectiveness and appropriateness of existing policies and the adoption of new or revised policies as appropriate.

Delegation to officers to be exercised by the relevant Director. Director shall be interpreted as referring to the Director with responsibility for the relevant power or function as follows:

- Deputy Chief Executive and Director of Finance in relation to Finance, Parks and Street Care, Waste, Transport, Revenues and Benefits and Audit and Asset Management functions;
- Director of Health and Community Wellbeing in relation to Leisure, Public Protection, Housing and Community Relations functions;
- Director of Organisational Development and Democratic Services in relation to Legal, Elections and Member Services, Organisational Development, Customer Services, IT and Communications functions;
- Head of Planning and Economic Growth in relation to Planning, Building Control and Economic Development functions.

For the avoidance of doubt, it is confirmed that the Chief Executive has authority to deal with all matters delegated to Directors. Furthermore, in the absence of a Director, it is confirmed that all other Directors have authority to deal with all matters to them.

In the absence of the Chief Executive, the Directors shall have authority to exercise all functions and delegations of the Chief Executive.

### **Delegation to Executive**

1. The Executive is authorised to make new or replacement appointments to outside bodies which fall to be made from time to time during the year.

## **Delegation to Cabinet Members**

### **1) Leader**

#### **Areas of responsibility**

The Leader, with the support of the Deputy Leader, is responsible for:-

- Overall strategy and delivery of agreed Council priorities and objectives.
- Oversight of all Cabinet responsibilities.
- Building and developing relationships with partners at a local, regional, national and international level to pursue matters of interest to the Council and the community.
- Representing the interests of the Council and the wider community on the Local Enterprise Partnership, Metro Board, East Midlands Councils, and other key strategic local, regional and national bodies.
- Oversight of the Council's Partnership and Collaboration Agreements with key partners.
- Building and maintaining positive relationships with and between elected Members and employees.
- Promoting and encouraging effective corporate governance and the highest standards of probity.
- Emergency Planning.
- Strategic lead for Economic Development and Inward investment.

#### **Authority to:**

1. make all executive decisions, within his/her area of responsibility, on matters which are not reserved to Cabinet and within the limitations of the Financial Procedure Rules.
2. monitor service performance, within his/her area of responsibility, and take action to improve performance where necessary, in conjunction with the relevant Head of Service.
3. respond to consultation documents received by the Council within his/her area of responsibility.
4. approve policies and procedures within his/her area of responsibility.
5. authorise the commencement of any proceedings in connection with any offences within his/her area of responsibility.
6. determine fees and charges within his/her area of responsibility.
7. make recommendations to the Cabinet, within his/her areas of responsibility, on matters reserved to Cabinet.

When taking decisions, professional advice from officers, including the statutory officers, must be taken into account.

## **Officer Delegation**

In order to streamline and simplify the decision-making processes of the Council the delegations to Officers should be interpreted widely rather than narrowly. Where functions are delegated these should be taken to include all powers and duties necessary to carry out those functions and all incidental powers.

Reference to any statutory provision includes any statutory provision amending, consolidating, or replacing it for the time being in force.

## **Director**

### **General Delegations**

1. In relation to the functions allocated to him/her, authority to:
  - (a) act as authorised officer, relating to the functions allocated to him/her, for the purposes of any Act of Parliament or Statutory Instrument.
  - (b) appoint officers to act as authorised Officers or Inspectors for the purposes of any Act of Parliament or Statutory Instrument.
  - (c) where not specifically mentioned below, serve notices under any Act of Parliament or Statutory Instrument and take any action in default, including enforcement action and recovery of costs.
  - (d) authorise persons, whether employed by the Council or not, to undertake duties and responsibilities for the purposes of any Act of Parliament or Statutory Instrument, including powers of entry.
  - (e) authorise in conjunction with the Director of Organisational Development and Democratic Services the commencement of legal proceedings.
  - (f) respond to consultation documents of a non-controversial nature.
  - (g) approve all work for third parties up to the value of £20,000.00 per contract or type of work; and agree the fees and charges for such work which must, as a minimum, be on a full cost recovery basis.

### **Director of Organisational Development and Democratic Services**

1. Authority, in any case where to wait for instructions would, in his/her opinion, prejudice the Council's position, to institute, defend, conduct and settle any legal proceedings affecting the rights or interests of the Council.

## **2) Resources & Reputation Portfolio**

### **Areas of responsibility:**

- Budget strategy, financial management and local taxation.
- Asset Management, including the Council's investment property, sales and purchase of land.
- Commercialisation.

- Communications, marketing and promotion.
- Media relations.
- Customer Services, information and communications technology, including digitalisation.
- Transformation of Council services, processes and governance.
- Social Mobility.

#### **Authority to:**

1. make all executive decisions, within his/her area of responsibility, on matters which are not reserved to Cabinet and within the limitations of the Financial Procedure Rules.
2. monitor service performance, within his/her area of responsibility, and take action to improve performance where necessary, in conjunction with the relevant Head of Service.
3. respond to consultation documents received by the Council within his/her area of responsibility.
4. approve policies and procedures within his/her area of responsibility.
5. authorise the commencement of any proceedings in connection with any offences within his/her area of responsibility.
6. determine fees and charges within his/her area of responsibility.
7. make recommendations to the Cabinet, within his/her areas of responsibility, on matters reserved to Cabinet.

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  - (b) appoint officers to act as authorised Officers or Inspectors for the purposes of any Act of Parliament or Statutory Instrument.

- (c) where not specifically mentioned below, serve notices under any Act of Parliament or Statutory Instrument and take any action in default, including enforcement action and recovery of costs.
- (d) authorise persons, whether employed by the Council or not, to undertake duties and responsibilities for the purposes of any Act of Parliament or Statutory Instrument, including powers of entry.
- (e) authorise in conjunction with the Director of Organisational Development and Democratic Services the commencement of legal proceedings.
- (f) respond to consultation documents of a non-controversial nature.
- (g) approve all work for third parties up to the value of £20,000.00 per contract or type of work; and agree the fees and charges for such work which must, as a minimum, be on a full cost recovery basis.
- (h) after consultation with the Chief Financial Officer, make applications for external funding.

### **Specific Delegations**

1. Authority to negotiate and execute all financial and operating leases for items of plant and equipment in the Council's approved Capital Programme, together with any documents required pursuant thereto or in connection therewith. All leases to be effected in the name of the Council.
2. All executive decisions on borrowing, investment or financing in accordance with CIPFA's Code of Treasury Management in Local Authorities.
3. Authority to take all such decisions as may be required in consultation with the Portfolio Holder relating to the level of insurance cover for the Council and the placing of the cover with appropriate insurers.
4. Power to grant applications for mandatory rate relief.
5. Power to determine applications for discretionary new build relief.
6. Power to determine applications for discretionary reoccupation relief.
7. Power to determine applications for discretionary retail relief.
8. Power to determine applications for discretionary transitional relief.  
**Power to determine applications for discretionary pubs relief.**  
**Power to determine applications for discretionary supporting small businesses relief.**
9. Power to grant applications for other discretionary rate relief to be submitted to the Portfolio Holder for determination in the first instance and thereafter renewals to be delegated and any new application to be referred to the Portfolio Holder if they are clearly not subject to precedent.

Authority to determine applications for discretionary reduction in council tax under section 13A(1)(c) of the Local Government Finance Act 1992 in relation to persons leaving care and living in the Borough of Gedling in line with approved guidance.

10. Authority to serve a Notice relating to completion of a new dwelling.
11. Authority to determine the local average mortgage interest rate.
12. Authority to amend fees and charges following any variation in the rate of VAT.
13. The taking of possession and subsequent resale of properties purchased with the aid of a Council mortgage.
14. Power to authorise legal action for the recovery of any amounts in arrears and owing to the Council.
15. The powers of the Authority in connection with the billing for and the recovery of Council Tax, national non-domestic rates and sundry debtors including applications for summonses and liability orders and subsequent powers and such other matters as may be required by the Local Government Finance Act 1992 and Local Government Finance Act 1988 and Regulations made thereunder.
16. Authority to impose such penalties as are prescribed for failure to supply requested information or failure to make any notification required under the Local Government Finance Act 1992 including the power to impose further penalties, and to quash any penalty imposed.
17. Authority to consider initial appeals against any penalties imposed.
18. Authority to write off any sums due for any debt in line with the Financial Regulation.
19. Authority to determine length, value, contract arrangements including extension of contracts for the Council's banking services.
20. Authority to determine the Authority's course of action in defending insurance claims including agreeing settlement where appropriate.
21. The determination of the extent and terms of any loans to voluntary bodies in the Borough, subject to the approval of the making of a loan and in accordance with the policy framework agreed by the Portfolio holder.
22. The determination of the Council's Business Rates base.
23. To deal with the letting and day to day management of business centres and other industrial units.
24. Power to approve and vary licence conditions, approve and issue licences and authorisations within the area of his responsibility and insofar as they may relate to executive responsibilities.
25. Authority to take action to terminate any lease or licence where it appears that the unit has been abandoned, following consultation with the portfolio holder.
26. To approve the terms of leases, licences, easements, wayleaves,

rights of way, agreements and rent reviews up to a £15,000 annual rental value.

27. To agree terms for the purchase of premises included in a Compulsory Purchase Order made by the Council or a Committee having delegated authority after consultation with the Chief Executive.
28. Authority to grant approval to the assignment of Council shop leases, provided satisfactory references are obtained, refusals or cases of difficulty to be referred to and dealt with by the Portfolio Holder.
29. Authority to appoint Estate Agents.
30. Authority to instruct the Director to submit a planning application for deemed consent in respect of any land or building where an Executive decision has been taken to dispose, or investigate disposal, of the property concerned.
31. Authority to approve plans and give consents on behalf of the Council in its capacity as former land owner, where such approval is required under a covenant in the Conveyance of the land by the Council or a predecessor Authority.
32. Authority to agree to the release of or amendment to restrictive covenants where the consideration does not exceed £20,000.
33. Authority to sell acquired properties from the Private Sector, after consultation with the portfolio holder.
34. Authority to consider and respond to any appeals submitted to a valuation tribunal.
35. Authority to determine requests for fees and concessionary use of the Civic Centre.
36. Authority to determine reviews against listing of an asset by the owner under the Community Right to Bid procedure.
37. Authority to determine reviews against the level of compensation awarded or refusal to award compensation under the Community Right to Bid procedure.
38. Power to authorise the Director to seek planning permission for all developments within the respective departmental areas, which developments are included within a currently approved Capital Programme (Section 101 of the Local Government Act 1972 and as provided by Regulation 6(1) of the Town and Country Planning General Regulations 1976).

#### **Director after Consultation with the Portfolio Holder**

1. Approval of rents to be charged on newly acquired properties from the

private sector and privately-owned dwellings let by the Council with the agreement of the owner.

2. Authority to determine any requests received from approved lending institutions to postpone the Council's discount provision charge under the Council's Right to Buy Scheme.
3. Authority to consider applications under Section 537 of the Housing Act 1985 and make appropriate.
4. Authority to take urgent decisions in connection with the operation of the scheme under Part XVI of the Housing Act.
5. Approval of Registration of Second Mortgages.
6. To approve the sale and sale price of land up to an estimated value of £20,000.

### **Service Manager with responsibility for the estates function**

1. Authority to determine whether or not assets are listed as Assets of Community Value under the Community Right to Bid procedure.
2. Authority, in consultation with the Chief Financial Officer, to determine whether or not compensation is payable to an owner of an asset, and if so what amount under the Community Right to Bid procedure.

### **3) Public Protection Portfolio**

#### **Areas of responsibility:**

- Crime Reduction and Community Safety.
- Public Protection.
- CCTV and RIPA.
- Safeguarding.
- Environmental Health.
- Empty Properties

#### **Authority to:**

1. make all executive decisions, within his/her area of responsibility, on matters which are not reserved to Cabinet and within the limitations of the Financial Procedure Rules.
2. monitor service performance, within his/her area of responsibility, and take action to improve performance where necessary, in conjunction with the relevant Head of Service.
3. respond to consultation documents received by the Council within his/her area of responsibility.
4. approve policies and procedures within his/her area of responsibility.

5. authorise the commencement of any proceedings in connection with any offences within his/her area of responsibility.
6. determine fees and charges within his/her area of responsibility.
7. make recommendations to the Cabinet, within his/her areas of responsibility, on matters reserved to Cabinet.

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### **Director**

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  - (a) act as authorised officer, relating to the functions allocated to him/her, for the purposes of any Act of Parliament or Statutory Instrument.
  - (b) appoint officers to act as authorised Officers or Inspectors for the purposes of any Act of Parliament or Statutory Instrument.
  - (c) where not specifically mentioned below, serve notices under any Act of Parliament or Statutory Instrument and take any action in default, including enforcement action and recovery of costs.
  - (d) authorise persons, whether employed by the Council or not, to undertake duties and responsibilities for the purposes of any Act of Parliament or Statutory Instrument, including powers of entry.
  - (e) authorise in conjunction with the Director of Organisational Development and Democratic Services the commencement of legal proceedings.
  - (f) respond to consultation documents of a non-controversial nature.
  - (g) approve all work for third parties up to the value of £20,000.00 per contract or type of work; and agree the fees and charges for such work which must, as a minimum, be on a full cost recovery basis.

#### **Specific Delegations**

1. Authority to exercise all the powers of the Council with regard to The Dogs Act 1906 as amended by the Local Government Act 1988, the

Environmental Protection Act 1990 in relation to dogs and Part IV and the Dogs (Fouling of Land) Act 1996, the Dangerous Dogs Act 1991 and any associated Orders and Regulations made thereunder.

2. Authority to give a direction under Section 77 of the Criminal Justice and Public Order Act 1994 and to give notice of such a direction to those persons to whom the direction applies.
3. Authority to exercise the powers of the Council under Sections 77 - 79 of the Criminal Justice and Public Order Act 1994. (Removal of unauthorised campers).
4. Authority to agree spending, including grants, from the ABI and Crime and Disorder budgets within the portfolio, up to £1,000 and subject to subsequent report to the Portfolio Holder.
5. To exercise the Council's powers under the Minibus Act 1977 as amended.
6. Authority to authorise urgent repairs to water, gas and electricity apparatus under Section 4 of the Nottinghamshire County Council Act 1985.
7. Authority to authorise the service of notices under Section 9 (defective electrical installations in houses) of the Nottinghamshire County Council Act 1985.
8. In connection with compulsory improvement of dwellings in the private sector – to approve in appropriate cases payments to tenants in connection with the temporary transfer of fixture, fitting and similar items whilst their homes are being improved.
9. Authority to approve all renovations, disabled facilities, home repair assistance and reinstatement grants.
10. Authority to serve Statutory Notices under the Environmental Protection Act 1990.
11. To determine grant applications under the Housing Grants Construction and Regeneration Act 1996. (The 1996 Act) and Gedling Borough Council policy as a consequence of the Regulatory Reform (Housing Assistance) Order 2002.
  - a) To serve Statutory Notices under the 1996 Act
  - b) To make reasonable charges for enforcement action and to recover such charges pursuant to Section 87 and 88 of the 1996 Act.
12. To deal, following consultation with the Portfolio holder, with the enforcement of Statutory Notices including carrying out works in default.
13. To enforce the provisions of the Housing Act 2004 with specific reference to private sector housing.
14. Authority to enforce statutory powers to address overcrowding.
15. Power to take decisions on applications under Section 15 of the Clean Air Act 1993 (height of furnace chimneys).

16. Authority to agree that any notice required to be given by the Sunday Trading Act 1994 should take effect within a shorter period than that provided by the Act.
17. Authority to act under Water Act 1989 and Water Industry Act 1991.

### **Director of Organisational Development and Democratic Services**

1. Authority to deal with applications for Orders prohibiting processions in accordance with Section 3 of the Public Order Act, 1936 after consultation with the Leader of the Council.

### **4) Growth & Regeneration Portfolio**

#### **Areas of responsibility:**

- Planning policy, development management and building control.
- Transportation.
- Town Centre management and development.
- Business improvement, local business engagement, promotion and support.
- Housing Development.
- Employment and Skills.

#### **Authority to:**

1. make all executive decisions, within his/her area of responsibility, on matters which are not reserved to Cabinet and within the limitations of the Financial Procedure Rules.
2. monitor service performance, within his/her area of responsibility, and take action to improve performance where necessary, in conjunction with the relevant Head of Service.
3. respond to consultation documents received by the Council within his/her area of responsibility.
4. approve policies and procedures within his/her area of responsibility.
5. authorise the commencement of any proceedings in connection with any offences within his/her area of responsibility.
6. determine fees and charges within his/her area of responsibility.
7. make recommendations to the Cabinet, within his/her areas of responsibility, on matters reserved to Cabinet.

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## **Director**

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  - (a) act as authorised officer, relating to the functions allocated to him/her, for the purposes of any Act of Parliament or Statutory Instrument.
  - (b) appoint officers to act as authorised Officers or Inspectors for the purposes of any Act of Parliament or Statutory Instrument.
  - (c) where not specifically mentioned below, serve notices under any Act of Parliament or Statutory Instrument and take any action in default, including enforcement action and recovery of costs.
  - (d) authorise persons, whether employed by the Council or not, to undertake duties and responsibilities for the purposes of any Act of Parliament or Statutory Instrument, including powers of entry.
  - (e) authorise in conjunction with the Director of Organisational Development and Democratic Services the commencement of legal proceedings.
  - (f) respond to consultation documents of a non-controversial nature.
  - (g) approve all work for third parties up to the value of £20,000.00 per contract or type of work; and agree the fees and charges for such work which must, as a minimum, be on a full cost recovery basis.

### **Specific Delegations**

1. Authority to make decisions on plans deposited under the Building Regulations and to issue Completion Certificates.
2. Authority to issue notices requiring advance payment of Private Street Works charges under Section 220 of the Highways Act 1980 and Exemption notices under Section 219 of the Highways Act 1980.
3. Authority to approve plans in relation to elevations, alterations, extensions, additions and other matters submitted to the Council as vendors of land.
4. Authority to take enforcement action under the Building Regulations and Building Act 1984.
5. Authority to make a declaration that plans approved under the Building Regulations since 1 April 1974 are of no effect where work has not commenced on site within three years of the deposit of plans.

6. Power to take all necessary action on dangerous buildings in cases of emergency including the serving of notices under Section 77 of the Building Act 1984.
7. Authority to determine requests for Building Regulations house type approvals.
8. Authority to enter premises under Section 324 of the Town and Country Planning Act 1990 and Section 95 of the Building Act 1984.
9. The provision of exits in case of fire under Section 24 of the Building Act 1984.
10. Authority to exercise powers under Sections 47 and 53 of the Building Act 1984 in relation to plans and work by Approved Inspectors.
11. The control of demolition under Sections 80 and 81 of the Building Act 1984.
12. Authority to number and renumber new and existing properties.
13. Power to take all necessary action regarding dangerous structures in cases of emergency involving public safety under Section 78 of the Building Act 1984.
14. Authority to make observations on behalf of the Borough Council in respect of non-contentious proposals for planning permission submitted to adjoining District Councils.
15. To authorise the copying of Planning Applications documents pursuant to Section 47 of the Copyright, Design and Patent Act 1988.
16. The serving of Article IV Directions of the Town and Country Planning General Development Order 1988.
17. Authority to obtain a Warrant for the purpose of entering land in accordance with Section 196B of the Town and Country Planning Act 1990.

### **Service Manager, Planning Policy**

1. Authority to provide technical support and advice to neighbourhood planning groups, on emerging neighbourhood development plans in line with the relevant legislation and practice guidance;
2. Authority to determine whether the appropriate legal requirements outlined in Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 have been met in relation to a draft neighbourhood development plan and to publish the draft plan;
3. Authority to identify and appoint an appropriate person to examine a draft neighbourhood development plan and to submit the plan to the examiner.

### **Chief Executive**

1. Authority to make all other decisions and processes in respect of the

Neighbourhood Planning Process is delegated to the Chief Executive, in consultation with the Portfolio Holder, except for the making of the Neighbourhood Development Plan.

## **5) Housing, Health & Well-being Portfolio**

### **Areas of responsibility:**

- Leisure Centres and Sports Development, including lead for sport and physical activity.
- Health Promotion and development.
- Bonington Theatre.
- Homelessness and Housing Needs.
- Council housing development.
- Housing and council tax benefits.
- Liaison with Public Health and Clinical Commissioning Group.

### **Authority to:**

1. make all executive decisions, within his/her area of responsibility, on matters which are not reserved to Cabinet and within the limitations of the Financial Procedure Rules.
2. monitor service performance, within his/her area of responsibility, and take action to improve performance where necessary, in conjunction with the relevant Head of Service.
3. respond to consultation documents received by the Council within his/her area of responsibility.
4. approve policies and procedures within his/her area of responsibility.
5. authorise the commencement of any proceedings in connection with any offences within his/her area of responsibility.
6. determine fees and charges within his/her area of responsibility.
7. make recommendations to the Cabinet, within his/her areas of responsibility, on matters reserved to Cabinet.

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### **Specific Delegations**

1. The determination of the extent and terms of any loans to voluntary bodies in the Borough, subject to the approval of the making of a loan and in accordance with any policy framework agreed by the Portfolio Holder.
2. To exercise powers of management, maintenance and repair of leisure centres.
3. Authority to appoint delegates to conferences which relate to recreational matters in the local authority field.
4. The allocation of individual lettings within the policies of the Leisure portfolio.
5. Authority to let facilities within the ambit of the Leisure portfolio to local organisations for non-commercial and non-political purposes.
6. Authority to determine the following matters relating to Leisure Centre Programming and pricing:
  - (i) Programming leisure centre courses and activities.
  - (ii) Subject to a subsequent report to Portfolio Holder setting prices for

leisure centre activities at "off peak" times.

(iii) Setting prices for leisure centre courses.

(iv) Setting prices for individual performances at Bonington Theatre.

(v) Setting prices for equipment for resale.

(vi) Setting prices for licensed bar sales.

Over an agreed time period varying current prices for leisure centre activities for the purpose of promotional offers.

For an agreed time period introducing new prices for leisure centre promotional packages.

7. Authority to award free swimming passes at Borough swimming establishments for 12 months, to those swimmers passing the "Award of Merit" of the Royal Life Saving Society.
8. Power to grant free swim passes at Borough swimming pools for six months to those persons qualifying under the GP referrals scheme.
9. Approval to grant free use of leisure facilities for community-based events and that were these events are granted, after consultation with the portfolio holder.
10. The allocation of minor sports and arts grants in accordance with Council policy and subject to budgetary provision not being exceeded after consultation with the Portfolio holder.
11. Authority to close all or part of any leisure centre facility for the purpose of repair or maintenance. All such closures to be undertaken with the agreement of the Portfolio Holder wherever this is practicable.
12. Authority to determine what should be required of a developer under a Section 106 Agreement in relation to Leisure Centres and Public Art in accordance with the Council's Policy.
13. Authority to withdraw facilities, services and activities from members of the public.
14. Authority to complete National Lottery consultation forms for schemes within the Borough.
15. With regard to homelessness applications to determine as appropriate decisions as to homelessness, priority need, intentionality and local connection and in accordance with statutory requirements to ensure that accommodation becomes available for homeless applicants
16. Power to issue Notices to Quit and Notices of Seeking Possession.
17. In connection with the letting or repair of Council properties, authority to make, where appropriated an allowance towards redecoration up to a maximum of £100.00.
18. To instruct the Director of Organisational Development and Democratic Services to instigate legal proceedings on behalf of the Authority, for the recovery of possession of Council dwellings occupied by unauthorised persons.

19. Delegated authority to deal with all requests for access to personal information in accordance with the Access to Personal Files (Housing) Regulations 1989 and to decide whether the relevant information was inaccurate information. The decision to be subject to review by the Portfolio Holder.
20. Authority to appoint a named Officer to enter premises, carry out investigations, obtain information and act in connection with the statutory functions exercised by the Executive.
21. Authority to act and be responsible for the implementation of the procedures prescribed in Section 47 of the National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 in consultation with the Director of Organisational Development and Democratic Services.
22. Authority to take all decisions on Housing and Council Tax Benefits.

#### **Director after consultation with the Portfolio holder**

1. Power to take action for recovery and possession
2. Power to authorise the service of statutory notices and enforcement thereof in the event of default

#### **Director of Organisational Development and Democratic Services**

1. Authority to approve the detail of service level agreements where specific grants have been approved.

### **6) Environment Portfolio**

#### **Areas of responsibility:**

- Waste Management and recycling.
- Street cleaning.
- Maintenance and development of parks, open spaces, cemeteries and
- Allotments.
- Pet cremation.
- Energy management and sustainability.

#### **Authority to:**

1. make all executive decisions, within his/her area of responsibility, on matters which are not reserved to Cabinet and within the limitations of the Financial Procedure Rules.
2. monitor service performance, within his/her area of responsibility, and take action to improve performance where necessary, in conjunction with the relevant Head of Service.

3. respond to consultation documents received by the Council within his/her area of responsibility.
4. approve policies and procedures within his/her area of responsibility.
5. authorise the commencement of any proceedings in connection with any offences within his/her area of responsibility.
6. determine fees and charges within his/her area of responsibility.
7. make recommendations to the Cabinet, within his/her areas of responsibility, on matters reserved to Cabinet.

When taking decisions, professional advice from officers, including the statutory officers, must be taken into account.

### **Officer Delegation**

In order to streamline and simplify the decision-making processes of the Council the delegations to Officers should be interpreted widely rather than narrowly. Where functions are delegated these should be taken to include all powers and duties necessary to carry out those functions and all incidental powers.

Reference to any statutory provision includes any statutory provision amending, consolidating, or replacing it for the time being in force.

### **Director**

#### **General Delegations**

1. In relation to the functions allocated to him/her, authority to:
  - (a) act as authorised officer, relating to the functions allocated to him/her, for the purposes of any Act of Parliament or Statutory Instrument.
  - (b) appoint officers to act as authorised Officers or Inspectors for the purposes of any Act of Parliament or Statutory Instrument.
  - (c) where not specifically mentioned below, serve notices under any Act of Parliament or Statutory Instrument and take any action in default, including enforcement action and recovery of costs.
  - (d) authorise persons, whether employed by the Council or not, to undertake duties and responsibilities for the purposes of any Act of Parliament or Statutory Instrument, including powers of entry.
  - (e) authorise in conjunction with the Director of Organisational Development and Democratic Services the commencement of legal proceedings.
  - (f) respond to consultation documents of a non-controversial nature.
  - (g) approve all work for third parties up to the value of £20,000.00 per contract or type of work; and agree the fees and charges for such work which must, as a minimum, be on a full cost recovery basis.

## Specific Delegations

1. Responsibility for undertaking the following services in accordance with any policy framework laid down from time to time:
  - Grounds maintenance;
  - Vehicle and plant maintenance;
  - Vehicle procurement
  - Refuse collection and recycling services;
  - Street cleansing
  - Other cleansing services including fly tipping and graffiti removal;
  - Land drainage;
  - Building cleaning;
  - Building maintenance;
  - Car park maintenance.
2. Authority to enter into contracts for the supply of services goods or equipment.
3. Power to authorise and submit tenders on behalf of the Direct Services Department.
4. Authority for the cutting or felling of dangerous trees on or near Council land and power to serve notice to carry out work in default and recover costs incurred including authority under:
  - (i) Highways Act 1980 Section 154 authority to serve notices to carry out work in default and recover costs incurred.
  - (ii) To exercise the rights of entry and to apply to Magistrates' Court for an Order of Entry under Section 294.
  - (iii) Local Government (Miscellaneous Provisions) Act 1976 Section 23. To serve any required notices and to take such steps as he considers appropriate for the purposes of making the trees safe and the recovery of expenses.
  - (iv) Town and Country Planning Act 1990 Sub-Section 214B and 214C. To authorise an appropriate officer to enter and the making of an application for warrant for entry in cases of urgency or where entry has been refused or refusal is apprehended.
5. Authority to waive or vary charges for the collection of bulky household waste in exceptional circumstances.
6. Authority to set the appropriate charges in connection with the collection and disposal of commercially derived waste.
7. Authority to set the appropriate charges in connection with the collection and disposal of garden waste.
8. Authority to set the appropriate charges in connection with burials and interments.

9. Authority to set the appropriate charges in connection with allotments.
10. Authority to set the appropriate fees and charges for tennis and bowls.
11. Authority to manage the public car parks in accordance with the Council's policy.
12. Authority to complete National Lottery consultation forms for schemes within the Borough's parks and open spaces.
13. Authority to act and to agree to act as Client, Client Agent, Planning Supervisor and Designer under the Construction (Design and Management) Regulations 1994 and to authorise and delegate to other Officers relevant powers and duties thereunder, in the area of his responsibility.
14. Authority to seek and accept tenders on schemes where only contractors from the approved Standing Select Tender List are invited to tender.
15. The repair and maintenance of public conveniences, within the policies and the financial limits determined by the Council.
16. The collection and disposal of abandoned vehicles.
17. Power to manage the Council's cemeteries and to maintain those cemeteries in parish areas where the Parish Councils do not wish to exercise their right and closed churchyards where the Council has this responsibility.
18. Authority to approve drawings and specifications in accordance with the Council's rules and regulations regarding cemeteries.
19. Authority, together with the Director of Organisational Development and Democratic Services, to serve Notices to Quit under the Allotment Act 1908 - 1950 and to initiate proceedings to gain possession.
20. Authority to complete and sign all documents required for the removal of human remains.
21. Authority to approve the formation of Allotment Associations.
22. Authority to determine what should be required of a developer under a Section 106 Agreement in relation to Open Spaces in accordance with the Council's Policy.

#### **Director after Consultation with the Portfolio Holder**

1. Authority to remove unsuitable Contractors from the select tender lists and add Contractors of satisfactory standing.
2. Authority to enter into such arrangements, annually, as he shall consider appropriate for the supply of electricity and gas to the Council.
3. Authority to vary the frequencies and times of street cleansing operation.

## **Director of Organisational Development and Democratic Services**

1. Authority to respond to Home Office consultation on the proposed closure of any churchyard.

### **Specific Delegations**

1. To exercise powers of management, maintenance and repair of community centres.
2. Authority to appoint delegates to conferences which relate to recreational matters in the local authority field.
3. The allocation of individual lettings within the policies of the Community Development portfolio.
4. Authority to let facilities within the ambit of the Community Development Services Portfolio Holder to local organisations for non-commercial and non-political purposes.
5. Authority to determine the following matters relating to Community Centre Programming and pricing:
  - (i) Programming community centre courses and activities
  - (ii) Setting prices for community centre courses
  - (iii) Setting prices for equipment for resale.
  - (iv) Setting prices for licensed bar sales.
  - (v) Over an agreed time period varying current prices for Community centre activities for the purpose of promotional offers.
  - (vi) For an agreed time period introducing new prices for community centre promotional packages.
6. Approval to grant free use of community centre facilities for community-based events and that were these events are granted, after consultation with the portfolio holder.
7. The allocation of minor playgroups grants in accordance with Council policy and subject to budgetary provision not being exceeded after consultation with the Portfolio holder.
8. Authority to close all or part of any community centre facility for the purpose of repair or maintenance. All such closures to be undertaken with the agreement of the Portfolio Holder wherever this is practicable.
9. Authority to determine what should be required of a developer under a Section 106 Agreement in relation to Community Centres in accordance with the Council's Policy.
10. Authority to withdraw facilities, services and activities from members of the public.
11. Authority to complete National Lottery consultation forms for schemes within the Borough.

## 7) Young People and Equalities Portfolio

### **Areas of responsibility:**

- Play and events for young people.
- Equalities.
- Youth Council and Youth Mayor.
- Engagement and consultation with young people.
- Liaison with various bodies and agencies in relation to mental health.
- Support the Deputy Leader in the development of Social Mobility Commission and delivery of agreed key actions.
- Work with the Portfolio Holder for Growth and Regeneration in reducing levels of youth unemployment.
- Work with the Portfolio Holder for Public Protection to reduce risk and fear of crime for young people.

### **Authority to:**

1. make all executive decisions, within his/her area of responsibility, on matters which are not reserved to Cabinet and within the limitations of the Financial Procedure Rules.
2. monitor service performance, within his/her area of responsibility, and take action to improve performance where necessary, in conjunction with the relevant Head of Service.
3. respond to consultation documents received by the Council within his/her area of responsibility.
4. approve policies and procedures within his/her area of responsibility.
5. authorise the commencement of any proceedings in connection with any offences within his/her area of responsibility.
6. determine fees and charges within his/her area of responsibility.
7. make recommendations to the Cabinet, within his/her areas of responsibility, on matters reserved to Cabinet.

When taking decisions, professional advice from officers, including the statutory officers, must be taken into account.

### **Officer Delegation**

In order to streamline and simplify the decision-making processes of the Council the delegations to Officers should be interpreted widely rather than narrowly. Where functions are delegated these should be taken to include all powers and duties necessary to carry out those functions and all incidental

powers.

Reference to any statutory provision includes any statutory provision amending, consolidating, or replacing it for the time being in force.

## **Director**

### **General Delegations**

1. In relation to the functions allocated to him/her, authority to:
  - (a) act as authorised officer, relating to the functions allocated to him/her, for the purposes of any Act of Parliament or Statutory Instrument.
  - (b) appoint officers to act as authorised Officers or Inspectors for the purposes of any Act of Parliament or Statutory Instrument.
  - (c) where not specifically mentioned below, serve notices under any Act of Parliament or Statutory Instrument and take any action in default, including enforcement action and recovery of costs.
  - (d) authorise persons, whether employed by the Council or not, to undertake duties and responsibilities for the purposes of any Act of Parliament or Statutory Instrument, including powers of entry.
  - (e) authorise in conjunction with the Director of Organisational Development and Democratic Services the commencement of legal proceedings.
  - (f) respond to consultation documents of a non-controversial nature.
  - (g) approve all work for third parties up to the value of £20,000.00 per contract or type of work; and agree the fees and charges for such work which must, as a minimum, be on a full cost recovery basis.

### **The Cabinet will be supported by the following Policy Advisors**

Policy Advisor for Growth and Regeneration

Policy Advisor for Young People and Equalities

Policy Advisor for Environment

Policy Advisor for Health and Well-being

Policy Advisor for Housing and Homelessness

Policy Advisors will not hold delegated responsibility but will support their respective Cabinet member on development and progression of specific Gedling Plan actions as appropriate. The precise focus for the work of each Policy Advisor will be agreed by the Leader, Deputy Leader and relevant Cabinet member in discussion with the Policy Advisor.