

## Section 4 Executive Functions

Most day to day operational decisions are delegated to Officers. The majority of decisions made at member level (i.e. decisions taken by councillors) relate to activities which are defined as “executive matters” and can only be dealt with by the Executive (known in South Somerset as the “District Executive”)

This means that:

- Members of the Council who are not on the District Executive cannot take these decisions
- Full Council itself cannot take executive decisions
- Non-executive or regulatory committees cannot take executive decisions
- The Executive can take decisions collectively or:
  - Individual members of the District Executive may take decisions where the District Executive or the Leader of the Council has approved such arrangements (to be shown in this section of the Constitution or by a subsequent written authorisation by the Leader or District Executive).
  - Area Committees may be given delegated authority to exercise both “executive” and “non-executive” functions. All executive delegations will be shown in this section.
  - The Executive may appoint, and delegate functions to Executive Committees as identified in this section.
  - Joint committees established by the Executive may exercise executive functions and where established by the Council may exercise a combination of executive and non-executive functions. All executive delegations will be shown in this section.
  - Officers may exercise executive functions. These will be identified in Section 6 of this part of the Constitution.

## 1. Decisions to be taken collectively by the District Executive

|                                    | Function   | Decision Taker     | Delegation  |
|------------------------------------|--|--------------------|---|
| <b>Policy and Budget Framework</b> |  |                    |   |
| 4.1.                               | To make recommendations to the Council on the Council's key priorities and in respect of the plans and strategies that form the Policy and Budget Framework.   | District Executive | Not delegated   |
| 4.2.                               | To utilise Council balances (capital and revenue) in responding to matters of urgency or to deliver the agreed policy framework provided that all uses of balances are reported to full Council in the Budget and Medium Term Financial Plan report and Audit Committee in the Annual Outturn report subject to a limit of 5% of useable capital balances. | District Executive | Not delegated   |
| 4.3.                               | To approve policies and strategies with the exception of those (as listed in Section 1 no.2) which the Council has reserved to it, by legislation or through its own discretion.   | District Executive | Portfolio Holders may approve minor amendments to existing policies and strategies other than those reserved to Council.            |
| 4.4.                               | To agree policies in respect of the Council's regulatory functions, other than where legislation prescribes that such policies must be determined by the full Council.   | District Executive | Not delegated   |
| 4.5.                               | To co-ordinate the policy objectives of the Council, monitor progress towards the corporate objectives, and give Area Committees strategic direction.  | District Executive | Not delegated   |
| 4.6.                               | To consider referrals from Area Committees on matters which have major policy or resource implications.  | District Executive | Not delegated   |
| 4.7.                               | To agree the policy and guidelines for all grants made by the Council to include grants made by Area Committees.   | District Executive | Not delegated   |
| 4.8.                               | To write off irrecoverable debts   | District Executive | Portfolio Holder – Finance and Legal Services may write off debts over £20,000. Debts of £20,000 or less delegated to s151 Officer. |
| 4.9.                               | To maintain an awareness of the ongoing financial position of the Council.   | District Executive | Not delegated   |
| 4.10.                              | To approve loans in line with the Council's loans policy.  | District Executive | Area Portfolio Holders may approve loans of less than £5000.  |
| 4.11.                              | To recommend to Council the Treasury Management Strategy and Prudential Indicators.  | District Executive | Not delegated   |

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| 4.12.  | To take decisions on budgetary matters, including budget virements, within the budgetary framework agreed by the Council and in accordance with the Financial Procedure Rules. | District Executive  | Portfolio Holders and Officers may make budgetary decisions in line with Financial Procedure Rules.   |
| 4.13.  | To agree fees and charges for car parking as part of the budget and Medium Term Financial Plan   | District Executive  | No delegation   |
| 4.14.  | To agree charges for personal licences and registrations   | Licensing Committee | No delegation   |
| 4.15.  | To agree other charges   | District Executive  | Relevant Director or Manager in consultation with Portfolio Holder and s151 Officer/Lead Specialist – Finance (to be reported to District Executive as part of the Budget and Medium Term Financial Plan report.) |
| <b>Performance</b>   |  |                     |   |
| 4.16.  | To agree core minimum standards for service delivery. The Executive will receive reports from the Scrutiny Committee on performance matters                                    | District Executive  | Portfolio Holders are responsible for the performance of services within their remit.<br><br>No delegation of corporate governance matters  |
| 4.17.  | District Auditor's Management Letter - the Audit Committee will consider the response to the letter and make recommendations to District Executive on areas of improvement.    | District Executive  | No delegation   |
| 4.18.  | To approve the Audit Plan  | District Executive  | All the executive functions in respect of the Council's internal audit function have been delegated to the South West Internal Audit Partnership  |
| <b>Other decisions that shall be taken by the Full Executive</b> |  |                     |   |
| 4.19.  | To agree waivers of, or exemptions to, Contract Standing Orders (where not delegated to officers).   | District Executive  | Director (Support, Strategy & Environmental Services) in line with the Financial Procedure Rules.   |

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| 4.20. | To approve strategic disposals and acquisitions including leases and sales of land valued in excess of £10,000. | District Executive | <p>Disposals and acquisitions above the threshold permitted as follows:</p> <ol style="list-style-type: none"> <li>1. Through the Investment Assessment Group process, acquisitions for investment purposes up to an individual limit of £10 million delegated to the Chief Executive in consultation with the Leader in accordance with the Commercial Land and Property Strategy;</li> <li>2. Through the Disposal Assessment Group process, disposals of up to £250,000 for non-investment property and up to £10 million for investment purposes delegated to the Chief Executive in consultation with the Leader in accordance with the Asset Disposal &amp; Community Asset Transfer Policy; and</li> <li>3. Acquisitions and disposals for strategic development and regeneration purposes to the Lead Director in consultation with the Chair of the relevant Board and s151 Officer in accordance with the terms of reference of the Strategic Development Board and the Regeneration Programme Boards.</li> </ol> <p>Disposals and acquisitions below defined thresholds may be approved by the Chief Executive, Directors, or Portfolio Holder in line with the Financial Procedure Rules.</p> |
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| 4.21. | To establish limited companies and limited liability partnerships and decide all associated matters, including the appointment of individuals to hold offices in such company or partnership  | District Executive | Chief Executive in consultation with the Leader where required to give effect to a decision of the Investment Assessment Group |
| 4.22. | To approve Compulsory Purchase Orders.  | District Executive | Not delegated  |
| 4.23. | To approve the Annual Members' Training and Development Policy and Programme, and other matters relating to members support.  | District Executive | The Member Development Portfolio Holder may approve attendance by members at conferences and training events.                  |
| 4.24. | To approve the Council's Emergency Planning arrangements.   | District Executive | Chief Executive  |
| 4.25. | To agree submissions to the County Council in respect of the Annual Local Transport Plan.   | District Executive | Not delegated  |
| 4.26. | To prepare, monitor and review the Human Resources Strategy, and the policies that comprise the strategy.   | District Executive | Member Support Portfolio Holder  |
| 4.27. | The Executive may agree the establishment and deletion of posts other than those required to be established by the full Council in accordance with the Employment Procedure Rules. Financial Procedure Rules will make provision for new posts to be approved by officers, where there is existing budget provision and subject to the support of the Senior Leadership Team. This Team shall also decide if a post needs to be submitted to District Executive for approval. District Executive may not take decisions in respect of terms and conditions, the appointment or dismissal of staff. Changes to the organisational structure of the Council's management shall be recommended for approval to the full Council. | District Executive | Staffing Delegations shown separately  |
| 4.28. | To exercise all the duties of the Council as Housing Authority  | District Executive | Levels of delegation to Portfolio Holder shown in 2a of this part.   |
| 4.29. | To exercise all the powers and duties of the Council which are not delegated to another committee or person other than those which either cannot be delegated to the Executive or are specifically reserved to the Council.   | District Executive | Not delegated  |

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|-----------|---|
| <b>2</b>  | <b>Delegation of Executive Functions</b>  |
|           | <p>The Leader of the Council may agree to delegate Executive functions to:</p> <p>2(a) Individual members of the District Executive (Portfolio Holders)</p> <p>2(b) Area Committees</p> <p>2(c) Committees of the District Executive</p> <p>2(d) Officers</p> <p>2(e) Other Joint Committees</p> <p>and the functions delegated are shown in these sections below.</p>  |
| <b>2a</b> | <b>Portfolio Holders</b>  |
|           | <b>The Leader of the Council</b>  |
|           | <p>The Leader of the Council shall:</p> <ul style="list-style-type: none"> <li>– nominate the strategic portfolio holders of the District Executive to the Council and allocate the portfolios ensuring that any changes to portfolios are reported to the Proper Officer and Council for information.</li> <li>– determine the allocation and re-allocation of executive responsibility where there is doubt where this should lie or where the matter is not specifically allocated.</li> <li>– decide when executive matters may be delegated to a portfolio holder and decide which portfolio holder may take a decision.</li> <li>– approve all other delegations to be shown in this section.</li> <li>– be the lead portfolio for the following designated areas: performance matters, emergency planning, access to services, equality and diversity.</li> <li>– be able to take any decisions on behalf of a portfolio holder, if necessary, for any reason. Any such decision to be reported to the next District Executive</li> </ul> <p>Any changes to Executive responsibilities shall be notified to the Specialist - Democratic Services and reported to Council for information.</p> <p>Any decisions taken by the Leader of the Council and all portfolio holders will be reported on the weekly Executive Bulletin.</p> |

|  | <b>Strategic Portfolio Holders</b>   |
|--|--|
|  | <p>Each Strategic Portfolio Holder:</p> <ul style="list-style-type: none"> <li>– shall hold a portfolio for part of the Council’s activities, such as one or more services or cross-cutting issues, and steer the preparation, development and implementation of policies and plans relevant to the portfolio.</li> <li>– shall develop an annual programme of work to deliver the relevant Council objectives, and liaise with relevant officers to bring forward items and monitor progress.</li> <li>– shall approve annual service plans, monitor the performance of the services within their portfolio and bring issues of under-performance to the attention of the Executive.</li> <li>– shall assist with ad-hoc reviews of policy as directed by the Scrutiny Committee within the remit set by that Committee.</li> <li>– shall represent the Council as required on issues relating to the portfolio, including briefing the media as appropriate, and be the spokesperson for the portfolio in consultation with the Leader</li> <li>– shall develop and maintain effective consultation with all members of the Council, partner bodies and outside organisations, and take account of their views when making decisions.</li> <li>– shall organise representation on relevant executive outside bodies as required.</li> <li>– may appoint other members of the Council to act as lead member for such purposes as the Leader and portfolio holder may agree but the lead member shall not be able to take decisions</li> <li>– make annual portfolio statements outlining their achievements for the previous year and objectives for the coming year based on the Council’s agreed priorities set out in the Council Plan and other appropriate matters.</li> <li>– Shall take decisions within the remit of their portfolio as allowed for in the Executive Scheme of Delegation.</li> </ul> |

## Portfolio Holder Responsibilities 2022/23

| Portfolio Holder  | SLT Lead  | General Responsibilities  | Strategic Partnerships  |
|---|---|---|---|
| <b>Strategy</b><br><br>Cllr Val Keitch<br>(Leader)  | Chief Executive Officer                               | Strategic direction of the Council<br>Overall policy and strategy<br>Local Government Reorganisation                      | LGR Joint Committee<br>HotSW LEP<br>Somerset Leaders and CXs<br>District Council Network<br>Town and Parish Councils liaison meetings |
|   | Director (Support, Strategy & Environmental Services) | Human Resources<br>Corporate Plan<br>Corporate Performance<br>Civil Contingencies<br>Communications<br>Strategic Planning |   |
|   | Director (Place & Recovery)                           | Equalities & Diversity<br>Strategic Development   |   |
|   | Director (Service Delivery)                           | Customer Services   |   |
|   | District Solicitor & Monitoring Officer               | Member Development  |   |
|   |   |   |   |
| <b>Finance, Legal &amp; Democratic Services</b><br><br>Cllr Peter Seib<br>(Deputy Leader) | Director (Support, Strategy & Environmental Services) | Procurement   | South West Audit Partnership  |
|   | Director (Service Delivery)                           | Revenues  |   |
|   | Chief Finance Officer (S151 Officer)                  | Finance<br>Audit  |   |
|   | District Solicitor & Monitoring Officer               | Strategic Asset Management  |   |
|   |   |   |   |



| Portfolio Holder  | SLT Lead  | General Responsibilities  | Strategic Partnerships   |
|---|---|---|--|
| Protecting Core Services<br><br>Cllr Tony Lock                      | Director (Support, Strategy & Environmental Services) | Digital Strategy<br>Organisational Development<br>People Strategy<br>Spatial Planning | Safer Somerset Partnership   |
|   | Director (Service Delivery)                           | Community Safety<br>Development Management<br>Area Development                        |  |
|   |   |   |  |
| Economic Development inc Commercial Strategy<br><br>Cllr John Clark | Director (Place & Recovery)                           | Economy<br>Economic Recovery  | Somerset Growth Board  |
|   | District Solicitor & Monitoring Officer               | Commercial Strategy   |  |
|   |   |   |  |
| Health & Well-Being<br><br>Cllr Mike Best                           | Director (Place & Recovery)                           | Arts & Culture<br>Octagon Theatre development   | Somerset Health & Wellbeing Board<br>Somerset Armed Forces Community Covenant Partnership (SAFCCP) |
|   | Director (Service Delivery)                           | Sport<br>Countryside<br>Health & Well-being<br>Benefits                               |  |
|   |   |   |  |
| Housing<br><br>Cllr Nicola Clark                                    | Director (Service Delivery)                           | Housing   | Homefinder Somerset  |

| Portfolio Holder   | SLT Lead  | General Responsibilities            | Strategic Partnerships                                  |
|--|---|-------------------------------------|---|
| Area East & Environment<br>Cllr Sarah Dyke                         | Director (Support, Strategy & Environmental Services) | Street scene<br>Waste & Recycling   | Somerset Waste Partnership<br>Somerset Rivers Authority |
|  | Director (Service Delivery)                           | Environment<br>Climate Change       |   |
|  | Director (Place & Recovery)                           | Area East<br>Wincanton Regeneration |   |
|  |   |                                     |   |
| Area North,<br>Licensing & Environmental Health<br>Cllr Adam Dance | Director (Support, Strategy & Environmental Services) | Area North                          |   |
|  | Director (Service Delivery)                           | Licensing<br>Environmental Health   |   |
|  |   |                                     |   |
| Area South inc<br>Yeovil Refresh<br>Cllr Peter Gubbins             | Director (Place & Recovery)                           | Area South<br>Yeovil Refresh        |   |
|  |   |                                     |   |
| Area West<br>Cllr Jason Baker                                      | Director (Place & Recovery)                           | Area West<br>Chard Regeneration     |   |
|  |   |                                     |   |

## **Area Portfolio Holders**

**The area portfolio holder shall be an elected member of South Somerset District Council and the Chairman of the Area Committee.**

### **Each Area Portfolio Holder shall:**

1. represent the Council as required on issues relating to the area, including briefing the media as appropriate, and be the spokesperson for the Area, in consultation with the Leader.
2. chair Area Committee meetings, site visits and other meetings related to the Committee's work; attend briefings, pre-agenda meetings and planning briefings with officers, and to read relevant paperwork prior to any formal meeting.
3. ensure all members of the Area Committee are kept informed about local matters.
4. ensure the Executive is fully briefed on area matters; to be available to the Scrutiny Committee to deal with relevant issues.
5. organise representation on relevant outside bodies.
6. liaise regularly with the Area Development Team over issues within the area and ensure members of the Committee are regularly briefed.
7. develop and maintain effective consultation with parish councils, partners and other outside organisations in the Area.
8. attend relevant workshops and training activities, parish council and partnership meetings, official openings, familiarisation and fact-finding visits as required, including consulting with the business community and other interested parties in the Area.
9. deal with correspondence related to the Area Portfolio holder's activities.
10. meet regularly with the Leader and ensure the Leader is fully briefed on issues relating to the Area.
11. organise annual meetings of parish councils in the Area.

### **Decision-Making By Portfolio Holders**

Decisions taken by portfolio holders shall be recorded and publicised in the Executive Bulletin prior to, and after, being taken unless the decision is agreed to be an urgent decision in line with the Access to Information Rules of this Constitution. Urgent decisions will be publicised once the decision has been taken. All decisions shall be taken in consultation with the relevant officers, and subsequently listed for information on the next agenda for District Executive and the full Council. All key decisions will be publicised in the Forward Plan.

#### **All Portfolio Holders shall be able to take the following decisions:**

1. To approve minor changes and revisions to policies and plans within approved budgets and policy framework (the Monitoring Officer to determine when a change is minor)
2. To authorise the award of a tender for a contract, which is not the lowest, subject to having received a report from the appropriate officer and being within approved budgets, and to agree contract extensions subject to also being within approved budgets.
3. To approve revenue budget virements within their areas of activity up to £25,000 or for Strategic portfolio holders across areas.
4. To respond to consultation documents issued by the Government or other bodies.
5. To make nominations to outside bodies within their remit.
6. To nominate members to attend training courses in accordance with the Members' Training and Development Programme subject to the approval of the Member Training Portfolio Holder (Area West Chairman).
7. To approve Service Plans for the services within their remit.

The Leader of the Council or the Executive (with the approval of the Leader) may also delegate any other executive decisions to a portfolio holder.

## **Additional Delegations to individual Portfolio Holders**

### **Strategy Portfolio Holder and Finance, Legal & Democratic Services Portfolio Holder**

- To enable the provision of new affordable housing, to approve (in consultation with the S151 Officer) the transfer of land to an appropriate RSL or other partner, for only nominal consideration where:
  - to do so would be in keeping with the Council's housing strategy
  - there are no strategic reasons for retaining such land
  - appropriate covenants have been agreed

### **Strategy Portfolio Holder**

- To agree Local Lettings policies subject to:
  - No extensions to be granted for longer than three years without scrutiny of available data on the outcome;
  - If the percentage of the total social housing stock covered by local lettings policies exceeds 5% then the Portfolio Holder shall make a report to District Executive before any further policies are approved.
- To authorise attendance by Members on training courses and other development opportunities in line with the Members' Learning and Development Policy, Programme and budget allocation

### **Finance, Legal & Democratic Services Portfolio Holder**

- To approve the write off of bad debts above the value of £20,000, subject to consultation with the relevant ward member(s) and in consultation with the S151 Officer.
- To consider and determine requests for discretionary business and rate relief that fall outside existing policies, subject to consultation with the relevant ward members.
- To consider any responses received to the statutory advertisement of variations to car park charges.

### **Area East & Environment Portfolio Holder**

- To agree changes to the waste management ("Sort It") policy.

### **Health & Well-Being Portfolio Holder**

- To allocate funding under the approved Healthy Living Pooled Fund

**NOTE:** In the event of any disagreement between officers and the Portfolio Holder in respect of a decision to be made the matter shall be referred to the Leader who, in consultation with the Chief Executive, will decide where the matter shall be determined.

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| <b>2(b)</b>  | <b>Area Committees</b>   |
| Each Area Committee may undertake all District Council executive functions within their area including:  |  |
| 1.   | Approve Area Action Plans  |
| 2.   | Provide local community leadership.  |
| 3.   | Oversee capital schemes to include budgetary control in cases where this has been delegated by the District Executive.                 |
| 4.   | Manage local regeneration projects within financial limits agreed by the District Executive.   |
| 5.   | Make grants within the guidelines agreed by the District Executive.  |
| 6.   | Approve appointments to outside bodies.  |
| 7.   | Make recommendations on service improvements or innovative ways of working.  |
| 8.   | Approve land sales up to the value of £10,000.   |
| 9.   | Establishment of taxi stands, designation of areas where drinking alcohol not allowed in public and other similar executive decisions. |
| 10.  | Agree expenditure from within budgets delegated to the Area Committee.   |
| The Leader of the Council has the right to decide that any executive matter to be determined by an Area Committee shall be referred for decision to the District Executive.  |  |
| Area Committees must refer the following matters to the District Executive: <ul style="list-style-type: none"> <li>• matters of policy which have District wide significance,</li> <li>• matters that affect more than one Area,</li> <li>• expenditure not covered by an approved budget or within the capital programme</li> <li>• any proposals to incur revenue expenditure for more than one year.</li> </ul> |  |
| <b>2(c)</b>  | <b>Officers</b>  |
| Executive delegations to officers are set out in the Officer Scheme of Delegation which appears elsewhere in part 3 of the Constitution.   |  |
| <b>2(d)</b>  | <b>Joint Committees</b>  |
| <b>Yeovil Crematorium &amp; Cemetery Joint Committee</b>   |  |
| The Yeovil Crematorium & Cemetery Joint Committee is a long-standing partnership between South Somerset District Council, Yeovil Town Council, Yeovil Without Parish Council and Brympton Parish Council. The Partnership shall:   |  |
| Oversee the operation, management and development of Yeovil Crematorium and Yeovil Cemetery. In addition to cremation and burial facilities, the Committee provides a wide range of memorial facilities at both locations and maintains the grounds.   |  |

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| <b>2(e)</b>  | <b>Other Significant Partnerships</b> |
| <b>South Somerset Together (Local Strategic Partnership)</b>   |                                       |
| The Local Strategic Partnership is a multi-agency partnership between South Somerset District Council, Somerset County Council, Somerset East Police, South Somerset Council for Voluntary Services, Connexions Somerset, South Somerset Homes, Augusta Westland, Yeovil Chamber of Trade & Commerce, South Somerset Primary Care Tryst, East Somerset NHS Trust, Yeovil College and University Centre, South Somerset Citizens Advice Bureau, Environment Agency, Business Link. The Partnership exists to: |                                       |
| Lead and influence the delivery of services and objectives, as a conduit for change to improve the social, economic, environmental, education, health and safety needs of the communities within South Somerset.   |                                       |
| <b>Safer Somerset Partnership (Community Safety Partnership)</b>   |                                       |
| Agencies in Somerset are working together as a single Community Safety Partnership to tackle crime, disorder and antisocial behaviour, and to reduce re-offending.   |                                       |