

## **5. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

5.1 Unless the Constitution or the law requires otherwise, the Executive is responsible for the formulation of the Budget and Policy Framework and the implementation of these in respect of all functions and services other than those listed in paragraphs 1 and 2. The Executive has specific responsibility for ensuring that best practice risk management strategies and procedures are embedded throughout the authority.

5.2 Any onward delegations permitted by this section of the Constitution shall not, in any event, prejudice the management and operational delegations to officers approved by the Council and set out in Section 6 of this part of the Constitution. Individual Members of the Executive shall observe any limits on delegations which may be specified by the Council and shall, at all times, act in compliance with the Council's Financial, Contracts and all other relevant procedure rules as set out in this Constitution.

### **5.3 Delegation of Executive Functions**

Within the terms of the Constitution, the Leader may further 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) jointly with another local authority
- (vi) another local authority

### **5.4 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 or her for inclusion in the Council's Scheme of Delegation. The document presented by the Leader will contain the following information about Executive functions in relation to the coming municipal year:

- (i) the names, addresses and wards of the people 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 any other authority or any joint arrangements, and the names of those Executive Members appointed to any joint Committee for the coming municipal year.

At any time after the Annual Meeting of the Council, the Leader may, by written notice to the Proper Officer, alter the delegations made by him or her. The Notice to

the Proper Officer shall contain the information, as set out above, insofar as it shall apply to the remainder of the municipal year. The Leader may at any time during the Municipal Year constitute a committee of the Executive by notice in writing to the Proper Officer setting out the information referred to in (ii) above. Any alteration to the delegations shall be reported to the next meeting of the Council.

## 5.5 Sub-delegation of Executive Functions

- (i) 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 joint arrangements or an Officer.
- (ii) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive or to an Officer.
- (iii) 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.
- (iv) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
- (v) Where Executive functions have been delegated, the person, or body, to whom the functions have been delegated, may, by notice in writing to the Proper Officer, remove the delegation, either generally, or in respect of one, or more, specific matters. In such event, the person or body by whom the functions have been delegated may either discharge the function or, in accordance with paragraphs (i) to (iii) above, and on written notice to the Proper Officer, delegate the function.
- (vi) Where the Executive, a Committee of the Executive, or an individual Member of the Executive is responsible for an Executive Function, they must not delegate such a function to an Executive Support Member.

Delegation of those decisions in Column A of the table below may only be made in accordance with the line relating to such decision in Column B of the Table.

<b>COLUMN A</b>	<b>COLUMN B</b>
Virement <u>within</u> Revenue Budgets £50,000 - £100,000	Whole Executive
Virement between Revenue Budgets up to £100,000	Whole Executive
Responsibility for submitting or recommending Draft Plan and Budgets	Whole Executive
Approval of Capital Expenditure <ul style="list-style-type: none"> <li>• Allocation of resources within a Council approved rolling programme and Contract Awards</li> <li>• &lt; £400,000</li> </ul>	Relevant Director

<ul style="list-style-type: none"> <li>• £400,000 - £1m</li> <li>• &gt; £1m</li> </ul>	<p>Relevant Director and Portfolio Holder</p> <p>Whole Executive</p>
<ul style="list-style-type: none"> <li>• Authorisation of Capital Expenditure above estimate</li> </ul> <p>Up to £25,000</p> <p>Above £25,000 - £50,000</p>	<p>Director</p> <p>Whole Executive</p>
<ul style="list-style-type: none"> <li>• Writing-off Debts</li> </ul> <p>Over £50,000</p>	<p>Whole Executive</p>
<p>Acquisition of Land and Buildings</p> <ul style="list-style-type: none"> <li>• £100,000 to £500,000</li> <li>• Over £500,000</li> </ul>	<p>Executive Member</p> <p>Whole Executive unless:-</p> <p>(a) certified to be a matter of overriding urgency by both the Leader and the Chief Executive (in which case Executive member)</p> <p>(b) required in connection with the regeneration of Bracknell Town Centre, in which case authorisation may be granted by the Bracknell Town Centre Regeneration Committee.</p>
<p>Disposal of Land and Buildings</p> <ul style="list-style-type: none"> <li>• Over 0.5 hectares or above £500,000</li> </ul>	<p>Whole Executive unless:-</p> <p>(a) certified to be a matter of overriding urgency by both the Leader and the Chief Executive (in which case Executive member)</p> <p>(b) required in connection with the regeneration of Bracknell Town Centre, in which case authorisation may be granted by the Bracknell Town Centre Regeneration Committee.</p>
<p>Contract Award – the rules relating to key decisions apply in all cases</p>	

• < £400,000	Relevant Director
• £400,000 - £1m	Relevant Director and Portfolio Holder
• > £1m	Whole Executive

## 5.6 Executive Committee Terms of Reference

Committee	Terms of Reference
Executive	<p>The Executive is appointed by the Leader of the Council and may have between 2 and 9 members who will normally be charged with responsibility for specific executive functions - their portfolio.</p> <p>The main functions of the Leader and the Executive are:</p> <ul style="list-style-type: none"> <li>- To develop and propose the policy framework to the Council.</li> <li>- To be responsible for all executive decision-making within the policy framework by the executive as a whole, individual portfolio holders or a committee of the executive.</li> </ul> <p>The Executive may appoint non-Executive councillors to assist with policy development.</p> <p>Meetings will normally be held in public, but may be held in private if no "key" decisions are to be made.</p>
Bracknell Town Centre Regeneration Committee	<p>In so far as they are Executive Functions, the Leader delegates the following responsibilities to the Bracknell Town Centre Regeneration Committee:</p> <ol style="list-style-type: none"> <li>1. General responsibility for the oversight of matters relating to the approved Master Plan for the regeneration of Bracknell Town Centre.</li> <li>2. Formulation of the Council's property strategy within Bracknell Town Centre, including dealings with existing land owners, the process for seeking and obtaining a development partner or partners and any Compulsory Purchase Order.</li> <li>3. Authorisation of land disposals and acquisitions required in connection with the regeneration of Bracknell Town Centre.</li> </ol>

	<p>4. Subject to the limitations contained in the general framework for delegations established by the Council and existing delegations to officers, approval of the terms of Development Agreements, other agreements with developers and those related to any CPO process, and other property agreements.</p> <p>5. Determination of all matters which may be necessary to secure implementation of the approved Master Plan other than development or building control functions.</p> <p>NB: The delegations set out above may be varied at any time at the discretion of the Leader.</p>
Executive Committee	<p>1. To take decisions in relation to Executive functions involving:</p> <ul style="list-style-type: none"> <li>· Allocation of resources within a Council approved rolling programme between £100,000 and £250,000</li> <li>· Authorisation of capital expenditure above estimate not exceeding £50,000</li> <li>· Writing off debts in excess of £20,000 and not exceeding £50,000</li> <li>· Approval of terms for the acquisition of land and buildings in excess of £100,000 and not exceeding £500,000</li> <li>· Approval of terms for the disposal of land and buildings of less than 0.5 hectares and not exceeding £500,000</li> </ul> <p>2. To determine any other non-key decision of a routine nature which the Council's Financial, Contracts or other procedure rules specify should not be taken by an individual member of the Executive.</p>
Joint Waste Disposal Board	<p>1. The function of the Committee is to administer the operation of the waste disposal arrangements of the Councils in accordance with the Joint Working Agreement and in accordance with the Principal Contract (as defined in the Joint Working Agreement and in particular Schedule 4 thereto once the delegations detailed in Schedule 4 have been confirmed by the Committee)</p> <p>Without prejudice to the generality of the foregoing the Committee will:-</p> <ul style="list-style-type: none"> <li>1.1 subject to the said confirmation by the Committee be responsible for the decisions assigned to it in Schedule 4 of the Joint Working Agreement; and</li> <li>1.2 exercise such powers as all of the Councils</li> </ul>

	<p>may from time to time delegate to the Committee with the agreement of the Committee; and</p> <p>2. For the avoidance of doubt, it is agreed that the Committee will not be responsible for making decisions on:</p> <p style="padding-left: 40px;">2.1 change to the policies and targets of the Councils</p> <p style="padding-left: 40px;">2.2 the determination of the budget of the Councils regarding the Project</p> <p>3. The Committee shall not be empowered to acquire land or any interest in land.</p> <p>4. The Committee may arrange for work to be carried out directly or on an agency or contract basis by any of the Councils</p> <p>5. Where any power exercisable by the Committee or by the Chairman or Vice-Chairman commits or is likely to commit the Councils to expenditure in excess of £100,000 or to result in the aggregate expenditure of the Councils under the Project for the then current financial year exceeding £100,000 then any such decision shall notwithstanding the other provisions of this Constitution be referred to the Councils for the decision to be taken by them. The figure of £100,000 shall be reviewed by the Councils at five yearly intervals the first such review to take place on the fifth anniversary of the review and in respect of each such review the reference in this clause to £100,000 shall be deemed to have been amended by the substitution therefore of the appropriate reviewed figure</p>
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## 5.7 Individual Members of the Executive

Members of the Executive are allocated responsibility for the following functions:

### **Executive Member for Council Strategy and Community Cohesion (Leader of the Council and Chairman of the Executive)**

The **Executive Member for Council Strategy and Community Cohesion** is responsible for the following functions, to the extent that they comprise Executive Functions:

- 1 The formulation and implementation of the Sustainable Community Plan.

- 2 Making arrangements for the formulation of proposals for the annual Revenue and Capital Budgets and of proposals for the level of Council Tax.
- 3 The powers and duties of the Council for the collection of local taxes.
- 4 The co-ordination of annual service planning, review and performance monitoring.
- 5 Matters relating to the Local Government Association and regional groupings.
- 6 The management, maintenance, improvement, development and redevelopment of Bracknell Town Centre, insofar as these functions are not the responsibility of the Bracknell Town Centre Regeneration Committee. Authority to vary the Development Agreement with BRP regarding the early transfer of land and property interests acquired under the CPO.
- 7 The appointment of Members to Committees of the Executive, including, where the Executive Member for Council Strategy considers it appropriate, the appointment of the Chairman and the Vice-Chairman of those Committees.
- 8 The determination of the Terms of Reference of the Committees of the Executive.
- 9 The appointment of Members to external bodies, whose functions are the sole responsibility of Bracknell Forest's Executive.
- 10 To act as Chairman of meetings of the Executive.
- 11 The formulation and implementation of the Community Cohesion Strategy.
- 12 The Council's arrangements for community engagement particularly in relation to young people, vulnerable adults, black and minority ethnic groups and "hard to reach" groups.
- 13 The Council's arrangements to meet the requirements of Equalities legislation.

### **Executive Member for Culture, Corporate Services and Public Protection**

The **Executive Member for Culture, Corporate Services and Public Protection** is responsible for the following functions, to the extent that they comprise Executive Functions:

- 1 Overall performance and effective operation of the Corporate Services Department (Democratic and Registration Services, Information and Communications Technology, Legal Services and Customer Services.)
- 2 The development and introduction of Information and Communications Technology and its use.
- 3 The Council's powers under Sections 29 and 38 of the Local Government (Miscellaneous Provisions) Act 1976.

- 4 The Council's powers under Section 2 of the Local Government Act 2000 [the promotion of well-being.]
- 5 The provision, maintenance and development of leisure services and facilities.
6. Community Centres.
- 7 Management and promotion of rights of way and recreational routes for the Borough.
- 8 Nature and Heritage Conservation.
- 9 Tourism information, initiatives and services.
- 10 Recreational Parks, Open Spaces and Countryside.
- 11 Tree management
- 12 Measures to promote the health of Borough residents.
- 13 Arts and Cultural Activities.
- 14 The corporate public relations, marketing and communications function.
- 15 The Coroner's Service, Cemeteries and the Crematorium.
- 16 Overall performance of the Environment, Culture and Communities Department relating to those parts for which the Executive Member is responsible.
- 17 Emergency Planning
- 18 The formulation and implementation of the Safer Communities Strategy.
- 19 Liaison with the South Central Ambulance Services NHS Foundation Trust
- 20 Liaison with the Thames Valley Police
- 21 CCTV systems in public places.
- 22 Liaison with the Town and Parish Councils in the Borough.
- 23 Environmental standards including:-
  - Food and safety control
  - Control and monitoring of pollution and statutory nuisances
  - Infectious disease and pest control
- 24 Trading standards including:-
  - Weights and measures.



- Fair trading.
  - Trade description.
  - Consumer credit and safety.
  - Consumer complaints.
- 25 Health and Safety including:-
- Health, safety and welfare of people at, or affected by, work.
  - Promotion of health education and home safety.
- 26 Removal and disposal of abandoned vehicles.
- 27 Any functions under any licensing legislation which are Executive Functions and which do not fall within the remit of any other Executive Member.
- 28 The Library and Information Services.

#### **Executive Member for Education**

The **Executive Member for Education** is responsible for the following functions, to the extent that they comprise Executive Functions:

- 1 The Council's responsibilities for schools and related matters including extended schools, admissions and transport.
- 2 The Council's responsibilities for Adult and Community Learning.
- 3 The overall performance of the Children, Young People and Learning Department in respect of these functions.

#### **Executive Member for Planning, Transport and Economic Development**

The **Executive Member for Planning, Transport and Economic Development** is responsible for the following functions, to the extent that they comprise Executive Functions:

- 1 The functions of the Council under Town and Country Planning legislation.
- 2 The functions of the Council as Local Highway Authority.
- 3 The functions of the Council as Streets Authority (including on-street parking.)
- 4 The functions of the Council under the Road Traffic Regulation legislation and in respect of road closures.
- 5 The functions of the Council relating to Public Rights of Way, cycle routes and pedestrian ways
- 6 Road Safety

- 7 The parking of vehicles in respect of Council functions and Orders where these relate to the public highway (other than abandoned vehicles and street trading.)
- 8 The functions of the Council under the Transport Act 1985 and making representations and objections in respect of applications under HGV licensing legislation.
- 9 The functions of the Council under the Building Acts.
- 10 The overall performance of the Environment, Culture and Communities Department relating to those functions for which the Executive Member is responsible.
- 11 To represent the Council on regional and sub-regional planning and transportation matters.
- 12 To represent the Council on the Strategic Housing Partnership and the Strategic Transport Partnership.
- 13 The functions of the Council under the Traffic Management Act 2004
- 14 Car Park management and maintenance (including on-street schemes and the provision of car parking solutions.)

#### **Executive Member for the Environment**

The **Executive Member for the Environment** is responsible for the following functions, to the extent that they comprise Executive Functions:

- 1 Waste and recycle collection
- 2 Public cleansing, including street sweeping, cesspools and private sewers.
- 3 Bracknell Market
- 4 Public Conveniences
- 5 Climate change (mitigation and adaptation)
- 6 Weighbridges
- 7 Rural hedges and ditches
- 8 Environmental Improvement Schemes
- 9 Waste disposal and recycling
- 10 Grounds maintenance, other than countryside maintenance and excluding tree management.
- 11 The overall performance of the Environment, Culture and Communities Department relating to those functions for which the Executive Member is responsible.

### **Executive Member for Children and Young People**

The **Executive Member for Children and Young People** is responsible for the following functions, to the extent that they comprise Executive Functions:

- 1 The Council's responsibilities for children's social care and related matters.
- 2 The Early Years and Childcare Service.
- 3 Children's Centres.
- 4 To represent the Council on the Berkshire Adoption Panel.
- 5 To represent the Council on the Bracknell Forest and Windsor and Maidenhead Joint Fostering Panel.
- 6 Liaison with other providers of services to children and young people.
- 7 Overall performance of the Children, Young People and Learning Department in respect of these functions.
- 8 Communicating with, liaising with, and championing the needs of looked after children in the borough.

### **Executive Member for Adult Services, Health and Housing (currently also Deputy Leader of the Council)**

The **Executive Member for Adult Services, Health and Housing** is responsible for the following functions, to the extent that they comprise Executive Functions:

- 1 The Council's functions as a Housing Authority.
- 2 The overall performance of the Adult Social Care Department.
- 3 Liaison and joint commissioning with providers of health care services.
- 4 To represent the Council on the Supporting People Commissioning body
- 5 To represent the Council on the Health and Social Care Partnership Board
- 6 To represent the Council as a member for the South East Councils with Adult Services responsibilities

### **Executive Member for Finance, Resources and Assets (currently also Vice Chairman of the Executive)**

The **Executive Member for Finance, Resources and Assets** is responsible for the following functions, to the extent that they comprise Executive Functions:

- 1 The formulation of the Council's annual revenue budget, and its implementation following its approval by Council.
- 2 The formulation of the Council's annual capital budget, and its implementation following its approval by Council.

- 3 The maximisation of the assets and revenue of the Council via contributions under Section 106 arrangements.
- 4 Financial (including investment and insurance) Management.
- 5 To act as lead Member in relation to risk management.
- 6 Major capital projects
- 7 The realisation of capital resources
- 8 The management of all property and land owned by the Council other than that which is used as operational property for functions which are allocated to another Executive Member.
- 9 Strategic and planned maintenance of all Council properties other than schools and the Council's housing stock.
- 10 The provision of, maintenance and management of the Council's central fleet of vehicles and mechanical equipment and plant.
- 11 To act as deputy chairman at meetings of the Executive.
- 12 Overall performance and effective operation of the Corporate Services Department (Corporate Property, Financial Services and Human Resources)