



DERBY CITY COUNCIL

**COUNCIL
23 NOVEMBER 2005**

Joint Report of the Director of Corporate Services and Monitoring Officer and the Director of Finance

Proposed Changes to Political Management Arrangements – Phase 2

RECOMMENDATIONS

- 1.1 To approve the proposed changes to political management arrangements set out in the report and review their operation in May 2006.
- 1.2 To approve the proposed delegations to individual members of the Council Cabinet set out in Appendix 3 of the report.
- 1.3 To authorise the Director of Corporate Services to draw up a revised Schedule of Meetings to July 2006 incorporating meetings of individual members of the Council Cabinet and a reduced frequency of Cabinet meetings.
- 1.4 To approve the recognition of Opposition Spokespeople and a Shadow Cabinet, and the consequent proposed amendment of Part of the Protocol on Member / Officer Relations set out in Appendix 4 of the report.
- 1.5 To approve the proposed amendments to the Constitution set out in Appendix 5 of the report.
- 1.6 To establish a cross-party working group (Con 1, Lab 2, Lib Dem 1), under the chairmanship of the Council Cabinet Member for Community Services, Regeneration, Equalities and e-Government to consider ways of increasing citizen engagement through e-democracy initiatives and produce proposals for a future Council meeting.

SUPPORTING INFORMATION

- 2.1 At its meeting on 14 September 2005, Council approved some interim changes to political management arrangements. It was stated that a fuller report would be submitted to this meeting.
- 2.2 The Leader of the Council wishes to review the Council's political management arrangements with a view to:
 - streamlining Council Cabinet meetings
 - increasing the leadership role of individual members of the Council Cabinet in the decision-making process
 - reviewing the definition of a 'key decision'

- building on the findings of the earlier “Review of the Overview and Scrutiny Function in Derby” to improve the working arrangements between Overview and Scrutiny Commissions and the Council Cabinet
- recognising the role of opposition spokespeople and the Shadow Cabinet
- capitalising on the opportunities for citizen engagement presented through the Council’s new web casting facilities.

Streamlining Council Cabinet Meetings

- 2.3 It is felt that, on many occasions, Council Cabinet meetings have become bogged down in too much detailed consideration of issues, rather than being focussed on the strategic direction of the Council and effective executive leadership. Part of the reason for this is that agendas are long, often consisting of over thirty items. Individual items can sometimes be lengthy in themselves if they involve presentations by officers or scrutiny chairs. Reports on the same topic can appear on Cabinet agendas two or three times as a result of overly bureaucratic systems of consultation.
- 2.4 The raising of the grant threshold to £25,000 has helped but there is a case to go further. It is proposed, therefore, to introduce the following changes:
- reduce the number of policies and strategies which come within the Budget and Policy framework
 - delegate certain powers and duties to individual members of the Council Cabinet
 - redefine key decisions and the financial thresholds for reference to the Council Cabinet under Financial Procedure Rules
 - ensure that arrangements for consulting and working with overview and scrutiny commissions are effective in terms of holding the Cabinet to account and contributing to policy development and review.
 - This should enable Cabinet meetings to take place twice per Council cycle instead of the present three.

The Budget and Policy Framework

- 2.5 The policies and strategies that comprise the Budget and Policy Framework are set out in Article 4 of the Constitution which is reproduced as Appendix 2. The Budget and Policy Framework Procedure Rules require that these policies follow a multi-stage process lasting 4/6 months including approval by full Council. It is proposed to remove all of the discretionary policies and strategies listed under paragraph 4.1.1.c. This would avoid them having to follow the Budget and Policy Framework Procedure Rules but they would continue to be regarded as key decisions and included in the Forward Plan. As such, they would be subject to scrutiny or call-in if necessary.
- 2.6 The advantage of this proposal is that, with fewer stages of approval, these policies and strategies could be introduced more quickly and, in some cases, Government submission deadlines would be more easily met.

Delegation to Individual Members of the Council Cabinet

- 2.7 The Local Government Act 2000 introduced the power for Councils to delegate functions to individual Executive members. When the Council submitted proposals for its executive arrangements to the Government in June 2001, we included a commitment that all Executive decisions would be taken collectively by the Executive; individual members would not have power to act alone.
- 2.8 Many authorities delegate functions to individual Executive members and the Leader of the Council believes that it is now appropriate for this Council to introduce a measure of Council Cabinet member decision-making as set out in Appendix 3. The Leader intends that decisions by individual Council Cabinet members will be taken at meetings held in public, in accordance with the Access to Information Procedure Rules, and that the appropriate opposition spokespeople and scrutiny chairs/vice chairs will be invited to attend and speak. It is not likely that these individual meetings will need to take place more than once or twice per council cycle, namely ten times per year.

Definition of Key Decisions

2.9 Key Decisions . . .

- must be taken in public
- must be included in the Forward Plan unless the matter is urgent
- are defined in legislation as . . .
 - any decision in relation to an Executive function which results in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates OR
 - any decision that is likely to have a significant impact on two or more wards within the Council.

At the moment, the threshold for 'significant' expenditure / savings is £100,000.

2.10 The definitions are qualified by the following:

- a. Decisions that are a direct consequence of implementing a key decision will not, in themselves, be 'key'
- b. Decisions to bid for sums over £100,000 are not included, provided that expenditure is within the agreed budget and policy framework
- c. 'Significant impact on two or more wards' means any decision which is likely to have a significant positive or negative impact in environmental, physical, social or economic terms on people living or working in communities in two or more wards

- d. Any decision involving the making of a grant or loan over £25,000* to any voluntary body will be deemed to have a significant impact on two or more wards
- e. Approvals required of the Council Cabinet under the Financial Procedure Rules or the Contracts Procedure Rules are not included.

* This figure was increased from £1,000 by the Council on 14 September 2005.

- 2.11 The Leader of the Council feels that, for an authority with a net annual budget of over £200m, the threshold of £100,000 is too low and should be increased to £250,000. Such an increase would bring the threshold into line with many other authorities of a similar size to Derby. This will reduce the number of those key decisions classified as such because of the financial element of the definition. The 'significant impact' test will remain, however, and a decision below £250,000 may still be key if it satisfies the requirements in sub paragraph 2.10 c. above, for example, a significant policy not in the budget and policy framework may still be a key decision, although implementation of the policy may not involve spending or saving £250,000. A supplementary Planning guidance document would fall into this category.
- 2.12 The controls on bidding for resources still need to be effective, and the opportunity is being taken to clarify the requirements relating to affordability of bids that fall below the raised £250,000 threshold.
- 2.13 The limits on temporary virements under Financial Procedure rules needs to be updated for consistency with these limits, including increasing the limit on temporary virements that do not require Cabinet member approval to £100,000. These limits only apply where virements are within the responsibility of a single Cabinet member and Chief Officer. Otherwise virements require the approval of Council Cabinet, and any creation of a new future financial commitment would also need to be approved by Council under existing rules. The Audit and Accounts Committee is already due to receive a report in December to consider wider changes to the Financial Procedure Rules and can consider the case for any further streamlining when deciding on its recommendations to Council.

The Relationship Between Overview and Scrutiny Commissions and the Council Cabinet

- 2.14 The Topic Review entitled "A Review of Derby City Council's Overview and Scrutiny Function", approved with amendments by the Council on 25 May 2005, contained the following recommendation:

"The engagement between Cabinet and the Scrutiny Commissions should be improved. It was considered that this could be achieved by:

- Regular informal meetings between Scrutiny Chairs, Vice Chairs and Commission members and the relevant Cabinet members
- Cabinet members explaining to the Commissions why recommendations had not been adopted or had been amended
- Cabinet members spending more time with the Commissions, answering questions and explaining Cabinet policy

- Relevant Cabinet members attending the first Commission meeting of the Municipal Year to inform members of Cabinet priorities, provide performance summaries and details of inspections, etc
- Reinforcing the need for mutual respect between the Cabinet and Commissions and mutual recognition of the value of their roles in ensuring effective decision making.”

2.15 The Leader of the Council feels that the proposed regular meetings of individual Council Cabinet members, referred to in paragraph 2.8 above, will provide an ideal vehicle for improving the engagement between Council Cabinet members and scrutiny chairs / vice chairs. This can be supplemented by Cabinet members being invited to attend meetings of overview and scrutiny commissions, when appropriate, to discuss policies or explain decisions.

The Roles of Opposition Spokespeople and Shadow Cabinet

2.16 The Leader of the Council is keen to formalise the important role of opposition spokespeople in challenging the ruling political group. Where it is agreed between opposition groups for their spokespeople to form themselves into a Shadow Cabinet, appropriate recognition should be given to that body. If no such agreement can be reached then the larger of the opposition groups, shall be invited to form a Shadow Cabinet.

2.17 It is proposed, therefore, to amend the relevant part of the Protocol on Members / Officer Relations as shown in Appendix 4.

Citizen Engagement through Webcasting

2.18 The e-Democracy initiative to webcast meetings began with the full Council meeting on 14 September 2005 and is going well with favourable feedback. In 21st century Derby, the potential power of the Internet as a communications tool is enormous. It is proposed to examine ways of developing the technology further so we can capitalise on the potential benefits of e-Government in boosting local democracy. It is suggested that a cross-party working group be set up (Con 1, Lab 2, Lib Dem 1), under the chairmanship of the Council Cabinet Member for Community Services, Regeneration, Equalities and e-Government to take this initiative forward.

Constitutional Amendments

2.19 Amendments to various parts of the Constitution are necessary in order to give effect to the changes proposed in this report. These amendments are set out in Appendix 5. A few of them are included to bring the Constitution in line with current practice.

Review of the Arrangements

2.20 As with all systems, it is important to monitor and review processes and procedures to make sure they are producing the desired outcomes. It is standard practice to consider constitutional amendments at each Annual Meeting of the Council. At the Annual Meeting in May 2006, the modified political management arrangements will have been in place for six months. This will be an appropriate time to review them and make any necessary adjustments.

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Background papers:

List of appendices:

- Appendix 1 – Implications
- Appendix 2 – Article 4 of the Constitution
- Appendix 3 – Proposed delegation of functions to Council Cabinet Members
- Appendix 4 - Draft amendment to part of the Protocol on Member / Officer Relations
- Appendix 5 - Proposed amendments to the Constitution

IMPLICATIONS

Financial

1. These are set out in paragraph 2.12. Decision-taking will continue to be governed by Financial and Contract procedure Rules.

Legal

- 2.1 Under Article 15, changes to the Constitution can only be approved by the full Council after consideration of a report by the Monitoring Officer.
- 2.2 The Director of Corporate Services and Monitoring Officer is satisfied that the proposed changes are consistent with the Statutory Guidance issued under the Local Government Act 2000.

Personnel

3. The introduction of regular public meetings of individual members of the Council Cabinet will require additional staffing resources in Constitutional Services equivalent to a 0.5 fte post.

Equalities Impact

4. None.

Corporate Themes and Priorities

5. The Constitution underpins and facilitates many of the Council's objectives, priorities and values.

Article 4 - The Full Council

4.1 Meanings

1. **Policy Framework.** The policy framework means the following plans and strategies:
 - a. those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations proposed under section 32 of the Local Government Act 2000 to be adopted by the Council:
 - Annual Library Plan;
 - Best Value Performance Plan (including the Corporate Plan);
 - Children's Services Plan;
 - Community Care Plan;
 - Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - Early Years Development Plan;
 - Education Development Plan;
 - Local Transport Plan;
 - Plans and strategies which together comprise the Development Plan;
 - Youth Justice Plan.
 - b. Those recommended by government guidance
 - Adult Learning Plan;
 - Food Law Enforcement Service Plan;
 - Local Agenda 21 Strategy;
 - Quality Protects Management Action Plan.
 - The plan and strategy which comprise the Housing Investment Programme;
 - c. Those determined by the Council
 - Achieving Equality and Valuing Diversity
 - Asset Management Plan (including schools)
 - Communications Strategy
 - Corporate Consultation Strategy
 - Council Housing Allocations Policy
 - Cultural Strategy
 - Customer Access Strategy
 - E-Derby Strategy
 - Environmental Policy
 - Freedom of Information Publication Scheme
 - Health and Safety Policy
 - Local Neighbourhood Renewal Strategy
 - Personnel Strategy
 - Private Sector Housing Renewal Policy

- Recycling Plan
- Social Inclusion Strategy
- Training and Development Policy
- Waste Management Strategy
- Youth Service Plan

2. **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
3. **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the full Council

Only the Council will exercise the following functions:

- a. adopting and changing the constitution
- b. approving and adopting the policy framework and the budget.
- c. approving the statement of accounts , income and expenditure and balance sheets
- d. approving any application to the Secretary of State in respect of any Housing Land transfer
- e. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions on any executive functions where the decision would be contrary to the policy framework, or not wholly in accordance with the budget
- f. appointing the Leader and members of the Council Cabinet
- g. agreeing and/or amending terms of reference for Commissions, Committees, and Area Panels, deciding on their composition and making appointments to them including the appointments of Chairs and Vice Chairs
- h. appointing representatives to outside bodies unless the function has been delegated by the Council
- i. adopting a scheme for members allowances, following receipt of recommendations from the independent remuneration panel

Proposed delegation of functions to individual members of the Council Cabinet

Delegations to the Executive Leader:

1. making executive, non-key decisions, within his/her area of responsibility, which result in the Council incurring expenditure, or making savings, of between £100,000 and £249,999 in accordance with the Council's Financial and Contract Procedure Rules
2. monitoring service performance, within his/her area of responsibility, and taking action to improve performance, where necessary, in conjunction with the relevant service director
3. approving minor policies and procedures that do not have a significant impact on two or more wards, within his/her area of responsibility
4. approving consultation arrangements and initial proposals for policies, plans and strategies within the Budget and Policy Framework in accordance with the Budget and Policy Framework Rules
5. making recommendations to the full Council Cabinet, within his/her area of responsibility, on matters reserved to the full Council Cabinet
6. other than executive matters reserved to the Council Cabinet, to discharge executive functions which have not been allocated by the Council to an individual member of the Council Cabinet or an officer, or to arrange for the discharge of those functions by an individual member of the Council Cabinet or an officer
7. performing the functions of, or taking decisions on matters reserved to, an individual member of the Council Cabinet if the Monitoring Officer determines that the relevant individual member is unable to act.
8. taking decisions in cases of urgency in respect of any executive matter, including key decisions.

Delegations to an individual member of the Council Cabinet :

1. making executive, non-key decisions, within his/her area of responsibility, which result in the Council incurring expenditure, or making savings, of between £100,000 and £249,999 in accordance with the Council's Financial and Contract Procedure Rules
2. monitoring service performance, within his/her area of responsibility, and taking action to improve performance, where necessary, in conjunction with the relevant service director

3. approving consultation arrangements and initial proposals for policies, plans and strategies within the Budget and Policy Framework in accordance with the Budget and Policy Framework Rules
4. approving minor policies and procedures that do not have a significant impact on two or more wards, within his/her area of responsibility
5. making recommendations to the full Council Cabinet, within his/her area of responsibility, on matters reserved to the full Council Cabinet

In addition, any member identified by the Council as the Deputy Leader will deputise for the Executive Leader in his/her absence in respect of any matters reserved to the Executive Leader.

When taking decisions, an individual member of the Council Cabinet must take into account professional advice from officers, including the statutory officers.

Note

Decisions involving expenditure/savings up to £99,999 will continue to be taken by officers.

Proposed Amendment to Part of the Protocol on Member / Officer Relations

The section below would be amended to read as follows. The remainder of the Protocol would not change

“Officers’ Relationship with Political Groups

20. Officer attendance at political group meetings is likely to be the exception. However, there may be particular advantages to be gained from such attendance.
21. An opposition group may decide to establish a Shadow Cabinet made up of its Spokespeople. Where there is more than one opposition group, only one Shadow Cabinet may be established, the membership of which may include Spokespeople from one or more groups.
22. Requests for officers’ attendance at political group or Shadow Cabinet meetings should in the first instance be made to the Chief Executive. Where attendance at a full political group meeting is agreed, the Chief Executive will notify the other political groups and offer them a similar facility. Officers will not be expected to attend all Shadow Cabinet meetings but rather to attend when a particularly significant matter on the agenda of a Council Cabinet meeting is due to receive prior consideration by the Shadow Cabinet.
23. Members must not request officers to carry out work for, or on behalf of, a political party.
24. The Leader of a political group shall notify the Director of Corporate Services in writing or by email, of the names of members who are to act as Opposition Spokespeople, the Council functions to be overseen by such Spokespeople and whether they will operate through a Shadow Cabinet.
25. An Opposition Spokesperson will be entitled to be briefed by the relevant chief officer, or nominated senior officer, on any matter within the functions overseen by the Spokesperson. Such a briefing must be limited to providing facts and professional advice. Officers must not be asked to undertake research or draw up policy options.
26. Opposition Spokespeople shall not be entitled to information or advice given to the controlling administration other than that which would be available under the Access to Information Procedure Rules.
27. Any information given to officers by Opposition Spokespeople and any advice given by officers to Opposition Spokespeople will be kept confidential.”

Renumber subsequent paragraphs.

Proposed Amendments to the Constitution

The proposed amendments are attached. Deletions are indicated by ~~strike through~~, additions by underline. The amendments are summarised below. Page numbers are those for the Constitution as shown on CMIS - <http://cmis.derby.gov.uk/CMISWebPublic/>

The Budget and Policy Framework

Part 2, Article 4 – The Full Council – Page 17

Delegation to Individual Members of the Council Cabinet

- Part 2, Article 7 – The Council Cabinet – Paragraph 7.7 – Page 28
- Part 2, Article 13 – Decision making – Paragraph 13.4 – Page 44
- Part 3, Part B – Matters Reserved to the Council Cabinet – Page 61
- Part 3, Part F – Matters that are delegated to officers – Page 73
- Part 3, Part F – Officers’ Areas of Responsibility – Pages 76 – 92
- Part 3, List of Statutory Functions, Part C – Page 111
- Part 4, Access to Information Procedure Rules – Pages 135 -144 – Rules AI1 and AI31
- Part 4, Council Cabinet Procedure Rules – Pages 153 -158 – Rules EP9, EP11, EP16, EP18, EP23 – Note, several of the existing rules have been renumbered
- Part 4, Financial Procedure Rules, Appendix 2 – Page 219

Definition of Key Decisions

- Part 2, Article 13 – Decision Making – Paragraph 13.2 – Page 43
- Part 4, Access to Information Rules – Pages 135-144 – Rule AI20

The Relationship between Overview and Scrutiny Commissions and the Council Cabinet

Part 4, Council Cabinet Procedure Rules – Page 155 – Rule EP16

The Roles of Opposition Spokespeople and Shadow Cabinet

Proposed amendments to part of the Protocol on Member/Officer Relations – Page 264. These are shown in Appendix 4 of the report.

Amendments to bring the Constitution in line with current practice or terminology

- Part 1, Summary and Explanation – “How decisions are made” – Page 6
- Part 2, Article 4 – The full Council – Paragraphs 4.1a and b, and 4.2f. – Pages 17 and 18
- Part 2, Article 7 – The Council Cabinet – Paragraph 7.5 – Page 28
- Part 3, Part A – Matters Reserved to the Council – Paragraph f. – Page 59
- Part 4, Access to Information Rules – Pages 135-144 – Rule AI24 b.
- Part 4, Overview and Scrutiny Procedure Rules – Page 164 – Rule OS34.

PART 1 SUMMARY AND EXPLANATION (Page 6)

How decisions are made

The Council Cabinet is the part of the Council that is responsible for most day-to-day decisions. The Council Cabinet is made up of a Leader, with an Executive of ~~seven~~ no fewer than two and no more than nine other members. When major decisions are to be discussed or made, these are published in the Council Cabinet's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Council Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Council Cabinet has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 4 - THE FULL COUNCIL (Pages 17 and 18)

4.1 Meanings

1. **Policy Framework.** The policy framework means the following plans and strategies:
 - a. those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations proposed under section 32 of the Local Government Act 2000 to be adopted by the Council:
 - Annual Library Plan;
 - Best Value Performance Plan (including the Corporate Plan);
 - ~~Children's Services Plan;~~
 - Community Care Plan;
 - Community Strategy;
 - Crime and Disorder Reduction Strategy;
 - ~~Early Years Development Plan;~~
 - ~~Education Development Plan;~~
 - Local Transport Plan;
 - Plans and strategies which together comprise the Development Plan;
 - Youth Justice Plan.
 - b. Those recommended by government guidance
 - Adult Learning Plan;
 - Food Law Enforcement Service Plan;
 - Local Agenda 21 Strategy;
 - ~~Quality Protects Management Action Plan.~~
 - The plan and strategy which comprise the Housing Investment Programme;
 - The Single Plan for Children

~~c. Those determined by the Council~~

- ~~•Achieving Equality and Valuing Diversity~~
- ~~•Asset Management Plan (including schools)~~
- ~~•Communications Strategy~~
- ~~•Corporate Consultation Strategy~~
- ~~•Council Housing Allocations Policy~~
- ~~•Cultural Strategy~~
- ~~•Customer Access Strategy~~
- ~~•E-Derby Strategy~~
- ~~•Environmental Policy~~
- ~~•Freedom of Information Publication Scheme~~
- ~~•Health and Safety Policy~~
- ~~•Local Neighbourhood Renewal Strategy~~
- ~~•Personnel Strategy~~
- ~~•Private Sector Housing Renewal Policy~~
- ~~•Recycling Plan~~
- ~~•Social Inclusion Strategy~~
- ~~•Training and Development Policy~~
- ~~•Waste Management Strategy~~
- ~~•Youth Service Plan~~

4.2 Functions of the full Council

Only the Council will exercise the following functions:

~~f. appointing the Leader and members of the Council Cabinet, determining the areas of responsibility of Council Cabinet members and determining the delegation of Executive functions.~~

ARTICLE 7 – THE COUNCIL CABINET (Page 28)

7.5 Proceedings of the Council Cabinet

Proceedings of the Council Cabinet shall take place in accordance with the ~~Executive Council Cabinet~~ Procedure Rules set out in Part 4 of this Constitution.

7.7 Collective decision making

The Council Cabinet will operate on the basis of collective decision-making and collective responsibility in respect of key decisions and other functions which are the responsibility of the full Council Cabinet.-

ARTICLE 13 - DECISION-MAKING (Page 43)

Paragraph 13.2

2. Key decisions.

A key decision is

- a. any decision in relation to an Executive function which results in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates'

OR

- b. any decision that is likely to have a significant impact on two or more wards within the Council

The threshold for 'significant' expenditure/savings is £~~400~~250,000. The definitions are qualified by the following...

1. Decisions that are a direct consequence of implementing a key decision will not, in themselves, be 'key'
2. Subject to the restrictions in the Financial Procedure Rules, Decisions to bid for sums over £~~400~~250,000 are not included, provided that expenditure is within the agreed budget and policy framework
3. 'Significant impact on two or more wards' means any decision which is likely to have a significant positive or negative impact in environmental, physical, social or economic terms on people living or working in communities in two or more wards. This includes policies procedures and strategies not included in the policy framework other than minor policies and procedures that do not have a significant impact on two or more wards.
4. Any decision involving the making of a grant or loan over £25,000 to any voluntary body, will be deemed to have a significant impact on two or more wards.
5. Approvals required of the Council Cabinet under the Financial Procedure Rules or the Contracts Procedure Rules are not included.

Paragraph 13.4

13.4 Decision making by the Council Cabinet

Subject to Article 13.7, the Council Cabinet, or any individual member of the Council Cabinet, will follow the Council Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

PART 3 – RESPONSIBILITY FOR FUNCTIONS AND SCHEME OF DELEGATIONS

PART A – MATTERS RESERVED TO THE COUNCIL (Page 59)

The Council reserves to itself the following powers:

- f. appointing the Leader and members of the Council Cabinet, determining the areas of responsibility of Council Cabinet members and determining the delegation of Executive functions

PART B
MATTERS RESERVED TO THE COUNCIL CABINET, THE
EXECUTIVE LEADER AND INDIVIDUAL MEMBERS OF THE COUNCIL
CABINET (Page 61)

By law the Council Cabinet, Executive Leader or individual members of the Council Cabinet cannot deal with the matters reserved to the Council in Part A and some functions mainly relating to regulatory matters that are dealt with in Part E and the Appendix.

Part C of the Appendix shows the local choice functions that will be the responsibility of the Council Cabinet, Executive Leader or individual members of the Council Cabinet unless they are delegated to Officers or Area Panels.

The following matters are reserved to the Council Cabinet:

1. making recommendations to Council on the Budget and the policy framework
2. implementing the Budget and policy framework in respect of all functions except non executive functions
3. making key decisions about implementation of any of the Council's functions except non-Executive functions. This includes all policies procedures and strategies not included in the policy framework, other than minor policies and procedures that do not have a significant impact on two or more wards-
4. coordinating and securing Best Value within the budget and policy framework agreed by the Council
5. undertaking activities relating to virement and other issues specified under Financial Procedure Rules
6. making recommendations to Council on intended action following the receipt of reports from the external auditor, external inspectorates and the local Ombudsman.
7. forming partnerships
8. monitoring performance indicators, general service performance and financial management.

The following matters are reserved to the Executive Leader:

1. making executive, non-key decisions, within his/her area of responsibility, and within the limitations of the Financial Procedure Rules, which result in the Council incurring expenditure, or making savings, of between £100,000 and £249,999
2. monitoring service performance, within his/her area of responsibility, and taking action to improve performance, where necessary, in conjunction with the relevant service director

3. approving minor policies and procedures that do not have a significant impact on two or more wards, within his/her area of responsibility
4. approving consultation arrangements and initial proposals for policies, plans and strategies within the Budget and Policy Framework in accordance with the Budget and Policy Framework Rules
5. making recommendations to the Council Cabinet, within his/her area of responsibility, on matters reserved to the full Council Cabinet
6. other than executive matters reserved to the Council Cabinet, to discharge executive functions which have not been allocated by the Council to an individual member of the Council Cabinet or an officer, or to arrange for the discharge of those functions by an individual member of the Council Cabinet or an officer
7. performing the functions of, or taking decisions on matters reserved to, an individual member of the Council Cabinet if the Monitoring Officer determines that the relevant individual member is unable to act
8. taking decisions in cases of urgency in respect of any executive matter, including key decisions.

The following matters are reserved to an individual member of the Council Cabinet:

1. making executive, non-key decisions, within his/her area of responsibility, and within the limitations of the Financial Procedure Rules, which result in the Council incurring expenditure, or making savings, of between £100,000 and £249,999
2. monitoring service performance, within his/her area of responsibility, and taking action to improve performance, where necessary, in conjunction with the relevant service director
3. approving consultation arrangements and initial proposals for policies, plans and strategies within the Budget and Policy Framework in accordance with the Budget and Policy Framework Rules
4. approving minor policies and procedures that do not have a significant impact on two or more wards, within his/her area of responsibility
5. making recommendations to the Council Cabinet, within his/her area of responsibility, on matters reserved to the Council Cabinet.

In addition, any member identified by the Council as the Deputy Leader will deputise for the Executive Leader in his/her absence in respect of any matters reserved to the Executive Leader.

When taking decisions, an individual member of the Council Cabinet must take into account professional advice from officers, including the statutory officers.

PART F
MATTERS THAT ARE DELEGATED TO OFFICERS (Pages 73 and 74)

2. CONDITIONS

- 2.1 The scheme does not delegate to the Chief Executive, Director or other Officers any key decisions or matters delegated to individual members of the Council Cabinet. Key decisions are defined in Article 13.

OFFICERS' AREAS OF RESPONSIBILITY (Pages 76 - 92)

CHIEF EXECUTIVE (Page 76)

The Chief Executive will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B. The Council has delegated to the Director of Corporate Services the responsibility of assuming the powers and duties of the Chief Executive in his/her absence.

DIRECTOR OF CORPORATE SERVICES AND DEPUTY CHIEF EXECUTIVE (Page 77)

The Director of Corporate Services will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B. The Council has delegated to the Director of Corporate Services the responsibility for assuming the powers and duties of the Chief Executive in his/her absence.

DIRECTOR OF FINANCE (Page 82)

The Director of Finance will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

DIRECTOR OF POLICY (page 84)

The Director of Policy will have responsibility for all management, operational and non-key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

DIRECTOR OF COMMERCIAL SERVICES (Page 87)

The Director of Commercial Services will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

DIRECTOR OF DEVELOPMENT AND CULTURAL SERVICES (Page 88)

The Director of Development and Cultural Services will be responsible for all management, operational and non-key decisions for the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

DIRECTOR OF EDUCATION (Page 90)

The Director of Education will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

DIRECTOR OF SOCIAL SERVICES (Page 91)

The Director of Social Services will have responsibility for all management operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.:-

PART C

LOCAL CHOICE FUNCTIONS – EXECUTIVE FUNCTIONS (Page 111)

Functions	Committee	Delegations to Chief Officers
Inspection of area to detect any Statutory Nuisance	Council Cabinet - key decisions	Assistant Director - Environmental Health and Trading Standards non key decisions*
Investigation of any complaint as to the existence of a Statutory Nuisance	Council Cabinet - key decisions	Assistant Director - Environmental Health and Trading Standards non key decisions*
Making agreements for highway works	Council Cabinet - key decisions	Director of Corporate Services in consultation with Assistant Director - Highways, Transportation and Waste Management – non key decisions*
Conduct Best Value reviews	Council Cabinet - key decisions	No delegation
Functions related to contaminated land	Council Cabinet - key decisions	Assistant Director - Environmental Health and Trading Standards non key decisions*
Control of Pollution and Management of Air Quality	Council Cabinet - key decisions	Assistant Director - Environmental Health and Trading Standards non key decisions*

* other than those matters delegated to individual members of the Council Cabinet

PART 4 – RULES OF PROCEDURE

ACCESS TO INFORMATION PROCEDURE RULES (Page 135 - 144)

SCOPE

- AI1 These rules apply to all meetings of the Council, Overview and Scrutiny Commissions, Area Panels, the Standards Committee and Regulatory Committees, public meetings of the Council Cabinet, and public meetings where decisions are taken by individual members of the Council Cabinet.
- AI20 The threshold for 'significant' expenditure/savings is £~~400~~250,000. The definitions are qualified by the following...
- a. Decisions that are a direct consequence of implementing a key decision will not, in themselves, be 'key'
 - b. Subject to the restrictions in the Financial Procedure Rules, Decisions to bid for sums over £~~400~~250,000 are not included provided that expenditure is within the agreed budget and policy framework
 - c. 'Significant impact on two or more wards' means any decision which is likely to have a significant positive or negative impact in environmental, physical, social or economic terms on people living or working in communities in two or more wards. This includes policies, procedures and strategies not included in the policy framework other than minor policies and procedures that do not have a significant impact on two or more wards.
 - d. Any decision involving the making of a grant or loan over £25,000 to any voluntary body will be deemed to have a significant impact on two or more wards.
 - e. Approvals required of the Council Cabinet under the Financial Procedure Rules or the Contracts Procedure Rules are not included.

THE FORWARD PLAN

Contents of Forward Plan

- AI24 The forward plan will contain matters which the Council Cabinet has reason to believe will be subject of a key decision to be taken by the Council Cabinet or a committee of the Council Cabinet, during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
- b. who ~~took~~is to take the decision and details of membership

RECORD OF DECISIONS

- AI31 a) *After any meeting of the Council Cabinet or any of its committees, the Director of Corporate Services will publish a record of every executive decision taken at that meeting within two working days of the meeting. The record will include a statement*

of the reasons for each decision and any alternative options considered and rejected at that meeting. No action will be taken on any ~~such key~~ decision for five clear days from the date of publication, unless the Council Cabinet determines that the decision is of such urgency that no delay may be made.

b)After any meeting of an individual member of the Council Cabinet exercising delegated powers the Director of Corporate Services will publish a record of every decision taken at the meeting.

COUNCIL CABINET PROCEDURE RULES (Pages 153-158)

Public and private meetings of the Council Cabinet

EP9 Where the Council Cabinet or a Council Cabinet member is taking a decision, ~~the Council Cabinet~~they will meet in public (subject to the Access to Information rules). The agenda for meetings ~~of the Council Cabinet~~ will be divided as follows:

- The first part will list matters for decision which will be considered in public, unless the items contain exempt information in which case the press and public may be excluded.
- The second part will list matters for discussion only and will be considered in private. The agenda and any associated reports will also be private.

Taking decisions

EP11 Executive decisions which have been delegated to the Council Cabinet ~~as a whole~~or an individual member of the Council Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

EP15 If they are not members of the Council Cabinet, the Leader or Deputy Leader of each political group will be invited to attend the first part of meetings of the Council Cabinet, including the consideration of items containing exempt information, and to speak but not to vote.

EP16 The appropriate opposition spokesperson, and overview and scrutiny commission chair and vice chair, will be invited to attend public meetings where decisions are taken by individual members of the Council Cabinet, and to speak but not vote.

Agenda

EP18 The agenda for each meeting of an individual member of the Council Cabinet will be in two parts (Rule EP9 refers). In Part 1, the following business will be conducted:

- a. consideration of the Part 1 minutes of the last meeting;
- b. declarations of interest, if any;
- c. matters set out in the agenda for the meeting
- d. any exempt items otherwise ~~defined~~defined by c. above

In Part 2, the following business will be conducted:

- a. consideration of the Part 2 minutes of the last meeting
- b. such other business as the Council Cabinet member may decide, within the matters delegated to him/her and provided that the items are for discussion only and not decision, including business to be discussed with opposition spokespeople and chairs and vice chairs of relevant overview and scrutiny commissions.

Items on the Council Cabinet agenda

Items from Council Cabinet Members

~~EP20~~EP23 Council Cabinet Members may place items on Part 1 or Part 2 of the agenda, with the assent of the Leader.

OVERVIEW AND SCRUTINY PROCEDURE RULES

Procedure for Call-in (Page 164)

OS34 When a key decision is made by the Council Cabinet or a committee of the Council Cabinet, ~~a Council Cabinet Member or an area panel~~ or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. All Members of the Council will be sent copies of the records of all such decisions within the same timescale, by the Monitoring Officer.

FINANCIAL PROCEDURE RULES

Appendix 2 – Virement and Carry Forward (Page 219)

Sub Heading – Virement

~~(a) Chief Officers may exercise temporary virement on budgets under their control for amounts up to £50,000 on any one estimate head during the year, following notification to and the agreement of the Director of Finance. Sums up to £100,000 additionally require approval of the Council Cabinet.~~

~~(b) — Amounts greater than £100,000 require the approval of the Council.~~

- (a) The financial limits on virements are that, subject to meeting other conditions:
- Chief officers may exercise temporary virement on budget under their control for amounts up to £100,000 on any one estimate head during the year, following notification to and the documented agreement of the Director of Finance
 - Amounts up to £250,000 additionally require the approval of the responsible Council Cabinet member
 - Amounts greater than £250,000 require the approval of the Council

Re-number subsequent paragraphs.