

Delegation Arrangements for Cabinet Portfolios

Delegations for inclusion in the Scheme of Delegation (Part 3 of the Constitution)

In accordance with the Cabinet Procedure Rules and Terms of Reference executive functions will be delegated to the following Cabinet Portfolios:

Leader of the Council

The scope of the Leader's responsibilities spans all portfolios, ensuring co-ordination and a coherent approach to the Council's decision-making. The Leader can make any decision which is delegated to any portfolio holder. The Deputy Leader will have the powers and responsibilities of the Leader, when the Leader is absent or unable to act.

In discharging this role, the Leader is specifically responsible for leadership, strategic planning and development, partnership working and decision making within the following policy and service areas:-

- i. the development of overall strategic and financial plans for the Council and the promotion of both existing and new strategies and plans;
- ii. overall control of the revenue and capital finances of the Council, in conjunction with the Portfolio Holder with responsibility for those matters;
- iii. the production and publication of the Council's Forward Plan;
- iv. the Council's contribution to the life of the district and the sub-region;
- v. the functioning of Council's Cabinet and the executive powers it holds, including the allocation of responsibilities to the full Cabinet, individual Cabinet portfolios and area committees; the appointment and dismissal of those Cabinet portfolio holders; and the delegation of executive authority to officers;
- vi. partnership working across the Council's services, including liaison with other statutory agencies in and outside the district and leading on the Council's Local Strategic Partnership;
- vii. the Council's communications strategies and activities and press and publicity activity;
- viii. information provision and management;
- ix. consultation with local people to help plan and improve Council services and influence the services provided by others;

- x. community safety and work with the Crime Reduction Partnership, the police and other law enforcement agencies to reduce crime and disorder, and the fear of either;
- xi. speaking up on matters of local concern and representing the views of the Council to Government and its agents and to others;
- xii. appointments to outside organisations between meetings of the Council;
- xiii. the provision of central services and the use and allocation of resources;
- xiv. Legal and Democratic Services, including;
 - Electoral Services and electoral registration;
 - the Land Charges Service;
- xv. The health and safety of staff;
- xvi. Human Resources including;
 - personnel, employment and training policies and strategies;
 - the provision of core training services to the rest of the Council;
 - measures to manage productivity and reduce sickness absence;
 - matters to do with officers leaving the Council's service, in conjunction with the Portfolio Holder for Finance;
- xvii. the implementation of public safety measures and the Council's Emergency Plan, in accordance with prevailing national guidance.

Policy and Green Issues

The scope of this portfolio is concerned with the Council's:-

- i. responsibility for strategic planning and development;
- ii. development and implementation of the Service & Financial Planning process, in consultation with the Portfolio holder for Finance;
- iii. population and other census information;
- iv. the Council's Annual Report, Service reviews, performance statistics and all aspects of the Council's efforts to secure improvements in quality in its

- services, cost improvements and external accreditation and recognition, including Comprehensive Area Assessment;
- v. the Council's officer arrangements for scrutiny activity through its Overview and Scrutiny committees; and
 - vi. the Council's complaints system and its response to investigations by the Local Government Ombudsman;
 - vii. proposals to vary the boundaries of the Borough and electoral divisions, wards and polling districts;
 - viii. the Council's communications strategies and activities and press and publicity activity;
 - ix. the Nottingham Declaration on Climate Change and other green issues affecting the District;
 - x. the Council's Organisational Development Strategy.

Finance

The scope of this portfolio is concerned with the Council's:-

- i. budget planning and all action necessary to maintain overall budget control within the cash limits agreed by full Council (in conjunction with the Leader of the Council);
- ii. development and implementation of the Service & Financial Planning process, in consultation with the Policy Portfolio holder;
- iii. the determination of applications for national non-domestic rate discretionary relief, and remission or reduction of rate liability and other miscellaneous minor rating matters arising;
- iv. virements between budget headings between £50,000 and £100,000, in conjunction with relevant Portfolio holders;
- v. use of the special reserves and reserved contingency budgets, within the total budget agreed by full Council;
- vi. in-year changes to the Council's Capital Programme up to a limit of £100,000;
- vii. financial planning;
- viii. investments and treasury management;

- ix. the collection of taxes, the determination and payment of housing and Council tax benefit;
- x. overall strategy for fees and charges;
- xi. maximisation of the Council's commercial income;
- xii. audit and financial probity;
- xiii. payroll and other financial benefits for staff;
- xiv. the Council's procurement policies and procedures;
- xv. maintenance of the Council's buildings (other than day-to-day maintenance);
- xvi. overall management of the Council's property assets and the disposal or acquisition of the Council's property interests up to a value of £250,000;
- xvii. provision and management of the Town Hall and other civic buildings, including the letting of accommodation at public buildings owned or occupied by the Council and not specifically under the control of another Cabinet portfolio holder;
- xviii. writing off debts between £5,000 and £10,000 in conjunction with the relevant Cabinet portfolio holder.

Planning and Transport

The scope of this portfolio is concerned with the Council's role as:-

- i. Local Planning Authority and its interest in the preservation, enhancement and conservation of the environment including monitoring the Council's annual report on the Local Development Framework and making submissions on the same to regional bodies and other external agencies;
- ii. proposals for the Council's land-using planning policies, for recommendation to full Council, and supplementary guidance;
- iii. planning briefs for individual development sites;
- iv. responses to planning guidance and planning policy statements from Government and regional bodies;
- v. co-ordination of the Council's response to major developments on private land or developments affecting the streetscape, where these have not been explicitly reserved to another Cabinet Portfolio holder;

- vi. street lighting and furniture and the naming and numbering of streets;
- vii. the Council's policies for enforcement of planning conditions and against improper development;
- viii. the Council's policies for identifying, and preserving conservation areas;
- ix. the Council's provision of arboricultural, building control and forward planning services;
- x. land drainage;
- xi. Tree Preservation Orders;
- xii. grants relating to buildings of special architectural or historical interest;
- xiii. decisions about environmental awards;
- xiv. the Council's involvement in subsidised transport provision;
- xv. provision and maintenance of bus shelters;
- xvi. development and implementation of the Council's Transport Strategy and representing the Council's views on regional transport issues;
- xvii. leading on the Council's arrangements for highways matters including partnership and agency arrangements;
- xviii. car parks and parking operations including decriminalised parking enforcement.
- xix. Hackney carriages and private hire vehicles – setting of charges, fees, etc.

Community Engagement and Rural Affairs

The scope of this portfolio is concerned with the Council's:-

- i. tourism and visitor management;
- ii. leading on the Council's responsibilities arising from law and best practice to ensure its services are responsive and relevant to a diverse population and free from improper discrimination;
- iii. to co-ordinate and therefore try to improve the overall delivery of services provided by public bodies and voluntary organisations;

- iv. to consult upon, and approve the Community Strategy and review it annually;
- v. consultation with local people to help plan and improve Council services and influence the services provided by others;
- vi. community relations and the promotion of social cohesion and fair opportunities together with the Council's responsibilities under race relations legislation;
- vii. diversity and equalities matters, including approving the monitoring of the Council's Equality and Diversity Schemes;
- viii. the Council's relationship with, and funding of, independent advice agencies, community centres, voluntary sector support agencies and other organisations not within the remit of other Cabinet Portfolio holders;
- ix. community safety and work with the Crime Reduction Partnership, the police and other law enforcement agencies to reduce crime and disorder, and the fear of either;
- x. to lead on partnerships and liaison with external agencies;
- xi. the Council's communications strategies and activities and press and publicity activity;
- xii. responsibility for all matters in relation to the Community Legal Service;
- xiii. corporate grants including the Parish Council Improvement Fund;
- xiv. development and implementation of strategies and policies for the development, enhancement and sustainability of the district, in particular rural areas and communities;
- xv. to act as the Council's spokesperson and principal point of contact on matter affecting Town and Parish Councils;
- xvi. the provision and monitoring of the Council's CCTV arrangements;
- xvii. regeneration, neighbourhood renewal and economic development, including bidding for, planning and expenditure of regeneration funding.

Housing and Environmental Health

The scope of this portfolio concerned with the Council's:-

- i. Supporting People services, community alarms, Careline and Meals on Wheels;
- ii. Homelessness;
- iii. Housing allocations and the Housing Register;
- iv. Housing advice;
- v. Housing Strategy;
- vi. Gypsies and Travellers;
- vii. Private sewers, drainage and drains;
- viii. Housing grants and loans;
- ix. Caravan sites;
- x. Housing safety and the fitness of premises;
- xi. Housing energy conservation;
- xii. Health and safety at work;
- xiii. Food safety and hygiene;
- xiv. Communicable diseases;
- xv. Public Health Act funerals;
- xvi. Pests;
- xvii. Control of pollution / environmental protection (including noise);
- xviii. Contaminated land;
- xix. Local air quality;
- xx. Permitting of processes;
- xxi. Statutory nuisances;

- xxii. Miscellaneous public health duties (such as the Health Act 2006);
- xxiii. Miscellaneous public health functions (including the prohibition of smoking in public places);
- xxiv. Licensing (excluding those specified in the Licensing Act 2003 and Gambling Act 2005);
- xxv. Local licensing (including, but not limited to, hackney carriage drivers and vehicles, private hire vehicles, drivers and operators, permits for small lotteries and street collections and house to house collection licences, gambling, small lotteries, sex shops, pet shops and dangerous wild animals);
- xxvi. Dealers of scrap metal;
- xxvii. Street trading consents and licences;
- xxviii. Sunday trading;
- xxix. Animals (welfare, associated licensing and enforcement);
- xxx. Abandoned vehicles;
- xxxi. Fly tipping and illegal waste disposal;
- xxxii. Enforcement of byelaws (NHDC and HCC);
- xxxiii. Enforcement matters delegated by the Highways Partnership;
- xxxiv. Miscellaneous street scene enforcement functions (including fly posting and litter) and fixed penalty notices;
- xxxv. Liquor and entertainment licensing (Licensing Act 2003).

Leisure and E-Government

The scope of this portfolio concerned with the Council's role in:-

- i. leisure services, including sports centres and sports development for adults;
- ii. playschemes, recreation grounds and facilities;

- iii. public halls and markets;
- iv. parks, open spaces (excluding public art in these places) and outdoor swimming pools;
- v. the arts, and cultural services, including archaeological matters, museums and galleries;
- vi. allotments;
- vii. development and implementation of policy and strategy for the delivery of e-government, in particular service@north-herts;
- viii. the development and application of policies, initiatives and services involving the use of information and communications technology to support the work of the Council and the Council's work with others.

Waste and Recycling

The scope of this portfolio is concerned with the Council's role in:-

- i. waste management and recycling;
- ii. cleansing, public conveniences and cesspools;
- iii. grounds maintenance, amenity areas and associated functions;
- iv. provision, maintenance of trees;
- v. cemeteries and burials;
- vi. war memorials;
- vii. footpaths and bridleways.

The **extent of the authority delegated** to these portfolio holders will be limited to:-

- a) Decisions which have a cost or saving less than the current European Union Procurement threshold for Supplies and Services, such as the limit may be from time to time.
- b) Any decision which is not otherwise delegated to Committees or officers as detailed in the Scheme of Delegation.

- c) In discharging any functions that have been delegated, the Cabinet Portfolio holder must act lawfully. This means that that the Cabinet Portfolio holder must act within the scope of the authority that is delegated to him/her in accordance with any limits within the delegation, the Constitution, Council policies, procedure rules and the Members' Code of Conduct. Where an issue affects more than one portfolio, the respective holders of those portfolio holders shall consult with each other, officers and the Leader to agree where the decision will be taken.

Matters of general delegation

Each Cabinet Portfolio holder is responsible for:-

- i. the proper administration of the Council's services;
- ii. ensuring adequate staffing, premises and other resources to secure agreed standards and target outcomes in the area of each portfolio;
- iii. the efficient use and day-to-day maintenance of Council premises;
- iv. ensuring budget control;
- v. approving use of specific grants and/or funding from non-governmental sources, and any annual delivery plans and agreements in relation to such funding;
- vi. approving funding exceeding £5,000 per annum to voluntary and other organisations within their portfolio, and approving jointly with other Cabinet Portfolio holders where the application affects more than one portfolio;
- vii. the continuous improvement of the Council's services through a programme of work;
- viii. liaising with the relevant Council Overview and Scrutiny Committees;
- ix. decisions proposed and made;
- x. the promotion of the Council's policies and communication with the public as appropriate through local and other media, ensuring always that publications are compliant with the Council's Communications Strategy;
- xi. proposing and responding to Government and its agents, and to those sharing common cause and others on matters defined by their responsibilities;
- xii. to respond directly to governmental and other consultation papers on behalf of the Council, where the view of the Council has been requested;

- xiii. making minor amendments to adopted strategies, policies and procedures;
- xiv. the promotion of the Council's existing policies;
- xv. speaking up on matters of local concern and acting as the main Council spokesman on issues within their portfolio;
- xvi. approving proposals to vire money from one budget head to another between £100,001 and £250,000, in conjunction with the Cabinet Portfolio holder for Finance;
- xvii. writing off debts between £2, 500 and £5,000, conjunction with the Cabinet Portfolio holder for Finance;
- xviii. the disposal of assets between £5,001 and £100,000 and between £100,001 and £250,000 in conjunction with the Cabinet Portfolio holder for Finance;
- xix. giving approval to proceed to advertisement or other method of securing competition authorised by Contract Standing Orders, and for inviting and accepting tenders and quotations related to matters within their portfolio in excess of £50,000;
- xx. opening tenders where the estimated value of the contract is £50,000 or more;
- xxi. approving variations to contracts where the variation:
 - would extend the contract period by 50 per cent or more than three months, whichever is the greater;
 - adds more than 20 per cent to the estimated value of the contract for contracts between £60,000 and £250,000, or
 - adds more than 5 per cent to the estimated value of the contract for contracts exceeding £250,000, or
 - increases the estimated value of the contract from below £60,000 to £72,000 or more;
 - would mean that the works, services or goods to be added to or deleted from the contract are substantially different in scope, save that in a case of urgency or unforeseen circumstances any such variation can be approved by a Director, subject to him or her reporting such action to the relevant Cabinet Portfolio holder;

- xxi. the disposal of property valued under £250,000 in respect of the functions for which they are responsible, in conjunction with the Cabinet Portfolio holder for Finance;
- xxiii. applying for planning permission for the Council's own development schemes;
- xxiv. applying for conservation area consent, listed building consent or any other permissions or consents necessary to progress the Council's own development schemes; and
- xxv. responding to officer recommendations on setting new external charges and revising current ones.

Procedural Rules

Where a portfolio holder is to take a decision which is outside the key decision definitions under their delegated powers, they will give at least 5 days notice of the matter to be decided, in MIS. The date and time for taking the decision will be included. Members may then request details of the decision to be made and make written representations on the matter, for consideration by the portfolio holder.

When making the decision the portfolio holder will consider a written report from officers and will make their decision in public, recording the decision(s) reason(s) for it. Once the decision has been made, notice of the decision(s) and the reason(s) will be given in MIS.

The above should be moved as an addition to the Council's Constitution at Part IV.