

PART 3

SCHEDULE 5

DELEGATION OF FUNCTIONS TO INDIVIDUAL CABINET MEMBERS

The Leader of the Council in conjunction with the Cabinet and Cabinet Members leads the implementation of policy within the Council's Budget and Policy Framework.

In doing this the Leader of the Council in conjunction with the Cabinet and Cabinet Members carries out all of the Council's functions which are not the responsibility of Council whether by law or under this Constitution.

By this Scheme of Delegation, the Leader of the Council has delegated to individual Cabinet Members executive powers within the confines of the Council's Budget and Policy Framework.

The Leader of the Council has also approved a Scheme of Delegation to Officers which is contained in Part 3 Schedule 4B of the Constitution.

The following conditions apply to this Scheme of Delegation to Cabinet Members and shall be complied with at all times:-

1. Every delegated power shall be exercised in the name of the Council.
2. The exercise of delegated powers shall be in accordance with Cabinet (Executive) functions and the Council's Budget and Policy Framework.
3. A Cabinet Members exercising delegated powers shall record the decision and the reasons for it on a Decision Notice and shall deliver it to the Proper Officer who shall publish the Decision Notice in accordance with the Constitution.
4. All key decisions taken under this scheme are subject to the Call-In Procedure with the exception of those taken under the urgency provision.
5. No Cabinet Members shall exercise any delegated power that comprises a Key Decision unless that decision is contained within the Council's Forward Plan or the appropriate notice(s) issued/published under the Access to Information Procedure Rules of the Constitution or prevailing legislation.
6. No action may be taken which is contrary to the Council's Constitution.

All Cabinet Members within their own Portfolio

Unless otherwise stated below, Cabinet Members have power and authority to make decisions, advise upon and deal with all matters arising and falling within their respective Portfolios.

General

- (i) Approve the appointment of consultants up to the value of £50,000.
- (ii) Approve and authorise the submission of any formal response on behalf of the Council to Government consultation documents on matters relating to their Portfolio.
- (iii) Determine grant applications within their Portfolio. Approve and authorise the submission of grant funding (or other resource) applications relating to their Portfolio on behalf of the Council.
- (iv) Approval of the extension of contracts within their Portfolio for a maximum of up to 2 years, where such an extension was an option in the original contract in consultation with the relevant Chief Officer, the Chief Finance Officer and Monitoring Officer.
- (v) Authorise consultation (whether statutory or otherwise) as considered necessary and appropriate on matters falling within their Portfolio.
- (vi) Approve the commencement of all procurement exercises in accordance with the Council's Contract Procedure Rules in relation to matters falling within their Portfolio.
- (vii) Accept tenders relating to their Portfolio up to the value of £5,000,000 where the tender is considered the most economically advantageous, the tender complies with all the price, quality, safety, sustainability and any other criteria set out in the tender document; and the tender value is below the figure set out in the relevant budget in consultation with the relevant Chief Officer, the Chief Finance Officer and Monitoring Officer..
- (viii) Approve additional or replacement items relating to their Portfolio for the current year's Capital Programme, where the amount of the estimate does not exceed £5,000,000 and does not increase the overall total of the Departmental Capital Programme in consultation with the relevant Chief Officer, the Chief Finance Officer and Monitoring Officer.
- (ix) The award of contracts relation to their Portfolio of up to 5 years, where the contract value does not exceed £5,000,000, where the tender is the most economically advantageous, the tender complies with all the price, quality, safety, sustainability and any other criteria set out in the tender document; and the tender value is below the figure set out in the relevant budget in consultation with the relevant Chief Officer, the Chief Finance Officer and Monitoring Officer.
- (x) Approve variations to contract values post-tender relating to their Portfolio where the value of the variation, or series of variations exceeds £20,000.
- (xi) To fix, vary or amend fees and charges for services within their Portfolio (as permitted).

Where any Cabinet Member is unable to make a decision on a matter within their delegation as a result of a personal or prejudicial interest in the matter it can be referred to the Leader of the Council or, in his or her absence, the Deputy Leader, who shall deal with the matter.

The Leader and Cabinet Members may refer any executive function/matter falling within their Portfolio to Cabinet for consideration, debate and decision but shall have regard to the criteria for such referral set out below.

Leader of the Council

- (i) Exercise all executive powers on behalf of the Council.
- (ii) Authorise Cabinet Members and/or Officers to undertake other executive functions not falling within their Portfolio or applicable scheme delegation.
- (iii) The disposal of surplus land, buildings and other assets up to the value of £2,500,001 by sale or lease.
- (iv) The purchase or lease of land, buildings and other assets up to a value of £1,250,000.
- (v) The removal of restrictive covenants on land, in consultation with the Corporate Director: Economic and Housing Growth (or nominee), where the increase in land value as a result is less than £250,000.
- (vi) To designate (as necessary) attendances at conferences, training events, meetings and seminars as an approved duty.
- (vii) In consultation with the relevant Cabinet Member(s), authorise the write-off of individual bad debts above £1,000 within directorates on the recommendation of the Chief Finance Officer and appropriate Head of Service and report such write-offs to Cabinet at least annually.

Cabinet Member for Housing and Planning (Deputy Leader of the Council)

- (i) To exercise all executive powers as necessary on behalf of the Council on behalf of the Leader of the Council in the absence or unavailability of the Leader of the Council.

Cabinet Member for Children and Families

- (i) Authorise appointments to serve on the School Appeals Panel.

Cabinet Member for Highways and Transport

(A) To approve the recommendation of;

- (1) The Assistant Director: Place in connection with all proposed highway and traffic management matters, as set out below, to which unresolved petitions of objection of 24 signatures or less, or 14 or less individual unresolved letters of objection have been lodged and where he/she agrees with the recommendation: -
- (2) The Business Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters, as set out below, to which

unresolved petitions of objection of 25 signatures or more, or 15 or more individual unresolved letters of objection have been lodged and where he/she agrees with the recommendation: -

(3) The Business Overview and Scrutiny Committee in connection with all proposed highway and traffic management matters, as set out below, to which unresolved objections have been lodged which have been supported by a Ward Member(s) for a Ward(s) affected by the proposals, (such support, including reasons, to be submitted in writing to the Assistant Director: Place and where he/she agrees with the recommendation: -

(a) All highway and traffic management matters governed by the Road Traffic Regulation Act 1984, whether subject to a Traffic Regulation Order or otherwise, including (but not limited to) the following:-

- i. waiting and parking restrictions;
- ii. speed limits;
- iii. one way traffic orders;
- iv. weight limits;
- v. prohibiting or restricting the use of heavy commercial vehicles;
- vi. signalised and non signalised pedestrian/cycle/horse crossings;
- vii. provision of off street parking and parking on roads ,footpaths, pavements and verges
- viii. traffic signs and traffic signals.
- ix. Bus lanes and taxi ranks
- x. Siting of street furniture

(b) All highway and traffic management matters governed by the Highways Act 1980 including (but not limited to) the following:-

- i. road humps;
- ii. traffic calming speed reducing measures;
- iii. improvement lines for road widening;
- iv. cycle tracks.

(B) To approve the Winter Maintenance arrangements.

Cabinet Member for Environment

(A) In the event of the local authority being minded not to issue, vary or renew, or to revoke, a licence under Schedule 1 s7 of the Scrap Metal Act 2013, to be the person to hear and determine those applications / proposed revocations where an applicant / licence holder wishes to appear before, and be heard by, a person appointed by the authority to determine the matter.

CABINET – Criteria for Referral of Executive Functions and Matters

All executive functions/matters may be referred by the Leader and/or Cabinet Members and Officers to Cabinet for consideration, determination and/or decision.

Generally only those executive functions/matters that fall into one or more of the following categories should be referred to Cabinet:

- (i) The matter under consideration is a high profile matter;
- (ii) The decision has a significant budgetary impact;
- (iii) There is a need or it is considered prudent to engage the public and/or raise public awareness; and/or
- (iv) The function/matter provides important performance management information.