

## NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me, I have made the following decision:

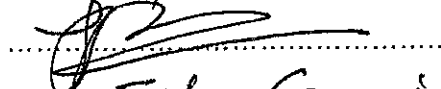
Subject	Decision	Reason for decision	Date for Decision to be taken
Delegation of Executive Functions.	To agree the delegations set out in Appendix 1 of the attached report.	The proposals meet the requirements of the relevant legislation including the Local Government Act 2000. The amendments will support effective and decisive decision making.	Tuesday 26 <sup>th</sup> July 2011.

I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.

Dated:

26<sup>th</sup> July 2011

Signed:



Councillor:

Selma Cameron  
Cabinet Member

To: Leader of the Council

From: Ian Miller  
Chief Executive  
x 2700

## **DELEGATION OF EXECUTIVE FUNCTIONS**

### **1. PURPOSE OF REPORT**

- 1.1 To agree the delegation of executive functions to officers or individual members of the Cabinet, as part of the review of the delegation scheme in the constitution.

### **2. RECOMMENDATION**

**That you agree the delegations set out in appendix 1.**

### **3. BACKGROUND**

- 3.1 Following work with the Transformation Board in March and April, the full Council is being invited on 27 July to agree major changes to the parts of the constitution dealing with responsibility for functions and the delegation scheme. The scheme of delegation to officers and individual members of the Cabinet has been fundamentally revised to provide a simpler and more generic approach. The result aims to be clearer to read and easier to understand.
- 3.2 The Council is responsible for decisions on delegation of functions that are not executive. Under the powers that you now have as a consequence of the “strong leader” model, you decide delegation of executive functions in accordance with section 15(4) of the Local Government Act 2000. The proposed delegations are set out in the appendix.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no significant financial implications arising from this report.

### **5. LEGAL AND POLICY IMPLICATIONS**

- 5.1 The proposals comply with the legislation governing constitutions of councils and the allocation of responsibility for functions.

### **6. EQUALITY IMPACT NEEDS ASSESSMENT**

- 6.1 An equality assessment impact has been undertaken and it is considered that there are no discernable impacts on the six equality strands.

### **7. RISK MANAGEMENT**

- 7.1 There are no risk management issues associated with the proposed delegations. By providing clarity about the allocation of functions, and making the constitution easier to use, they reduce the risk of challenge to decisions.

## 8. **CONCLUSION**

- 8.1 The proposals contained within this report meet the requirements of the relevant legislation including the Local Government Act 2000. The amendments to the constitution will support effective and decisive decision making and have been carried out in accordance with legislative requirements.

## 9. **CONSULTEES**

- 9.1 Corporate Management Team  
9.2 Transformation Board

## 10. **BACKGROUND PAPERS**

- 10.1 Local Government Act 2000, and the Local Authorities (Functions and Responsibilities (England) Regulations 2000

*IR Miller*

26<sup>th</sup> July, 2011

**DELEGATION OF EXECUTIVE FUNCTIONS TO INDIVIDUAL CABINET MEMBERS, TO COMMITTEES OF THE CABINET OR TO OFFICERS**

Executive function(s)	Delegation to
<p><b>Estates management, land and property issues</b> Acquisition or disposal of land or the granting or taking of any lesser interest:</p> <ul style="list-style-type: none"> <li>- where the consideration to be paid or received by the Council is greater than £10,000 but less than £100,000 in amount or value;</li> <li>- where the consideration to be paid or received by the Council is not greater than £10,000 in amount or value.</li> </ul> <p>These delegations do not apply in the case of disposals where the consent of the Secretary of State would be required (unless a general consent applies) or where there is a requirement to advertise the disposal of open space land under Section 123(2A) of the Local Government Act 1972.</p> <p>To accept surrenders and agree assignments of leases of Council-owned properties.</p>	<p>Cabinet Lead Member for Resources and Transformation Officers</p> <p>Officers</p>
<p><b>Fees and charges</b> To set fees and charges in accordance with the Council's policy on fees and charges in respect of the following issues:</p> <ul style="list-style-type: none"> <li>- provision of copies of documents, plans etc.;</li> <li>- short term licences for use of car parks otherwise than in accordance with car parking charges order;</li> <li>- licence fee for casual fishing permits where the Council retains fishing rights;</li> <li>- charges set on a negotiated or discount basis for block bookings, school use, programmed use and special promotions;</li> <li>- varying the standard fee scales, as laid out in the Council's Scheme for the recovery of Building Regulation costs under the Building (Local Authority) Regulations 1998, by plus or minus 10% to ensure that the Council remains competitive so long as the income fully covers the expenditure in the fee carrying account;</li> <li>- the scale of fees for pre planning application advice, including conservation/heritage and arboricultural advice</li> </ul>	<p>Officers</p>

<p><b>Road closure orders</b> To make orders under Section 21 of the Town Police Clauses Act 1847 to ensure the temporary closure of roads for festivals, events and other appropriate purposes.</p>	<p>Officers</p>
<p><b>Conservation</b> To amend the List of Buildings of Local Architectural and/or Historic Interest (The Local List) from time to time to add new properties meeting the criteria or remove those which no longer meet the criteria.</p> <p>Approving the award of grants under the Partnership Scheme in Conservation Areas in accordance with the Capital Programme, following consideration by the Overview and Scrutiny Committee in accordance with the protocol approved by the Cabinet.</p>	<p>Director of Planning and Regulatory Services, with the agreement of the Cabinet Lead Member for Place Shaping</p> <p>Cabinet Lead Member for Place Shaping</p>
<p><b>Housing</b> Determination of applications for the award of financial support for affordable housing through the Council's Capital Strategy, following consideration and recommendation by the Overview and Scrutiny Committee.</p>	<p>Cabinet Lead Member for Place Shaping</p>