

Leicester
City Council

WARDS AFFECTED
All Wards

Cabinet

13th June, 2005

SCHEME OF DELEGATION

REPORT OF THE SERVICE DIRECTOR – LEGAL SERVICES

1. PURPOSE OF REPORT

For Cabinet to review its Scheme of Delegation to Officers.

2. RECOMMENDATIONS

Cabinet is recommended to:

- i. Review the Executive’s current Scheme of Delegation to Officers an extract being shown attached as **Appendix 1**;
- ii. Retain the requirement for the Town Clerk to have a system in place whereby decisions made by Corporate Directors/ Chief Executive in consultation with relevant Cabinet Members are recorded and reported every three months to Cabinet; and
- iii. Otherwise update/amend the Scheme of Delegation to suit the current Executive’s requirements.

3. HEADLINE FINANCIAL AND LEGAL IMPLICATIONS

Financial implications – none direct.

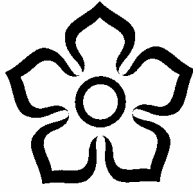
Legal implications – covered in the report.

4. REPORT AUTHOR

Peter Nicholls, Service Director – Legal Services, x6302

DECISION STATUS

Key Decision	No
Reason	
Appeared in Forward Plan	No
Executive or Council Decision	Executive (Cabinet)



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SCHEME OF DELEGATION

SUPPORTING INFORMATION

1. REPORT

1.1 At its meeting on 25th April, 2005, Cabinet received a report summarising the outcome of a review of Cabinet's Scheme of Delegation to Officers which had been carried out by all Scrutiny Committees. Cabinet resolved as follows:

- “(1) That the views expressed by Scrutiny Committees be noted.
- (2) That the Town Clerk be required to introduce a system whereby decisions made by Corporate Directors/ Chief Executive in consultation with relevant Cabinet Members are recorded and reported every three months to Cabinet.
- (3) That the Cabinet Lead be delegated decisions within his or her portfolio which would otherwise need to be made by the Cabinet, and approve that:
- a) each decision be subjected to two Cabinet Members i.e. the relevant Cabinet Members and Leader (or Deputy Leader if the Leader is the relevant Cabinet Lead).
 - b) the report on which each decision is based be published five clear days in advance, as for other decision making reports.
 - c) the other practical arrangements detailed in para. 2. of the report be implement
 - d) indemnity and insurance cover be extended as in para. 2.5.
- (4) That Cabinet reserves to itself:
- a) decisions with a financial impact including virement in excess of £50,000 (either in a full year or in total in the case of one off expenditure) where the impact is outside the scope of budget or policy approved at member level and/or.
 - b) decisions leading to the closure of a building used by members of the public or voluntary organisations and/or

- c) decisions to reduce previous levels of grant aid to a voluntary organisation where this would lead to the organisation's closure, and
- (5) That prior to making proposals to Cabinet in respect of the matters in (4), Corporate Directors shall first seek the views of Scrutiny Committees, or should time not permit Scrutiny Triumvirates."

The above changes have been incorporated into the current Constitution which can be viewed on the Internet/Intranet. Cabinet's Scheme of Delegation to Officers can be found on pages 52-81 within Part 3 – Responsibility for Functions. Attached shown as **Appendix 1** is an extract from Cabinet's Scheme of Delegation to Officers i.e. Cabinet's introduction and the terms of reference for the Resources and Equal Opportunities portfolio to illustrate changes made by Cabinet on 25th April. The changes are shown in bold italics.

1.2 Cabinet's decision had three key elements:

- (1) That the Town Clerk be required to introduce a system whereby decisions made by Corporate Directors / Chief Executive in consultation with relevant Cabinet Members are recorded and reported every three months to Cabinet. It is recommended that this be retained to ensure transparency of decision making at officer level.
- (2) To use current legal powers embodied in the Council's Constitution to enable the Cabinet to delegate to individual Cabinet Members decision making powers relevant to their portfolio.
- (3) Cabinet can from time to time reserve back to itself decision making which has been delegated to officers. On the 25th April Cabinet reserved back to itself a significant level of decision making as set out in paragraphs (4) and (5) of the above minute.

1.3 Cabinet can change, add or rescind any element of its Scheme of Delegation to Officers or Members as it wishes.

2. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

i. Financial Implications

None direct.

ii. Legal Implications

These are covered in the report.

iii. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph references within supporting information
Equal Opportunities	No	
Policy	Yes	1.1 and 1.2
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

3. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Cabinet reports, minutes and relevant legislation / statutory guidance.

4. CONSULTATIONS

Rodney Green, Chief Executive
Liz Reid Jones, Head of Policy Unit
Tom Stephenson, Town Clerk
Charles Poole, Service Director - Democratic Services.

5. REPORT AUTHOR

Peter Nicholls, Service Director – Legal services, x6302

CABINET FUNCTIONS

CABINET - INTRODUCTION

Functions and responsibilities allocated to the Cabinet are detailed below for each of its current nine portfolios:

- Arts, Leisure and Environment Portfolio
- Best Value
- Education and Lifelong Learning Portfolio
- Finance and Resources Portfolio
- Highways and Transportation Portfolio
- Housing and Neighbourhood Renewal Portfolio
- Human Resources and Equal Opportunities Portfolio
- Social Services and Personal Health Portfolio
- Strategic Planning and Regeneration Portfolio.

The Cabinet may exercise these functions itself collectively, or arrange for delegation to Committee(s) or Officers. The Cabinet may also decide, in accordance with this Constitution, to arrange for the exercise of any of its functions by an individual Cabinet Member*.

(*At its meeting on 25th April Cabinet decided that the Cabinet Lead be delegated decisions within his or her portfolio which would otherwise need to be made by the Cabinet and approved that:

- a) each decision be subject to two Cabinet members, i.e. the relevant Cabinet member and Leader (or Deputy Leader if the Leader is the relevant Cabinet Lead),***
- b) the report on which each decision is based be published five clear days in advance as for other decision making reports and that other practical arrangements detailed in the report be implemented.)***

For each of the Cabinet's portfolios, certain matters within the scope of the portfolio's terms of reference are reserved for consideration and decision by the Cabinet itself, whereas all other matters are delegated to the Chief Executive or a relevant Corporate Director as indicated. Any Committees established by the Cabinet will have clear Terms of Reference and be incorporated into this Scheme, as will delegations to individual Cabinet Members. Subject to legal constraints, the Cabinet may review and vary its Scheme of Delegation from time to time.

Even if the Chief Executive or Corporate Directors have delegated authority, they should consider if it is appropriate to consult the relevant Cabinet Lead; that is where the circumstances are particularly sensitive or if the decision in question involves significant changes to policy or strategy. Following consultation it may be considered appropriate to report to Cabinet.

GENERAL RESPONSIBILITIES

1. To recommend to the Council, its Policy Framework and Budget and any amendments thereto.
2. To make all executive decisions within and in furtherance of the Policy Framework and Budget and variations authorised by the Council.
3. To contribute to the development of and subsequent implementation and monitoring of the Community Plan.
4. To recommend to Council the making of bye laws
5. The granting of any approval under Section 85 of the Local Government Act 1972 which enables the authority to approve a member's absence from a meeting of the Authority for a period in excess of 6 consecutive months for some appropriate reasons. This responsibility is delegated to the Town Clerk to perform in consultation with the Council.

CABINET: FINANCE AND RESOURCES

Terms of Reference

1. To keep under review and be responsible for the implementation of all new legislation, circulars and directives relating to the discharge of the portfolio's functions.
2. Oversight of Corporate Governance arrangements.
3. To be responsible for any matter requiring consideration in the interests of the citizens of Leicester which is not the responsibility of any other portfolio.
4. By drawing up regulations and securing their observance to ensure that resources are maintained and safeguarded.
5. To co-ordinate the consideration of large schemes of development including those which concern more than one portfolio and to advise Cabinet about the way in which they should exercise their responsibilities for such schemes.
6. To provide premises and major equipment for the transaction of Council business (not including operational premises and equipment).
7. To make Orders temporarily prohibiting the holding of processions when requested by the Police.
8. To make grants and contributions to other bodies (except where one portfolio area only is affected and the matter falls to be dealt with within that portfolio).
9. To determine the City Council's marketing policy.
10. To co-ordinate research commissioned by the Council.
11. To make, vary or revoke any order, regulation, plan or scheme not otherwise allocated to a Cabinet portfolio.
12. To co-ordinate and determine issues with regard to the development of information and communications technologies across the Council.
13. To provide information and communications technologies services.
14. To ensure that the Council has effective arrangements for the management of its financial affairs.
15. To manage the Council's corporate finances, and hold to account those responsible for the use of resources allocated to them.

16. To collect, recover and monitor the recovery of Local Tax.
17. To oversee the collection of all other income.
18. To determine applications for relief from Local Tax.
19. To make any determinations required by legislation relating to the Council's capital expenditure and financing.
20. To keep under review, consider and recommend to full Council Finance Procedure Rules.
21. To make representations to central government about matters affecting the Council's corporate finances.
22. Consideration of the Annual Statement of Accounts for approval by Full Council, and to oversee any amendments required by Audit.
23. To oversee the Council's treasury, banking and risk management policies.
24. To consider and discuss with the District Audit Service the annual audit letter.
25. To examine and review the Council's performance as disclosed by the Audit Commission's Performance Indicators.
26. To provide central support and legal services.
27. To discharge all functions relating to a Births, Marriages and Death registration service.
28. To determine all matters relating to central purchasing arrangements.
29. To make nominations to any organisations on which the Cabinet has a right to make appointments (except the appointment of governors of schools and colleges).
30. To determine all matters relating to the official duties of the Lord Mayor, the Lord Mayor's Appeal, civic hospitality and the use of the Council Chamber and Town Hall parking facilities.
31. To provide accommodation and services for members of the Council.
32. To oversee all electoral matters in the City and the compilation of the register of electors.
33. To oversee the Council's press and public relations function, and to formulate policies for external and internal communication.

34. To consider all matters relating to the Council's corporate identity.
35. To co-ordinate the publication of information about the discharge of the Council's functions and other matters as required by legislation or other provision.
36. To oversee the Council's emergency planning function.
37. To ensure effective business continuity plans for the Council.
38. To consider the admission of honorary freemen and aldermen.
39. To monitor all matters relating to Leicester Shire Promotions Ltd.
40. To oversee the Council's customer service and complaint function and to formulate policies for customer care.
41. To undertake the responsibilities of the Council and all related issues in respect of the Leicestershire Constabulary, the Leicester, Leicestershire and Rutland Combined Fire Authority, the Leicestershire Probation Service, the Leicestershire Magistrates Courts Committee, the Rent Office Service, and the Coroners' Service.
42. To safeguard and promote the corporate and financial interests of the City of Leicester in relation to the management of and transactions affecting land in public ownership.
43. To oversee the acquisitions, disposals and appropriations of property.
44. To monitor the Council's land transactions with particular regard to market trends and their financial and other effects upon the City Council.
45. To oversee the management, staffing and control of any buildings used for the business of the Council.
46. To oversee the acquisition and disposal of land by Compulsory Purchase Order or designated for that purpose.
47. To manage, improve and develop the non-operational estate of the City as an investment, including the acquisition and disposal of properties and the carrying out of works.
48. To oversee the acquisition, conversion, development and disposal of land and buildings for the purpose of securing planning objectives and for occupation for industrial and commercial purposes, including the management of buildings so occupied by small firms (except where this is being done in relation to Housing Revenue Account properties)

49. To agree terms for and authorise the acquisition and disposal of interests in land and property.
50. To determine all policy matters concerning the services which are operating within the remit of this portfolio.
51. To maximise income and returns from investment in all of the Authority's commercial activities.
52. To control and manage the operation of the trading units and other services, including City Markets, within the remit of this portfolio.
 - (i) to define the operational objectives for those trading units and other services.
 - (ii) to monitor their objectives and their implementation by means of pre-determined measures and targets of performance;
 - (iii) to define and subsequently review policy aims and objectives and business plans for those trading units and services;
 - (iv) to determine broad operational practices;
 - (v) to monitor financial performance and trading accounts to ensure effective financial control, competitiveness and value for money;
 - (vi) to accept tenders/quotations from contractors/sub-contractors providing goods and/or services to the Department's trading units; and
 - (vii) to submit tenders/quotations for work both inside and outside the Council for work by those trading units.

MATTERS WITHIN THE PORTFOLIO RESERVED TO THE CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. Recommending the promotion or opposition of a personal or local Bill in Parliament.
4. Determining policy for the granting of rate relief.
5. A decision as to whether the Council should act as an accountable body in relation to any project or funding programme, subject to a de minimus level of £100,000

6. Granting pension fund admissions or otherwise supporting admission agreements.
7. Determining discretions available under pension fund regulations.
8. Review, consideration and recommendation to full Council relating to Finance Procedure Rules.
9. Declaration of any Compulsory Purchase Order.
10. Freehold acquisitions, disposals and appropriations of property (excluding Right to Buy and Leasehold Reform Act sales) but, in all cases, only where the market value exceeds £500,000. If the property in question is to be disposed or acquired by the means of an auction, then the market value should be estimated in advance by the responsible Corporate Director for the purpose of this reservation. * see note below
11. Entering into or granting of leases for any term where the annual rent exceeds £100,000 or the premium exceeds £500,000. * see note below
12. Disposals of land and property at less than best consideration.
13. Such other matters as the Cabinet may from time to time reserve to itself for decision.*

(*Further to this provision, at its meeting on 25th April, 2005, Cabinet decided to reserve to itself as follows:

- a) decisions with a financial impact including virement in excess of £50,000 (either in a full year or in total in the case of one off expenditure) where the impact is outside the scope of the budget or policy approved at member level; and/or***
- b) decisions leading to the closure of a building used by members of the public or voluntary organisation; and/or***
- c) decisions to reduce previous levels of grant aid to a voluntary organisation where this would lead to the organisations's closure; and***

Cabinet resolved that prior to making proposals to Cabinet in respect of the above matters Corporate Directors shall first seek the views of Scrutiny Committees, or should time not permit, Scrutiny Triumvirates.)

All matters within the Terms of Reference of the portfolio which are not reserved to the Cabinet as stated above are delegated to the Corporate Director of Resources, Access and Diversity, except for:

- (a) powers which are the responsibility of another statutory officer, including the Chief Finance Officer;

- (b) matters relating to the allocated functions of the Chief Executive's Office which are delegated to the Chief Executive.

- * the Head of Property will ensure that the relevant Cabinet lead, Scrutiny Chair and spokespersons and Ward Members are informed in advance of all freehold and long lease property disposals