



Public Session

Report Reference Number

Agenda Item No: 8

To:	Council
Date:	19 May 2015
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Lead Officer:	Mary Weastell – Chief Executive
Executive Member	Councillor Mark Crane

Title: The Leader's Report to Council on the Discharge of Executive Functions

Summary:

Under the terms of the Constitution the Leader of Council must present a Report to the Annual Meeting of Council regarding the way in which executive functions are to be discharged in the forthcoming year.

This report satisfies that requirement and sets out

- The names of Councillors appointed to the Executive and their portfolios
- The terms of reference of, appointments to and governance of any Executive Committees
- The nature and extent of any delegation of an executive function to a individual member of Executive
- The nature and extent of any delegation of an executive function to officers
- The nature and extent of any delegation of executive functions to Community engagement forums, other authorities or joint arrangements including the names of Executive Members appointed under such arrangements

The Leader may subsequently change the arrangements made in this report but on doing so must give written notice to the Chief Executive and to the person, body or committee concerned. The Chief Executive will then make arrangements to report the changes to the next ordinary meeting of Council.

Recommendations:

- (i) **To receive and note the Leader's Report to Council on the**

discharge of Executive Functions.

(ii) To note that the Monitoring Officer will make appropriate amendments to and reissue the Constitution to reflect this report.

Reasons for recommendation

To meet the obligations set out in the Executive Procedure Rules within the Council's constitution.

1. Role and Composition of the Executive

The Executive Procedure Rules require that the Leader of the Council reports on the discharge of executive functions for the year ahead. For 2015/16 the arrangements shall be as follows

a. Members of the Executive

Councillor Mark Crane – Leader of the Council with specific responsibility for strategic matters, external relations and partnerships

Councillor John Mackman – Lead Councillor for Place Shaping and Deputy Leader of the Council

Councillor Clifford Lunn – Lead Councillor for Finance and Resources

Councillor Christopher Metcalfe – Lead Councillor for Communities and Economic Development

Councillor David Peart – Lead Councillor for Housing, Leisure, Health and Culture

b. Executive Portfolios

The Leader

Main Role

To exercise the Executive Leader powers vested in the Leader in accordance with the Local Government Act 2000 as amended by section 62 of the Local Government and Public Involvement in Health Act 2007.

To provide visible political leadership in relation to citizens, stakeholders and partners in the overall co-ordination of Council policies, strategies and service delivery.

To lead the development of external relations and local, regional, national and European policy and strategic partnerships.

Main Duties and Responsibilities

- i. To Chair the Executive.
- ii. To represent and act as an ambassador for the Authority and to lead in developing strategic partnerships with agencies, citizens and stakeholders in relation to the delivery of strategic objectives in the Corporate Plan and the provision of services to citizens.
- iii. To have overall responsibility for:
 - (a) Strategic Policy and Budget issues
 - (b) Development, monitoring and implementation of the Policy Framework
 - (c) Communicating the Council's values, vision and objectives to councillors, staff and to citizens, partners and stakeholders
 - (d) The York, North Yorkshire and East Riding and Leeds City Region Local Enterprise Partnerships and Combined Authority.
- iv. To lead on external communications for the Council.
- v. To lead on major projects.
- vi. To take up corporate membership of any appropriate body or organisation whose objectives are considered to be beneficial to the pursuit of the Authority's own activities.
- vii. To monitor the performance of the Council including the implementation of the Corporate Plan and other major plans by:-
 - (a) Setting strategic performance targets
 - (b) Ensuring corporate goals and milestones are met
 - (c) Developing new policies and strategies
- viii. To ensure that systems exist to appraise the performance of senior managers.
- ix. To determine the ways in which the Council spends the funds allocated to the Programme for Growth
- x. Lead political responsibility for corporate support functions such as democratic services, HR, communications and legal services

Deputy Leader and Place Shaping Portfolio

Overall responsibility for the promotion, development and delivery of land use and planning activities, as an integral part of making Selby a great place to live in accordance with the Corporate Plan.

Representing the Council on regional groups relating to land use planning, such as duty to co-operate groups.

Responsibility for overseeing relationships with outside bodies which do not fall within any other portfolio (such as Internal Drainage Boards)

Main Duties and Responsibilities

- i. To chair Executive Meetings when the Leader is not present
- ii. To deputise for the Leader at Leeds City region, LEP and Combined Authority meetings as necessary.
- iii. To lead on the development, promotion and delivery of policies and strategies in connection with Land Use Planning and Development.

Finance and Resources Portfolio

Overall Responsibility for co-ordinating and developing the responsibilities and activities of the Council in relation to the effective and efficient use of its resources, monitoring the budget, delivering value for money and the savings plan, debt control, procurement, assets, council tax, revenues and benefits as an integral part of making delivering great value in accordance with the Corporate Plan.

Main Duties and Responsibilities

- i. To lead on the provision of guidance for the capital and revenue budgetary priorities of the Council together with the implementation of strategic budget monitoring policies which will ensure the proper administration of the financial affairs of the Council.
- ii. Lead political responsibility for audit and risk management.
- iii. Lead political responsibility for debt control, procurement, council tax, revenues and benefits property and asset management.

Communities and Economic Development Portfolio

Overall Responsibility for communities and economic development as an integral part of making Selby a great place to do business and to make a difference, in accordance with the Corporate Plan.

Main Duties and Responsibilities

- i. Lead political responsibility for inward investment, economic development and business partnerships such as STEP
- ii. Lead political responsibility for Community Engagement Forums, funding and support of local community and voluntary sector organisations and Community Safety.

- iii. Lead political responsibility for the access to services agenda and embedding customer focus within services.
- iv. Lead political responsibility for Equality and Diversity.

Housing, Leisure, Health and Culture Portfolio

Overall responsibility for public and private sector housing, leisure, culture and health as an integral part of making Selby a great place to live in accordance with the Corporate Plan.

Main Duties and Responsibilities

- i. Lead political responsibility for public and private sector housing including representation of the Council in North Yorkshire and Leeds City Region housing strategies.
- ii. To lead on the development promotion and delivery of policies and strategies in connection with Culture, Leisure and Sport, Tourism and events.
- iii. To promote and develop effective partnership working arrangements with public, private and voluntary stakeholders to promote the District as a centre of cultural development and as an attractive tourist destination.
- iv. Lead political responsibility for the development and delivery of policies and strategies in connection with the provision of effective and efficient environment services. This includes streetscene services, waste collection and disposal, parks and other public spaces, enforcement and environmental health.
- v. Lead political responsibility for health including environmental health and licensing functions

c. Executive Committees

No Executive Committees are to be established.

d. Executive Delegations

No standing Executive Delegations to Members of the Executive were established in 2013/14.

For 2015/16 the Leader reserves individual decision making powers to himself in respect of

- (i) Any executive decisions (including key decisions), in a situation where the matter is so urgent that it does not allow time for a report to Cabinet.
- (ii) the allocation of funds within the Programme for Growth.

It is still expected that the Programme for Growth Board will continue in its advisory role but the reservation of decision making powers will allow the Council to respond quickly to emerging projects and priorities by allocating funding.

An individual delegation is given to the Lead Councillor for Finance and Resources. This delegation is to approve virements above the limits delegated to officers in the financial procedure rules up to a maximum of £75 000.

Individual decisions made by the Leader and the Lead Councillor – Finance and Resources will be recorded and published in line with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012).

From time to time specific delegations may be made to other Lead Councillors to deal with matters specified at the time.

e. Executive Delegations to Officers

The full Scheme of Delegations to Officers is set out in Part 3 of the Council's Constitution. It is anticipated the Constitution will be reviewed and re-submitted to Council in June 2015 in accordance with legislative requirements. Any changes to the delegations of executive functions to officers will be made at that time.

f. Executive Delegations to Community Engagement Forums

The success of Community Engagement Forums is in part due to their inclusive nature, drawing in partners for other public bodies operating in the area and from the Community. However as a result it is not appropriate to delegate decision making powers to CEFs as the Council is and remains the accountable body. It is therefore necessary to delegate decision making powers in respect of matters within the Terms of Reference of the CEFs to the Executive Director who will receive the recommendations from the CEFs and give effect to those with a delegated decision with the benefit of legal and financial advice to ensure the Council is meeting its obligations as accountable body.

g. Executive Delegations to Joint Committees

The Council undertakes the following functions by way of Joint Committees and the Executive Councillors appointed to serve under those arrangements are set out below:

Building Control (North Yorkshire Building Control Partnership) –
Councillor Cliff Lunn

Procurement (North Yorkshire Procurement Partnership) – Councillor Mark Crane (with Cllr Cliff Lunn as substitute)

The Leeds City Region Leaders Board (Joint Committee) was dissolved on 31 March 2015 and replaced by the Leeds city Region Partnership Committee, an Advisory Committee of the West Yorkshire Combined Authority whose terms of reference are to act as a consultative forum for matters referred to it by the WYCA and advise the WYCA in relation to i) its accountable body functions ii) duty to co-operate matters iii) appointments to the Leeds City Region LEP.

The LCR Partnership Committee will have as part of its standing orders that the quorum will be 6 members, each member and co-opted member will have one vote and decisions will be made by majority. As the accountable body WYCA will give effect to recommendations of the LCR Partnership Committee through delegated officer decision making (or a WYCA committee decision if necessary) so as to meet the requirements of the LEP Assurance Framework (Dec 2014).

The WYCA has appointed the Leaders of Selby District Council to the LCR Partnership Committee. The Leader appoints the Deputy Leader as named substitute and gives the Chief Executive and the Director of Community Services concurrent delegated authority to enable him/her in consultation with the Leader to approve any matter including funding agreements necessary to give effect to any resolution of the WYCA in respect of LEP funding arrangements for the Selby District.

h. Executive Delegations to other Authorities

Breathing Space

Breathing Space is a regional mortgage assistance loan scheme, operated by Wakefield Metropolitan District Council (Wakefield Council), on behalf of local authorities across the Yorkshire and Humber region, to enable them to offer loans to help home owners in the District experiencing difficulties with their mortgage and/or secured loan payments.

To enable Wakefield Council to act as the Accountable Body for the scheme and to act as administrative body and banker, formal approval is given to allow Wakefield to discharge these functions on behalf of Selby District Council under the provisions of the Local Government Act 2000 and Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2000, in accordance with the Council's well-being powers under Section 2 of the Local Government Act 2000.

Homeless Reviews

Under s202 of the Housing Act 1996 the Council (as Housing authority) is required to carry out reviews of decisions on eligibility and priority need in homelessness cases. This is a highly specialised area of law and as such it is important that the reviewing officer has a detailed knowledge and understanding of the relevant statutory provisions and caselaw. Under the Deregulation and Contracting Out Act 1994 and the Local Authorities (Contracting Out of Allocation of Housing and Homelessness Functions) Order 1996, the Council can ask that the reviews be undertaken by another person or someone employed by another. This provision enables the Council to buy in the relevant expertise as and when required.

Pursuant to that provision the Leader delegates the power to carry out a review under s202 Housing Act 1996 (and ancillary functions) to Melanie Cant LLB (Hons) CIHM, Homelessness Review Officer, Stanley House, 2 Berts Way, Allington, Grantham, Lincolnshire, NG32 2BF.

e) Urgent Decisions

No key decisions were taken under special urgency provisions in 2014/15.

f) Legal/Financial Controls and other Policy matters

None arising from this report

4. Background Documents

None

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