

Part 4 – Functions which the Leader has allocated to the Cabinet, Cabinet Committees or Individual Cabinet Members

By the Local Government Act 2000 as amended, the Leader may discharge any Executive Functions in person and may make overall arrangements for the discharge of all Executive Functions, or may make arrangements for the discharge of any of those functions by the Cabinet, by a Committee of the Cabinet, by another Cabinet Member or by an Officer. This Part of the Constitution sets out the arrangements which the Leader has made for the discharge of Executive Functions by the Leader / Cabinet and by individual Cabinet Members.

1. The Leader / Cabinet

1.1 The following functions shall be discharged by the Leader / Cabinet:

- (a) All “Key Decisions”
- (b) All Executive Functions which have not been delegated to a Cabinet Committee, a Cabinet Member, an Officer, an Area Committee, a Joint Committee or another local authority
- (c) Any Executive Function which has been delegated to a Cabinet Committee, and Cabinet Member, or an Officer, where the person or body to whom the decision is delegated refers the matter back to the Cabinet for determination
- (d) To approve all virements between Cost Centres and/or Budget Heads or within the Capital programme where the sum to be vired exceeds £500,000
- (e) “Local Choice Functions” - These are functions where the Council has a discretion as to whether the function should be discharged by the Council or by the Leader / Cabinet and has determined that they shall be discharged by the Leader / Cabinet. The functions concerned are as follows:
 - (i) Any function under a local Act other than:
 - a function specified or referred to in Regulation 2 or Schedule 1 (of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000)
 - Part VI of the Essex Act 1987 and in relation to the making of byelaws under the Act
 - (ii) The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998
 - (iii) The making of arrangements pursuant to section 52 of the Education Act 2002 and Regulation 6 of the Education (Pupil Exclusion and Appeal) (Maintained Schools) (England) Regulations 2002 (SI 2002/3178).
 - (iv) The making of arrangements pursuant to section 94(1) and (4) of the School Standards and Framework Act 1998 (admission appeals) and the Education (Admissions Appeals Arrangements) (England) Regulations 2002 (SI 2002/2899).
 - (v) The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies) and Schedule 2, paragraph 2, Education (Admissions Appeals Arrangements) (England) Regulations 2002 (SI 2002/2189).
 - (vi) The making of appointments under paragraphs 2 to 4 (appointment of Members by relevant Councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996
 - (vii) Any function relating to contaminated land

- (viii) The discharge of any function relating to the control of pollution or the management of air quality
- (ix) The service of an abatement notice in respect of a statutory nuisance
- (x) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area
- (xi) The inspection of the Authority's area to detect any statutory nuisance
- (xii) The investigation of any complaint as to the existence of a statutory nuisance
- (xiii) The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land insofar as it relates to the Cabinet's other functions
- (xiv) The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 insofar as it relates to the Cabinet's other functions
- (xv) The making of agreements for the execution of highways works.
- (xvi) Except insofar as is specifically reserved to the Council by resolution of the Council, the appointment of any individual:
 - to any office other than an office in which he is employed by the Authority
 - to any body other than:
 - the Authority
 - a Joint Committee of two or more authorities
 - to any Committee or Sub-Committee of such a body, and the revocation of any such appointment
- (xvii) The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities
- (xviii) Any function of the Authority in its capacity as a harbour authority.

2. Individual Cabinet Members

- 2.1 Under the Local Government Act 2000 as amended, the Leader has allocated a "Portfolio" to each Cabinet Member and delegated to each "Portfolio Holder" responsibility for the discharge of the functions specified below. The powers delegated to individual Cabinet Members specifically exclude "Key Decisions" and "Local Choice Functions" which have been allocated to the Cabinet.

3. Leader and Cabinet Member for Strategic and Finance

3.1 Portfolio

- (a) Corporate Strategy
- (b) Finance Strategy & Performance
- (c) Revenue and Capital Budgets – Development and Monitoring
- (d) Medium Term Financial Planning
- (e) Treasury Management Accounting Arrangements
- (f) Corporate Improvement Programmes
- (g) Strategic Property
- (h) Regional Issues
- (i) Business & Inward investment
- (j) Corporate Communications
- (k) External Strategic Relations
- (l) Local Strategic Partnerships (LSP)
- (m) Strategic Programme Delivery – Local Area Assessment (LAA)

3.2 Delegated Powers

Urgent Decisions

- (a) By virtue of section 15(9) of the Local Government Act 2000, the Leader may exercise any Executive Function which has been delegated to the Cabinet or to an individual Cabinet Member or to an Officer.
- (b) By convention, the Leader will only exercise such powers where:
 - (i) Deferring the decision until the next meeting of Cabinet would carry such unreasonable risk of damage to the authority or its area that it would be unreasonable to defer the decision until the next meeting of Cabinet
 - (ii) An Officer possessing a delegated power has referred the matter to the Leader for determination
 - (iii) In any case, the Leader has consulted the Deputy Leader and the relevant Cabinet Member(s).

Consultations

- (c) Approving the authority's response to consultation from neighbouring authorities, regulatory agencies, Government Departments and other bodies.

Personnel and Human Resource Policies

- (d) To approve personnel and human resources policies and strategies in so far as they are Executive Functions.
- (e) To determine the staffing requirements for the proper discharge of Executive Functions.

Finance

- (f) To approve the writing off of debts in cases where an Officer has no delegated power to do so.
- (g) To approve virement between Cost Centres and/or Budget Heads or within the Capital Programme (all such virements and transfers in excess of £500,000 by convention being referred to Cabinet for determination).

Land and Property

- (h) Approving minor departures from the authority's Asset Management Plan.
- (i) Approving the acquisition or disposal of land or property up to the value of £500,000, on advice from the Monitoring Officer and the Section 151 Officer, and in consultation with the Corporate Property Officer (who for this purpose is the Director of Finance and Corporate Governance), the Director of Sustainable Communities and ward members. Any decision relating to the acquisition or disposal of land or property above £500,000 be taken by the Cabinet.

Communications and the Media

- (j) To approve press releases and statements in relation to his/her Portfolio or which are of particular importance to the authority.

4. Deputy Leader and Cabinet Member for Environment

4.1 Portfolio

- (a) Parking Provision
- (b) Parking Enforcement
- (c) Street Services
- (d) Green Services
- (e) Waste and Recycling
- (f) Highways Gritting, Maintenance and Repairs by In-house Team
- (g) Environmental Enforcement

4.2 Delegated Powers

- (a) As Deputy Leader, to exercise the Portfolio functions of the Leader when he/she is absent or otherwise unable to act.
- (b) To take any decision within this Portfolio where that decision was within powers delegated to an Officer but that Officer has referred the matter to the Portfolio Holder for determination.
- (c) To approve press releases and statements in relation to his/her Portfolio.

5. Cabinet Member for Adult Social Care

5.1 Portfolio

- (a) Adult care
- (b) Older people

- (c) Disability Services
- (d) Occupational Therapy
- (e) Carer Support
- (f) Supporting People
- (g) Commissioning

5.2 Delegated Powers

- (a) To take any decision within this Portfolio where that decision was within powers delegated to an Officer but that Officer has referred the matter to the Portfolio Holder for determination.
- (b) To approve press releases and statements in relation to his/her Portfolio.

6. Cabinet Member for Children's Social Care & Health

6.1 Portfolio

- (a) Corporate Parenting
- (b) Children's Social Care
- (c) Public Health and Health Transition

6.2 Delegated Powers

- (a) To take any decision within this Portfolio where that decision was within powers delegated to an Officer but that Officer has referred the matter to the Portfolio Holder for determination except in the case of functions under sections 18 and 19 of the Children's Act 2004
- (b) To approve press releases and statements in relation to his/her Portfolio.

7. Cabinet Member for Education

7.1 Portfolio

- (a) Schools
- (b) Life Long Learning
- (c) Educational Attainment & School Improvement
- (d) Services to Schools
- (e) 14-19 & Integrated Youth Services
- (f) Early Years

7.2 Delegated Powers

- (a) To take any decision within this Portfolio where that decision was within powers delegated to an Officer but that Officer has referred the matter to the Portfolio Holder for determination except in the case of functions under sections 18 and 19 of the Children's Act 2004
- (b) To approve press releases and statements in relation to his/her Portfolio.

- (c) To make any appointments on behalf of the authority to governing bodies of schools and educational institutions.

8. Cabinet Member for Housing and Regeneration

8.1 Portfolio

- (a) Housing Strategy
- (b) Landlord Services
- (c) Homelessness
- (d) Private Sector Housing
- (e) Operational Transport & Highways Strategy
- (f) Public Transport
- (g) Regeneration
- (h) Strategic Planning

8.2 Delegated Powers

- (a) To take any decision within this Portfolio where that decision was within powers delegated to an Officer but that Officer has referred the matter to the Portfolio Holder for determination.
- (b) To approve press releases and statements in relation to his/her Portfolio.

9. Cabinet Member for Central Services

9.1 Portfolio

- (a) Internal and External Audit Arrangements
- (b) Corporate Governance Matters
- (c) Strategic Risk Management and Business Continuity
- (d) Data Protection
- (e) Insurance Arrangements
- (f) Corporate and Strategic Human Resources
- (g) Organisational Development
- (h) ICT
- (i) Procurement
- (j) Legal Services
- (k) Democratic Services
- (l) Registrars
- (m) Electoral Services
- (n) Member Development

- (o) Corporate/Strategic Contracts
- (p) Customer Access/Service Strategy
- (q) Housing Benefits

9.2 Delegated Powers

- (a) To take any decision within this Portfolio where that decision was within powers delegated to an Officer but that Officer has referred the matter to the Portfolio Holder for determination.
- (b) To approve press releases and statements in relation to his/her Portfolio.

10. Cabinet Member for Community Culture and Leisure

10.1 Portfolio

- (a) Libraries
- (b) Sports & Leisure
- (c) Culture
- (d) Community Cohesion
- (e) Diversity
- (f) Voluntary Sector & Community Forums
- (g) Civil Protection & Emergency Planning
- (h) Community Safety
- (i) Animal Welfare
- (j) Trading Standards
- (k) Licensing

10.2 Delegated Powers

- (a) To take any decision within this Portfolio where that decision was within powers delegated to an Officer but that Officer has referred the matter to the Portfolio Holder for determination.
- (b) To approve press releases and statements in relation to his/her Portfolio