

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.
- (f) All functions under the Scrap Metal Dealers Act 2013, insofar as they cannot be undertaken by:
 - (i) The Scrap Metal Dealers Act Panel (comprising the Cabinet Member for Public Protection and two senior officers from Public Protection), which has been established by the Leader to determine any applications referred to them by the Principal Licensing Officer.
 - (ii) The Principal Licensing Officer, who has been delegated authority by the Leader to determine applications where there are no questions about the suitability of an applicant, or, where the suitability of an applicant is in question but they have not given the prescribed notice to the Council that they require the opportunity to make representations.

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.
- 2.2 Enhanced DBS checks are carried out for all relevant Cabinet Members discharging education or social services functions. These checks will be carried out strictly in line with the Council DBS policy and any current eligibility guidance from a relevant DBS agency.

3. Leader and Cabinet Member for Public Protection and Anti-Social Behaviour

- 3.1 Portfolio:
- (a) Public Protection
 - (b) Anti-social Behaviour Lead
 - (c) Unauthorised Traveller Incursions
 - (d) Environment Enforcement (dog fouling, fly-tipping, littering enforcement)
 - (e) Community Safety Partnership
 - (f) Community Partnership – Police
 - (g) Environment Health (noise control, pollution/air quality)

- (h) Anti-Social Behaviour
- (i) Policing
- (j) Licensing
- (k) Emergency Planning
- (l) Health and Safety
- (m) SELEP
- (n) ASELA
- (o) South Essex Growth Partnership
- (p) Opportunity South Essex
- (q) Thames Estuary

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 £200,000, 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 Place), and ward members. Any decision relating to the acquisition or disposal of land or property above £200,000 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 Finance and Transformation

4.1 Portfolio:

- (a) Council Spending Review – Phase 2
- (b) Insurance and Risk Management
- (c) Accountancy
- (d) Counter Fraud
- (e) Revenues and Benefits
- (f) Exchequer Services
- (g) Commercial Opportunity

4.2 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) As Deputy Leader, to exercise the Portfolio functions of the Leader when he/she is absent or otherwise unable to act
- (c) To approve press releases and statements in relation to his/her Portfolio.

5. Cabinet Member for Education

5.1 Portfolio:

Education

- (a) Schools, Nurseries and Colleges
- (b) Lifelong Learning
- (c) Educational Attainment and School Improvement
- (d) Apprenticeships
- (e) Work Readiness
- (f) Youth Offer
- (g) Grangewaters / Outdoor Education
- (h) Youth Offending Team
- (i) Early offer of help and Children's Centres
- (j) Mental Health

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 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.

6. Cabinet Member for Health

6.1 Portfolio:

- (a) NHS and Health Partnerships and development of integration with NHS
- (b) Health inequalities
- (c) Public Health
- (d) Oversight of Public Health Commissioning responsibilities including drugs and alcohol, sexual health, children health, obesity and smoking cessation.
- (e) Liaison with Thurrock Clinical Commissioning Group and Thurrock HealthWatch

- (f) Oversight of development of new Primary Care model and improvement in quality Primary Care
- (g) Better Care Fund

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.
- (b) To approve press releases and statements in relation to his/her Portfolio.

7. Cabinet Member for Children and Adult Social Care

7.1 Portfolio:

Adult Services

- (a) Overall Budget responsibility for revenue and capital spend
- (b) Adult Services Performance Framework
- (c) Safeguarding Adults Board
- (d) External placements for adult services
- (e) Learning disabilities
- (f) Older People's Services
- (g) People with physical disabilities
- (h) Adult Services in house provision
- (i) Oversight of statutory duties under the Care Act 2014
- (j) Welfare Benefit Reforms
- (k) Social Work provision
- (l) Member of Health and Wellbeing Board
- (m) Corporate Parenting
- (n) Statutory Lead Member for Children's Services
- (o) Adult Social Care Commissioning
- (p) Mental Health
- (q) Chair of Health and Wellbeing Board

Children's Services

- (r) Children's Commissioning and Safeguarding
- (s) Children's Complex Needs and Social Care

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.
- (b) To approve press releases and statements in relation to his/her Portfolio.

8. Cabinet Member for Transport and Highways

8.1 Portfolio:

Highways Investment

- (a) Strategic Transport
- (b) Transport and Partnerships
- (c) Highways DC – Parking Enforcement, Street Lights, Traffic Management
- (d) Public Transport
- (e) Transportation Development
- (f) Network Management
- (g) Maintenance of roads – that is, potholes
- (h) Highways, Gritting, Maintenance and Repairs
- (i) Parks and Open Space,

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.
- (c) As a member of the Scrap Metal Dealers Act Panel, to determine applications under the Scrap Metal Dealers Act 2013 that have been referred to the Panel for determination by the Principal Licensing Officer

9. Cabinet Member for Central Services and Communities

9.1 Portfolio:

Internal and External Audit

- (a) Procurement and Contract Management
- (b) Corporate Wide Performance – KPIs and Indicators
- (c) Customer Services
- (d) Transformation, including channel shift, digital agenda
- (e) Elections
- (f) Vision and Strategy (including Branding)
- (g) Information Governance, including Complaints / Members Enquiries
- (h) Superfast Broadband and Hyper fast Broadband
- (i) Communications Team
- (j) Digital, Information and Communications Technologies (ICT), including Governance
- (k) Human Resources, Organisational Development and Payroll
- (l) Pay Policy
- (m) Legal, Democratic, Electoral and Member Services
- (n) Libraries / Registrars
- (o) Community Development Engagement and Voluntary Sector
- (p) Equality and Diversity
- (q) Arts, Culture, Heritage – for example Thameside Complex

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 Regeneration and Strategic Planning

10.1 Portfolio:

- (a) Development Management – Planning
- (b) Regeneration and Growth
- (c) Strategic Planning and Development Control

- (d) Local Plans
- (e) Building Control
- (f) Growth Hubs / Place making
- (g) Capital Projects
- (h) Assets
- (i) Mayor Projects – for example, A13 Widening
- (j) Economic Development
- (k) Inward Investment
- (l) Thurrock Business Board
- (m) Facilities Management
- (n) Major Schemes – for example, Infrastructure

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
- (c) To promote active, constructive and effective engagement in strategic planning including cooperation across administrative boundaries with meetings, seminars and communications, topic papers research and analysis with proper collaboration coordination, and in association with the Leader the signing of position statements and memorandums of understanding with, and the making of formal representations to, other persons prescribed under Section 33A(1) of the Planning and Compulsory Purchase Act 2004 as amended

11. Cabinet Member for Environment and Sports and Leisure

11.1 Portfolio:

- (a) Street Services – street sweeping, grass cutting, litter pickers, maintenance of borough
- (b) Waste and Recycling – refuse collection
- (c) Environmental Enforcement – fly-tipping, littering and dog fouling
- (d) Air Quality
- (e) Sports and Leisure Development – current assets

- (f) Sports and Leisure Development – long term vision

11.2 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

12. Cabinet Member for Housing

12.1 Portfolio:

- (a) Housing Capital Projects
- (b) Estate Regeneration
- (c) Thurrock Regeneration Limited (TRL)
- (d) Housing Strategy and Development
- (e) Housing Management
- (f) Landlord Services and Housing Management
- (g) Transforming Homes Programme
- (h) Repairs and Maintenance Contracts
- (i) Sheltered Housing
- (j) Housing Advice and Homelessness
- (k) Private Sector Housing and Liaison
- (l) Council Run Traveller Sites

12.2 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
- (c) 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