

Section 3 – Executive Functions

Introduction

Executive Functions consist of:-

- (a) Functions which the executive must in law exercise;
- (b) Functions which are not listed in Schedule 1 of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 as amended; and
- (c) 'local choice' functions listed at Schedule 2 of those Regulations, where the Council has decided that they shall be exercised by the Executive.

All Executive functions are delegated to the Leader who may then delegate further to the Cabinet, Committees of the Cabinet, Cabinet Members and officers. The Leader retains responsibility for the functions so delegated and may exercise those functions in person regardless of the further delegation.

Cabinet Members are not authorised to further delegate their functions (unless provided within this Delegation Document) on to officers without the Leader's consent.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

3.1 General provisions, including requirements to record decisions

- 3.1.1 The recording and publishing of decisions will be carried out by the Solicitor to the Council or a member of his/her staff acting on behalf of the Chief Executive "the Proper Officer"). The Council's procedural rules require all Cabinet and Cabinet Member Decisions and officers' key decisions to be published within 2 working days. They will all be available for scrutiny, and also for potential call-in unless the decision has been ruled urgent in accordance with Part 4 of this Constitution.
- 3.1.2 A Cabinet Member will usually exercise delegated authority through an appropriate officer. It is then the officer's responsibility to notify the Proper Officer promptly of the options considered and the reason for the decision. This notice will include mention of the nature of any disagreement between the officer and the Cabinet Member.
- 3.1.3 However, in exceptional cases when a Cabinet Member exercises delegated authority otherwise than through an officer, or overrides specific officer advice, then it is the Cabinet Member's responsibility to submit prompt written notice of his/her decision, together with any options considered and the reason for the decision, to the Proper Officer. He/she must also notify the relevant lead officer.

- 3.1.4 When any officer, excluding the Chief Executive, exercises delegated authority then he/she must refer all Key Decisions to Cabinet Members. The lead officer is responsible for notifying the Proper Officer of the Cabinet Member's decision. Other (non-key) officer decisions taken in accordance with the following Executive delegations should be recorded by the officer on file. The Cabinet Member should be briefed as soon as possible about decisions made. In the event of a Cabinet Member over-ruling an Officer's preferred decision, this becomes the Member's decision and must be recorded by him/her in accordance with the paragraph above.

The Chief Executive may take key decisions on behalf of the Authority. When exercising this authority, the Chief Executive is responsible for notifying the Proper Officer of the decision proposed for inclusion on the Forward Plan and publication in accordance with the Council's procedure rules. The relevant Cabinet Member should be briefed before any key decision is made.

- 3.1.5 Officers shall exercise their delegations subject to the following constraints:
- (a) They shall give notice to the Leader, via the Proper Officer, of all forthcoming Key Decisions, so that they can be logged on the Forward Plan;
 - (b) With the exception of the Chief Executive, they shall refer such key decisions to the relevant Cabinet Member for determination;
 - (c) They shall consult the appropriate Cabinet Member about all decisions likely to give rise to media attention or complaints from the public, and all decisions favouring any political party or area of Peterborough;
 - (d) They shall exercise sensitivity in ensuring that, prior to making a non-key decision, they consult the relevant Cabinet Member where the decision may give rise to political or other concerns. The subsequent decision will be the officer's in consultation with the Member, and shall be recorded by the officer except where the Cabinet Member overrules, when this will be recorded and published as the Cabinet Member's decision;
 - (e) Officers shall notify the Proper Officer of decisions made;
 - (f) The Leader or any Cabinet Member may set financial thresholds for decisions by officers, above which they must consult or seek agreement of the Cabinet Member.

3.2 Functions of the Cabinet

- 3.2.1 To take collective responsibility for the delivery of all strategic Executive functions within the Council's Major Policy and Budget Framework and lead the Council's overall improvement programmes to deliver excellent services.
- 3.2.2 To promote the Council's role as community leader, giving a 'voice' to the community in its external relations at local, regional and international level, and fostering good working relationships with the Council's partner organisations, Parish Councils and the relevant authorities for Police, Fire, Probation and Magistrates' Courts Services.
- 3.2.3 To take a leading role in promoting the economic, environmental and social well-being of the area.
- 3.2.4 To promote the Council's corporate and key strategies and Peterborough's Community Strategy and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework.
- 3.2.5 To review and recommend to Council changes to the Council's Constitution, protocols and procedure rules.
- 3.2.6 To lead the delivery of Business Transformation within the Council.
- 3.2.7 To be responsible for the Council's overall budget and determine action required to ensure that the overall budget remains within the total cash limit.
- 3.2.8 To determine any conflicts of opinion or decision which may arise between two or more Cabinet Members exercising delegated executive functions.
- 3.2.9 To commission reviews by and determine any changes of policy proposed by the Scrutiny Committees and Commissions making recommendations to Council about proposed changes to the Council's major policy and budget framework.
- 3.2.10 To determine responses to (and/or make recommendation to the Council, as appropriate) reports from the Monitoring Officer, external inspections and the Local Government Ombudsman.
- 3.2.11 To scrutinise auditors' reports and letters, to consider reports from the Council's external auditor and internal auditor, where appropriate, and determine appropriate responses.

3.3 Individual Cabinet members

- 3.3.1 The Leader has allocated a “portfolio” to each Cabinet Member and delegated to each “Portfolio Holder” responsibility for the discharge of functions set out below.
- 3.3.2 All Cabinet Members have the following delegations in relation to their portfolios and the service areas for which they are responsible, as set out in the table below.
 - 3.3.2.1 To exercise the Executive powers and duties of the Council for strategic development, policy direction, partnership working, key decisions, programme and performance management, in accordance with the Council’s procedure rules, for their portfolio areas
 - 3.3.2.2 To be responsible for ensuring the successful delivery of business transformation in relation to their portfolio areas
 - 3.3.2.3 To request the relevant Scrutiny Committee and/or Commission to review changes to policy and strategy within these service areas.
 - 3.3.2.4 To be responsible for budget planning, monitoring and expenditure/savings over £500,000 in these service areas with Executive Directors and the Executive Director-Strategic Resources, ensuring that it remains within the cash limit, reporting any issues which cannot be resolved within the service budget to the Leader of the Council.
 - 3.3.2.5 To act as the Council’s lead spokesperson, representative on strategic bodies and Member Champion for these service areas and to respond to relevant consultations by Central Government and other agencies.
 - 3.3.2.6 To make decisions on actions relating to contracts including:
 - (a) Awarding, assigning and terminating contracts over £500k;
 - (b) Waiving or granting exemptions to Contract Regulations where contracts are over £500k

Lead Cabinet Member	Portfolio
<p>3.4 Leader and Cabinet Member for Growth, City Development and Environment Capital</p>	<ul style="list-style-type: none"> a) Determination of the Council's scheme of delegation of Executive functions, and any financial thresholds within it above which the potential decision-maker must refer the matter up for determination (eg from officer to member, and from Cabinet Member to Cabinet). b) Appoint Cabinet Members, determine their remits and monitor their performance, and Chair Cabinet meetings. c) Determine and ensure the publication of the Forward Plan of key executive decisions. d) Lead in providing political leadership for the Council, and develop and implement the Administration's policy programme. e) Co-ordinate the Council's overall strategic direction, programme and performance management. f) Advise relevant Executive Director or Chief Executive about the filling of vacancies on the establishment via an external advertisement between Scale 9 and Head of Service level. g) Portfolio areas: <ul style="list-style-type: none"> a) Strategic Planning Authority including minerals and waste (this applies to policy formulation and development) b) Strategic Housing & Affordable Housing c) The City Council's Economic Development and Regeneration d) Infrastructure development, Strategic Transport and Local Transport Plan e) The City Council's Growth Strategy f) Environment Capital g) Senior Management Arrangements h) Attend regional and sub-regional partnership meetings across a range of Council activities and represent the Council on the major Peterborough based strategic partnerships and provide regular update to Cabinet on the effectiveness of these partnership arrangements.

Lead Cabinet Member	Portfolio
	<ul style="list-style-type: none"> i) Determine disputed appointments to external organisations and review the list of organisations to which appointments are made in accordance with Section 6 of the Council's Delegations Document. j) Responsibility for Emergency Planning and resilience issues. k) Lead member for attracting national, regional and European funding to aid economic prosperity and regeneration into the City. l) Lead member for business engagement and development m) Tourism n) City Centre Management (including CCTV, fairs and markets) o) Council representative at national, regional and local forums to promote the city as a centre for business growth. p) International links
<p>Cabinet Advisor to the Leader (Business Engagement, Tourism and International Links)</p>	<p>Advice and support to the Leader as Lead member for business engagement and development in the following areas of his portfolio:</p> <ul style="list-style-type: none"> a) Ambassadorial role to attract business development & inward investment. b) Champion creation of jobs & small business incubation. c) Encourage & support entrepreneurship, enterprise & innovation in the city. d) Tourism. e) City Centre management (including CCTV, fairs and markets). f) Council representative at national, regional and local forum to promote the City as centre for business growth. g) International Links.

Lead Cabinet Member	Portfolio
Cabinet Adviser to the Leader (Environment Capital)	<p>Advice and support to the Leader as Lead Member for the Council's aspirations to become Environment Capital, by :</p> <ul style="list-style-type: none"> (i) overseeing policy alignment across service areas to promote environmental considerations. (ii) establishing positive work relationships with environmentally themed organisations and driving the Sustainable Community Strategy objective, of creating the country's Environment Capital. <p>promoting nationally, regionally and locally the City's Environmental aspiration in the media by developing a coherent public relations strategy.</p>
<p>3.5 Deputy Leader & Cabinet Member for Culture, Recreation & Strategic Commissioning</p>	<ul style="list-style-type: none"> a) Deputising for the Leader in his / her absence, or at his /her instruction, in relation to all of the functions which are the leader's responsibility (except the allocation of delegated functions). b) Responsibility for the Council's functions in relation to Peterborough Museum, working with, and overseeing the work of Peterborough Culture & Leisure Trust Ltd. c) Culture and Recreation (including sports and leisure). d) Libraries and Archives. e) Arts and Museums. f) Overseeing the work of Peterborough Culture and Leisure Trust Ltd (for items b to e). g) Cemeteries and Crematoria h) Registrar and Coroner's Service i) Strategic waste management, including refuse collection, recycling and disposal. j) Street cleaning, public conveniences and graffiti. k) Building and grounds maintenance l) Maintenance of green and open spaces m) Overseeing the work of Enterprise Peterborough in respect of items (i) to (l) above n) Strategic commissioning and outsourced contracts and responsibility for the strategic development of the business transformation programme

Lead Cabinet Member	Portfolio
	<p>o) Working with the Cabinet Adviser for Street Services in respect of items (l) to (m) above</p>
<p>Cabinet Advisor to the Deputy Leader</p>	<p>Advice and support to the Deputy Leader as Lead Member for the following areas of his portfolio:</p> <p>a) Building and grounds maintenance</p> <p>b) Maintenance of green and open spaces</p> <p>c) Waste management including refuse collection, recycling and disposal</p> <p>d) Street cleaning, public conveniences and graffiti</p> <p>and in particular to support the Deputy Leader in developing and maintaining the relationship with the Council's strategic partner Enterprise Peterborough.</p>
<p>3.6 Cabinet Member for Education, Skills & University</p>	<p>a) In conjunction with the Lead Member for Children's Services to deliver the education functions of the authority, as set out in s18(2) of the Children Act 2004</p> <p>b) To deliver the functions, powers and duties for which the Council is responsible as the Local Education Authority, in consultation with the Lead Member for Children's Services, including, but not limited to school improvement and educational excellence.</p> <p>c) Property maintenance and asset management (excluding disposal).</p> <p>d) Standing Advisory Committee on Religious Education, School Organisation Committee and Inspection Advisory Group (including appointment of Councillors, following consultation with political groups, with any disputes to be resolved by Council).</p> <p>e) Higher Education/University Provision.</p> <p>f) Functions of planning and commissioning in relation to the statutory responsibilities for Learning and Skills for post 16 and for 16-25 year old learners with learning difficulties or disabilities.</p> <p>g) Appointment of Council representatives to school governing bodies in accordance with agreed democratic arrangements and consultation with recognised Political Group Secretaries where the</p>

Lead Cabinet Member	Portfolio
	<p>number of nominations exceeds the vacancies.</p> <p>h) Promoting the educational attainment of Looked After Children</p>
<p>3.7 Cabinet Member for Children's Services</p>	<p>To act as the Lead Member for Children's Services with political responsibility for the leadership, strategy and effectiveness of Children's Services, and to discharge the education and children's services functions of the authority, as set out in s18(2) of the Children Act 2004, including, but not limited to:</p> <p>a) Social care services for children, including all matters specifically provided by the Local Authorities (Social Services) Act 1970, personal social services and care in the community, together with the responsibilities under associated and ancillary legislation.</p> <p>b) Responsibility for Councils functions under section 7 (4) and (5) of the NHS and Local Authorities Partnership Bodies Regulations 2000 in relation to joint commissioning and pooled funding in relation to social care for children.</p> <p>c) Lead, promote and create opportunities for co-operation with local partners, for example health, police, schools, housing services, early years, youth justice, probation, higher and further education, and employers, to improve the wellbeing of children and young people.</p> <p>d) Services for Looked After Children</p> <p>e) Youth Services, community education and careers services.</p> <p>f) Youth offending services.</p> <p>g) Children's Play Service.</p>
<p>3.8 Cabinet Member for Housing Neighbourhoods & Planning</p>	<p>a) Planning (Development Control), Highways and Transport, including car parking.</p> <p>b) Building Act 1984.</p> <p>c) Environmental protection and trading standards including functions undertaken as the Weights and Measures authority.</p> <p>d) Landscape management and grounds maintenance</p>

Lead Cabinet Member	Portfolio
	<p>(this applies to policy, administration and service standards).</p> <ul style="list-style-type: none"> e) Homelessness and housing options. f) Special Government directed Housing Schemes. g) Traveller sites. h) Supporting People. i) Flood risk management and planning. j) Approve Food Law Enforcement & Health & Safety Law Enforcement Plan (Council 14 October 2009). k) Close liaison with: <ul style="list-style-type: none"> (i) Planning & Environmental Protection Committee; (ii) Licensing Committee; (iii) Scrutiny Committees; <p>to review changes to policy & strategy within these service areas.</p>
<p>3.9 Cabinet Member for Resources</p>	<ul style="list-style-type: none"> a) Strategic Resources and Corporate Management (excluding Human Resources). b) Financial Strategy and Resources Planning. c) Annual Budget preparation. d) Annual Accounts. e) Internal and external Audit Arrangements. f) Capital Programme. g) Investment, Borrowing, Leasing and Treasury Management. h) Funding for individuals, voluntary and not-for-profit organisations/individuals. i) Council Tax and Benefits Administration. j) Procurement. k) Asset Management and property services - Any property transactions over £250,000 will be taken in

Lead Cabinet Member	Portfolio
	<p>consultation with the Leader of the Council.</p> <p>l) Insurance.</p> <p>m) Discretionary Rate Relief.</p> <p>n) Ensuring operational delivery of the business transformation programme</p> <p>o) Single Delivery Plan</p> <p>p) Information Communication Technology</p> <p>q) Write off debts in excess of £10,000 deemed to be irrecoverable.</p> <p>r) Monitor Council's overall budgetary position and:</p> <ul style="list-style-type: none"> (i) discuss, negotiate where necessary and help problem solve any issues concerning budgets for particular service areas with the Cabinet Member responsible for that budget; (ii) through regular budget scrutiny, anticipate future pressures; (iii) make recommendations for Cabinet to determine in respect of all budgetary control issues; (iv) keep the Cabinet advised of budget deficits or surpluses; (v) determine applications for supplementary estimates, virements or allocation of the corporate contingency, within the limits set by Council for determination by the Executive. <p>s) Responsible for all the services included in the Manor Drive procurement process:</p> <ul style="list-style-type: none"> - shared transactional services - property services - corporate procurement - business support - business transformation - Peterborough direct

Lead Cabinet Member	Portfolio
	<p>u) Legal services and governance.</p>
<p>3.10 Cabinet member for Adult Social Care</p>	<p>a) Providing political leadership for all matters relating to adult social care, health improvement and reducing health inequalities in the city.</p> <p>b) Responsibility for all adult social care functions of the Council, including all matters specifically provided by the Local Authorities (Social Services) Act 1970, personal social services and care in the community, together with the responsibilities under associated and ancillary legislation.</p> <p>c) Responsibility for the Council's functions under section 7(4) and (5) of the NHS and Local Authorities Partnership Bodies Regulations 2000 in relation to joint commissioning and pooled funding under the NHS Act 2006, including acting as a member of key bodies, and agreeing social services related partnership matters.</p> <p>d) Responsibility of all Public Health functions of the Council, including all matters specifically provided by the Health and Social Care Act 2012 and related legislation</p> <p>e) Council's lead spokesperson for all matters relating to the commissioning and provision of health services by the NHS for Peterborough</p> <p>f) Lead representative on strategic bodies for Adult Social Care and Health including the Health and Wellbeing Board and any other joint boards that may be established.</p> <p>Responsibility for negotiating and recommending entering into agreements with NHS trusts for the provision of integrated commissioning or delivery of social care and health services.</p>
<p>3.11 Cabinet Member for Community Cohesion and Safety</p>	<p>a) Community Cohesion.</p> <p>b) Community Safety.</p> <p>c) Drugs prevention.</p> <p>d) Human Resources Strategy, employee budgets and Trade Union Resources (consulting Employment</p>

Lead Cabinet Member	Portfolio
	<p>Committee, where appropriate).</p> <p>e) Health and Safety.</p> <p>f) Lead the Council's engagement with the Greater Peterborough Partnership.</p> <p>g) Equality & Diversity</p>
<p>3.12 Cabinet Member for Communications</p>	<p>a) Responsibility for leading and developing the Council's internal and external communications and marketing strategy by:-</p> <p>(i) Leading the development of an external communications strategy for the Council.</p> <p>(ii) Leading the development of an internal communications strategy for the Council.</p> <p>(iii) Establishing positive working relationships with media organisations locally and nationally.</p> <p>(iv) Leading the development of targeted marketing campaigns aligned with the objectives of the Council.</p> <p>(v) Enhancing the reputation of the Council locally and nationally.</p> <p>(vi) Leading the work with Opportunity Peterborough and other stakeholders in marketing and promoting the city.</p>

Names of the Cabinet Members

Name	Address	Ward
Councillor Cereste Leader of the Council and Cabinet Member for Growth, Strategic Planning, Economic Development, Business Engagement and Environment Capital	18 Ivatt Way, Westwood, Peterborough, PE3 7PG	Stanground Central
Councillor Lee Deputy Leader and Cabinet Member for Culture, Recreation and Strategic Commissioning	c/o Members' Services, Room 129, Town Hall, Peterborough, PE1 1HG	Fletton
Councillor Hiller Cabinet Member for Housing, Neighbourhoods and Planning	28 West End Road, Maxey, Peterborough, PE6 9EJ	Northborough
Councillor Holdich Cabinet Member for Education, Skills and University	1 Rectory Lane, Glington, Peterborough, PE6 7LR	Glington and Wittering
Councillor Fitzgerald Cabinet Member for Adult Social Care	27 Gretton Close Peterborough, PE2 7WD	Bretton North
Councillor Scott Cabinet Member for Children's Services	6 Nansicles Road, Peterborough, PE2 7AS	Orton with Hampton
Councillor Seaton Cabinet Member for Resources	340 Horseshoe Way, Hampton Vale, Peterborough, PE7 8LG	Orton with Hampton
Councillor Walsh Cabinet Member for Community Cohesion and Safety	21 Lawson Avenue, Stanground Peterborough, PE2 8PL	Stanground Central
Councillor Matthew Dalton Cabinet Member for Communications	c/o Members' Services, Town Hall, Peterborough, PE1 1HG	West Ward
Councillor Janet Goodwin Cabinet Advisor to the Leader (Business Engagement, Tourism and International Links)	30 Chandlers, Orton Brimbles, Peterborough, PE2 5EQ	Orton Longueville
Councillor Nigel North Cabinet Advisor to the Leader (Environment Capital)	10 Clarendon Way, Glington Peterborough, PE6 7JQ	Orton with Hampton

Councillor Gavin Eley
**Cabinet Advisor to the Deputy
Leader**

23 Fraserburgh Way,
Peterborough, PE2 6SS

Orton Waterville

3.14 Delegations to Neighbourhood Committees

- 3.14.1 The Leader retains responsibility for executive functions delegated and may exercise those functions in person, regardless of further delegation. Furthermore, the Neighbourhood Committees must act with due regard to all other Council policies and procedures
- 3.14.2 To promote the Council's role as a community leader in its area, giving a meaningful voice to the community and fostering good and productive working relationships with the Council's partner organisations, including Parish Councils, Police, Fire, Probation, criminal justice agencies, health and social care agencies, education agencies, young peoples' services, community associations, residents associations and voluntary sector agencies
- 3.14.3 To take a leading role in promoting the economic, environmental, cultural and social wellbeing of the area, and develop community action plans to achieve this that improve service delivery and achieve better outcomes
- 3.14.4 To set the standards for all former City Services operations now contracted to Enterprise to ensure effective delivery of all services, including making decisions on the maximum amount of any delegated budgets allowable within the terms of the contract to be deployed on local priorities (*to be confirmed subject to details of the contract*)
- 3.14.5 To determine the investment of identified and delegated funding to support local priorities contained within the Community Action Plan.
- 3.14.6 To decide within the terms of the Council's contractual arrangements for the delivery of services:
 - (i) any discretionary elements of the budget to be spent according to local priorities;
 - (ii) any discretionary elements in the delivery of the specification of those services
- 3.14.7 To agree the annual programme of works contained within the Highways Capital Programme for 2012/13 onwards
- 3.14.8 To act as consultees on all major or significant Executive and Council proposals having a significant impact upon the residents of the area, including those affecting both capital and revenue spend
- 3.14.9 To act as consultees in respect of Major Planning applications relevant to the area, and report views to the relevant Committee
- 3.14.10 To carry out any actions that the Executive authorises in addition to those set out above, until such time as that authorisation is revoked.