

# 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 Notice of Intention to Take Key Decisions;
  - (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.
- 3.2.12 Cabinet will be responsible for the following functions in relation to the Council's companies, partnerships and charities:
  - a) The establishment of any new company, partnership or charity;
  - b) The decommissioning/winding up of existing companies, partnerships and charities;
  - c) The determination of Articles of Association;
  - d) The determination of the percentage share of ownership;
  - e) The determination of the investment of funds or assets;
  - f) The determination of any lending facilities to the Council's companies, partnerships and charities;
  - g) The determination of decisions reserved to the Council as shareholder or member of a company, partnership or charity;
  - h) Scheme of delegations to the Shareholder Cabinet Committee;

- i) Approval of Business Plans;
- j) Approval of changes to service agreements in respect of KPIs, service levels and service standards;
- k) The setting of Policy Strategy and objectives for the operation of the Council's companies, partnerships and charities.

### **3.3 Cabinet Committees**

#### **3.3.1 Eastern Shires Purchasing Organisation Joint cabinet Committee (ESPO)**

The Eastern Shires Purchasing Organisation Joint cabinet Committee (ESPO) currently consists of Cambridgeshire County Council, Leicester City Council, Leicestershire County Council, Lincolnshire County Council, Norfolk County Council and Warwickshire County Council alongside Peterborough City Council (the Member Authorities).

The Member Authorities have agreed to operate ESPO on the terms and conditions set out in the Consortium Agreement and ESPO shall undertake the following functions jointly with the other Member Authorities:

- (a) to provide a comprehensive cost effective professional purchasing service to the Member Authorities (and available to Customers on a subscription basis);
  - (i) negotiating terms for the supply of goods and/or services;
  - (ii) purchasing, storing and distributing items in common use where it is practical and economical to do so;
  - (iii) advising on standards and specifications;
  - (iv) providing professional and technical expertise;
  - (v) providing specialist goods and/or services, and
  - (vi) investigating areas of joint purchasing;based on the overall requirements of the Member Authorities (and Customers where applicable);
- (b) to maintain effective efficient and economical arrangements for the supply of goods and/or services by:
- (c) to achieve overall cost savings and efficiencies for the Member Authorities by providing them with a simple effective system for the supply of goods and/or services;
- (d) to provide timely and relevant information to the Member Authorities based on their requirements; and
- (e) to provide the ESPO Services to the Member Authorities (and Customers where applicable) based on their requirements.

### 3.3.2 Shareholder Cabinet Committee

#### Purpose

The Committee will have functions relating to the Council's companies, partnerships and charities set out below including, but not limited to:

- a. Peterborough Limited,
- b. Blue Sky Peterborough,
- c. Empower Peterborough,
- d. Opportunity Peterborough,
- e. Peterborough Investment Partnership LLP,
- f. Medesham Home LLP,
- g. NPS Peterborough Ltd,
- h. Peterborough Museum and Art Gallery;
- i. The Mayor's Charity; and
- j. Vivacity Culture and Leisure.

The Shareholder Cabinet Committee will act as a decision making body in relation to the functions delegated to it as well as an advisory body to Cabinet. Support and advice will be provided to the Shareholder Cabinet Committee by the Monitoring Officer, the Section 151 Officer and other client officers as appropriate.

#### Membership and Operation of the Shareholder Cabinet Committee

The Shareholder Cabinet Committee will comprise a maximum of five Cabinet Members to be determined by the Leader annually. The Chairman and Vice-Chairman of the Committee will also be appointed by the Leader on an annual basis.

The quorum of the Shareholder Cabinet Committee shall be 3 and meetings shall take place quarterly or as determined by the Chairman.

#### Functions of the Shareholder Cabinet Committee

- a. To monitor performance and financial delivery of the companies, partnerships and charities set out above in line with Cabinet approved business plans by means of monthly performance monitoring and scrutiny;
- b. To ensure that those companies, partnerships and charities comply with relevant Council policies, strategies and objectives;
- c. To exercise decisions, where delegated by Cabinet, in relation to a company, partnership or charity's reserved matters;
- d. To make recommendations to Cabinet in relation to investments, loans and assets;
- e. To oversee the relationships between with the Council and the Council's companies, partnerships and charities, and any such relationships between the Council's companies, partnerships and charities in accordance with the Council's objectives.
- f. To review any reports in relation to the Council's companies, partnerships or charities prior to their submission to the Audit Committee to ensure compliance with Council policies, strategies and objectives;
- g. To determine for each individual company, partnership or charity whether the Shareholder Cabinet Committee recommends to Cabinet the delegation of any functions to the officers of the Council.

### **3.4 Individual Cabinet members**

- 3.4.1 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.
- 3.4.2 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.
- 3.4.3 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.
- 3.4.4 To be responsible for ensuring the successful delivery of business transformation in relation to their portfolio areas.
- 3.4.5 To request the relevant Scrutiny Committee and/or Commission to review changes to policy and strategy within these service areas.
- 3.4.6 To be responsible for budget planning, monitoring and expenditure/savings over £500,000 in these service areas with Corporate Directors and the Corporate Director for 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.
- 3.4.7 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.
- 3.4.8 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
- 3.4.9 To support the Leader of the Council as a Member of the Combined Authority in matters relating to their portfolio responsibilities.

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Lead Cabinet Member	Portfolio
<p>Leader of the Council and Member of the Cambridgeshire and Peterborough Combined Authority.</p>	<ul style="list-style-type: none"> <li>a) Appoint Cabinet Members, determine their remits and monitor their performance, and chair Cabinet meetings</li> <li>b) 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</li> <li>c) Determine and ensure the publication of the Forward Plan</li> <li>d) Provide political leadership for the Council, and develop and implement the Executive's policy programme.</li> <li>e) Co-ordinate the Council's overall strategic direction, programme and performance management.</li> <li>f) Attend regional and sub-regional partnership meetings across a range of Council activities and represent the Lead Cabinet Member Portfolio Council on the major Peterborough based strategic partnerships and provide regular update to Cabinet on the effectiveness of these partnership arrangements.</li> <li>g) Determine disputed appointments to external organisations and review the list of organisations to which appointments are made</li> <li>h) Be the Council's Lead Representative and member on the Cambridgeshire and Peterborough Combined Authority.</li> <li>i) Approval of decisions regarding the Cambridgeshire and Peterborough Combined Authority requiring consent of the constituent authorities.</li> <li>j) Responsibility for leading and developing the Council's internal and external communications and marketing strategy by:- <ul style="list-style-type: none"> <li>i. Leading the development of an internal and external communications strategy for the council.</li> <li>ii. Establishing positive working relationships with media organisations locally and nationally.</li> <li>iii. Leading the development of targeted marketing campaigns aligned with the objectives of the Council.</li> <li>iv. Enhancing the reputation of the Council locally and nationally.</li> </ul> </li> <li>k) Leading the work with Opportunity Peterborough and other stakeholders in marketing and promoting the city.</li> <li>l) Responsibility for emergency planning, resilience and health and safety.</li> <li>m) City Centre Management (including CCTV, fairs and markets and off-street parking.</li> <li>n) Tourism</li> <li>o) International links</li> <li>p) Strategic partnership lead for the work of Vivacity with responsibility for the Council's functions in relation to <ul style="list-style-type: none"> <li>i) the Peterborough Museum</li> <li>ii) Libraries and Archives</li> <li>iii) The Arts</li> </ul> </li> <li>q) Culture and Recreation</li> <li>r) Be responsible for leading the Council's approach on shared services.</li> </ul>

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Lead Cabinet Member	Portfolio
Cabinet Adviser to the Leader	<p>Advise and support the Leader in the following areas:-</p> <ul style="list-style-type: none"> <li>a) City Centre management (including CCTV, fairs and markets and off street parking)</li> <li>b) Partnership working with Vivacity.</li> <li>c) Culture and Recreation</li> <li>d) Internal and external communications including marketing.</li> </ul>
Deputy Leader & Cabinet Member for Integrated Adult Social Care and Health	<ul style="list-style-type: none"> <li>a) Deputising for the Leader in his absence, or at his instruction, in relation to all of the functions which are the Leader's responsibility (except the allocation of delegated functions).</li> <li>b) Responsibility for adult social care functions of the Council, including adult protection, assessment, mental health services, learning disabilities, integrated equipment and enablement</li> <li>c) To lead on 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.</li> <li>d) To lead on health integration including 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</li> <li>e) Lead representative on strategic bodies for Adult Social Care including the Health and Wellbeing Board and any other joint boards that may be established.</li> <li>f) To be the substitute Member on the Cambridgeshire and Peterborough Combined Authority.</li> </ul>

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Lead Cabinet Member	Portfolio
Cabinet Member for Public Health	<ul style="list-style-type: none"> <li>a) Public Health functions of the council, including all matters specifically provided by the Health and Social Care Act 2012 and related legislation. ;</li> <li>b) Lead spokesperson for <ul style="list-style-type: none"> <li>Public health improvement</li> <li>Health protection</li> <li>Reduction of health inequalities;</li> <li>Public health commissioning and performance</li> <li>General public healthcare</li> </ul> </li> <li>c) Leading the response to any emergencies that present a risk to public health.</li> <li>d) Attendance at the Health and Wellbeing Board as the Lead Member for Public Health.</li> <li>e) Responsible for working in partnership with the clinical commissioning groups regarding public health advice and related matters.</li> <li>f) Working in partnership with the Police, probation service and prison service regarding prison health and risks presented by offenders.</li> <li>g) Oral health and water fluoridation.</li> <li>h) Medical inspection and treatment of pupils.</li> <li>i) Sexual health services</li> <li>j) Independent mental health and mental capacity advocates.</li> </ul>
Cabinet Member for Waste and Street Scene	<ul style="list-style-type: none"> <li>a) Strategic waste management, including refuse collection, recycling and disposal.</li> <li>b) Street cleaning, public conveniences and graffiti.</li> <li>c) Building and grounds maintenance</li> <li>d) Maintenance of green and open spaces</li> <li>e) Overseeing the work of Amey and Viridor in respect of items above</li> <li>f) Cemeteries and Crematoria</li> <li>g) Registrar and Coroner's Service</li> <li>h) Lead on the Council's energy strategy</li> <li>i) Responsible for Westcombe Engineering</li> <li>j) Set up an appropriate delivery vehicle to deliver the services set out above.</li> </ul>

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Lead Cabinet Member	Portfolio
Cabinet Member for Children's Services	<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, including, but not limited to:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c) Lead, promote and create opportunities for cooperation 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.</li> <li>d) Services for Looked After Children.</li> <li>e) Children's Centres.</li> <li>f) Early help services including troubled families.</li> </ul>
Cabinet Member for Education, Skills and University.	<ul style="list-style-type: none"> <li>a) Deliver the education functions, powers and duties of the Council.</li> <li>b) Responsible for property maintenance and asset management (excluding disposal) in relation to schools.</li> <li>c) Attend 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).</li> <li>d) Responsible for higher Education and University Provision.</li> <li>e) 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.</li> <li>f) Appoint Council representatives to school governing bodies in accordance with agreed democratic arrangements and in consultation with recognised Political Group Secretaries where the number of nominations exceeds the vacancies.</li> <li>g) Promoting the educational attainment of Looked After Children</li> <li>h) Youth services, community education and careers service.</li> </ul>

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Lead Cabinet Member	Portfolio
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<p>Cabinet Member for Resources</p>	<ul style="list-style-type: none"> <li>a) Financial strategy and resources planning.</li> <li>b) Annual budget preparation.</li> <li>c) Annual accounts.</li> <li>d) Internal and external Audit arrangements.</li> <li>e) Capital programme.</li> <li>f) Investment, borrowing, leasing and treasury Management.</li> <li>g) Funding for individuals, voluntary and not-for-profit organisations / individuals.</li> <li>h) Council tax and benefits administration. i) Procurement</li> <li>i) Asset Management and property services</li> <li>j) Any property transactions over £250,000 will be taken in consultation with the Leader of the Council.</li> <li>k) Information Technology Strategy</li> <li>l) Insurance</li> <li>m) Discretionary Rate Relief</li> <li>n) Ensuring strategic development and delivery of the business transformation programme</li> <li>o) Write off debts in excess of £10,000 deemed to be irrecoverable.</li> <li>o) Monitor Council's overall budgetary position and:             <ul style="list-style-type: none"> <li>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;</li> <li>ii. through regular budget scrutiny, anticipate future pressures;</li> <li>iii. make recommendations for Cabinet to determine in respect of all budgetary control issues;</li> <li>iv. keep the Cabinet advised of budget deficits or surpluses;</li> <li>v. determine applications for supplementary estimates, virements or allocation of the corporate contingency, within the limits set by Council for determination by the Executive.</li> </ul> </li> <li>p) Responsible for overseeing the work of Serco as follows:-             <ul style="list-style-type: none"> <li>- shared transactional services</li> <li>- property services</li> <li>- corporate procurement</li> <li>- business support</li> <li>- business transformation</li> <li>- Peterborough call centre</li> <li>- ICT and digital transformation</li> </ul> </li> <li>q) Legal and democratic services</li> <li>r) Human Resources strategy, employee budgets and Trade Union Resources (Consulting Employment Committee, where appropriate)</li> <li>s) Equality and Diversity</li> </ul>
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Lead Cabinet Member	Portfolio
Cabinet Advisor for Commercial Strategy and Investments	<ul style="list-style-type: none"> <li>a) To develop a Commercial Strategy on which investment decisions are based for determination by Cabinet;</li> <li>b) To ensure that the Commercial Strategy and Investment Portfolios are kept regularly under review by the Cabinet;</li> <li>c) To develop a Commercial Strategy for Operational Services to maximise the use of scarce Council Resources;</li> <li>d) To advise the Cabinet on the implementation of the commercial strategy and other initiatives to maximise the potential of the Council's existing commercial activities and to advise the Cabinet on how to develop a commercial culture within the Council to ensure commercial opportunities are maximised;</li> <li>e) To advise the Cabinet on the development of new, and growth in existing, income streams that generate surplus funds for investment in further opportunities and to help offset the costs of other activities.</li> </ul>
Cabinet Member for Growth, Planning, Housing & Economic Development	<ul style="list-style-type: none"> <li>a) Planning (Development control, strategic planning and Strategic growth)</li> <li>b) Highways and transport including the Local Transport Plan and traffic orders</li> <li>c) Building Act 1984</li> <li>d) Strategic housing development</li> <li>e) Affordable housing, homelessness, housing options and supporting people.</li> <li>f) Strategic policies linked to open space planning including trees and biodiversity.</li> <li>g) Responsibility for the Council's aspirations to become Environment Capital by:- <ul style="list-style-type: none"> <li>i) overseeing policy alignment across service areas to promote environmental considerations.</li> <li>ii) establishing positive work relationships with environmentally themed organisations and driving the Sustainable Community Strategy objective of creating the country's Environment Capital.</li> <li>iii) promoting nationally, regionally and locally the City's Environmental aspiration in the media by developing a coherent public relations strategy.</li> </ul> </li> <li>h) Economic Development and Regeneration</li> <li>i) Flood risk management and planning</li> <li>j) Lead member for attracting national, regional and European funding to aid economic prosperity and regeneration into the City.</li> <li>k) Lead member for business engagement and development</li> <li>l) Council representative at national, regional and local forums to promote the city as a centre for business growth</li> <li>m) Lead on Digital Peterborough in support of our Smart City ambition.</li> </ul>
Lead Cabinet Member	Portfolio

<p>Cabinet Member for Communities.</p>	<ul style="list-style-type: none"><li>a) Responsibility for rural communities.</li><li>b) Responsible for neighbourhood and community support including strategic problem solving, enforcement and operational community issues and in particular the following:<ul style="list-style-type: none"><li>i) Community cohesion</li><li>ii) Community Safety</li><li>iii) Drugs prevention</li><li>iv) Targeted Youth Service including Youth Offending Service, Youth in Localities, NEET and adolescent services.</li></ul></li><li>c) Environmental protection and trading standards including functions of the Weights and Measures authority.</li><li>d) Food safety</li></ul>
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Councillor Wayne Fitzgerald <b>Deputy Leader &amp; Cabinet Member for Integrated Adult Social Care and Health</b>	<a href="mailto:Wayne.fitzgerald@peterborough.gov.uk">Wayne.fitzgerald@peterborough.gov.uk</a> Tel – 07860 955669	West
Councillor Diane Lamb <b>Cabinet Member for Public Health</b>	<a href="mailto:Diane.lamb@peterborough.gov.uk">Diane.lamb@peterborough.gov.uk</a> Tel – 07415 879181	Wittering
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