

## Scheme of Cabinet Delegations

### 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 take collective responsibility for any Executive decision that has significant implications across two or more portfolios.
- 3.2.3 To determine any key decision (as defined in Article 11 – Decision Making), with the exception of any time-critical, operational, or routine decision, which may be determined by the relevant portfolio holder.
- 3.2.4 To be responsible for budget planning, monitoring and expenditure/savings over £500,000, including Discretionary Rate Relief, with the exception of any time-critical, operational, or routine decision, which may be determined by the relevant portfolio holder.
- 3.2.5 To make decisions on actions relating to the awarding, assigning and termination of contracts over £500k, and waiving or granting exemptions to Contract Regulations where contracts are over £500k, with the exception any time-critical, operational, or routine decision, which may be determined by the relevant portfolio holder.

- 3.2.6 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.
- 3.2.7 To take a leading role in promoting the economic, environmental and social well-being of the area.
- 3.2.8 To determine policies or strategies that will have a significant impact on two or more wards.
- 3.2.9 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.
- 3.2.10 To review and recommend to Council changes to the Council's Constitution, protocols and procedure rules.
- 3.2.11 To lead the delivery of Business Transformation within the Council.
- 3.2.12 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.
- 3.2.13 To determine any conflicts of opinion or decision which may arise between two or more Cabinet Members exercising delegated executive functions.
- 3.2.14 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.
- 3.2.15 To determine responses to (and/or make recommendation to the Council, as appropriate) reports from the Monitoring Officer, external inspections and the Local Ombudsman.
- 3.2.16 To scrutinise auditors' reports and letters, to consider reports from the Council's external auditor and internal auditor, where appropriate, and determine appropriate responses.
- 3.2.17 Cabinet will be responsible for the following functions in relation to the Council's companies, partnership 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 and 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;
- (i) 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 Shareholder Cabinet Committee will have functions relating to all the Council's companies, partnerships and charities.

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 [expect company leads officers].

### **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 Executive Director of Corporate Services and s151 Officer and the Director of Law and Governance and Monitoring Officer will be advisors to the Shareholder Cabinet Committee.

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

An invitation to attend a meeting must also be provided to the Chair of the Growth, Resources and Communities Scrutiny Committee (or their nominated deputy) at least three clear days in advance of the meeting taking place.

### **Functions of the Shareholder Cabinet Committee**

- a) To monitor performance of the companies, partnerships, and charities in line with Cabinet approved business plans and particular the company's performance:
  - (a) in financial matters
  - (b) against the social goals of the company as set out in the company's Objects. Business Case or Business Plan; and against the values of the Council by means of monthly performance monitoring and scrutiny.
- b) To provide the necessary oversight from the shareholder's perspective and 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 evaluate and monitor the financial and social returns on investment and risks and opportunities including those arising from joint ventures or new opportunities.
- f) To oversee the relationships between 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.

- g) 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.
- h) 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, time-critical, operational, or routine key decisions, and 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 services area.
- 3.4.6 To be responsible for budget planning, monitoring and expenditure/savings over £500,000, where time-critical, operational or routine decisions, 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 time-critical, operational, or routine 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.

Lead Cabinet Member	Area
Leader of the Council	<ul style="list-style-type: none"> <li>• All functions of the Leader of the Council</li> <li>• Political leadership and strategic direction for the Council</li> <li>• Communications</li> </ul>
Deputy Leader and Cabinet Member for Housing and Communities	<ul style="list-style-type: none"> <li>• Deputising for the Leader in their absence, or at their instruction, in relation to all of the functions of the Leader</li> <li>• Rural communities and Parish Councils</li> <li>• Strengthening Communities and Think Communities</li> <li>• Community Relations, Cohesion and Integration,</li> <li>• Community safety and enforcement</li> <li>• Culture and Recreation</li> <li>• Homelessness and Rough Sleeping</li> <li>• Business Improvement District (BID)</li> </ul>
Cabinet Member for Legal, Finance and Corporate Services	<p>Responsibility for the Corporate functions of the Council including but not limited to:</p> <ul style="list-style-type: none"> <li>• Legal</li> <li>• Finance</li> <li>• Business Transformation</li> <li>• Governance</li> <li>• Commercial Strategy</li> <li>• Capital Programme</li> <li>• Treasury Management</li> <li>• Procurement</li> <li>• Registration/Bereavement Services</li> <li>• Commercial Partnerships, Property and Assets</li> <li>• HR</li> <li>• IT</li> <li>• Equality and Diversity</li> </ul>
Cabinet Member for Adults Services and Public Health	<p>Responsibility for the Adult Social Care and Public Health functions of the Council, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Care Act 2014 and Related Legislation</li> <li>• Safeguarding Adults and Deprivation of Liberty Safeguards.</li> <li>• Early Intervention and Prevention including Reablement, Therapy Services and Technology Enabled Care, Disabled Facility Grants</li> <li>• Care Act Assessments</li> <li>• Mental Capacity Act assessments</li> <li>• Mental Health, Learning Disabilities and Autism and Physical Disabilities.</li> <li>• Integrated Community Equipment</li> <li>• Commissioning and Market Sustainability</li> <li>• Better Care Fund</li> <li>• Integrated Care System (partnership and Integration)</li> </ul>

	<ul style="list-style-type: none"> <li>• Health and Social Care Act 2012 (as amended) and Related Legislation</li> <li>• Emergencies that present a risk to public health</li> <li>• Responsible for working in partnership with integrated care system.</li> <li>• Working in partnership with the Police, Probation Service and Prison Service regarding prison health and risks presented by offenders.</li> <li>• Oral Health and Water Fluoridation</li> <li>• Medical inspection and the treatment of pupils.</li> <li>• Sexual Health Services</li> <li>• Independent Mental Health and Mental Capacity Advocates</li> <li>• Health in Everything We Do</li> <li>• Children’s Public Health</li> </ul>
Cabinet Member for Children’s Services	<p>Responsibility for the Children’s Services functions of the Council, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Children’s Social Care, including all matters specifically provided for 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>• Safeguarding Children</li> <li>• Services for Looked After Children and Corporate Parenting</li> <li>• Early Help Services</li> <li>• Specialist Young People Services</li> <li>• Responsibility for Councils health related functions under Health Act 1975 in so far as they relate to children.</li> <li>• Targeted Youth Services</li> </ul>
Cabinet Member for Education and Skills	<p>Responsibility for the Education functions of the Council, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Education services (excluding certain functions relating to higher education and adult education)</li> <li>• School property maintenance and asset management (excluding disposal)</li> <li>• Learning and Skills for post 16 and for 16-25 year old learners with learning difficulties or disabilities</li> <li>• Educational Attainment of Looked After Children</li> <li>• SEND</li> <li>• Early Years</li> <li>• Skills Strategy</li> <li>• Higher Education and university provision</li> <li>• Adult Learning and Skills Service</li> <li>• City College</li> </ul>



Cabinet Member for Growth and Regeneration	<ul style="list-style-type: none"> <li>• Planning</li> <li>• Building Control, including the Building Act 1984 (as amended)</li> <li>• Economic Growth and Development</li> <li>• Housing Strategy</li> <li>• Tourism</li> <li>• City Centre Management and the operation of the City Market and events.</li> <li>• International affairs and relations, including twinning, liaison with countries on relevant matters, and promoting Peterborough as a positive place for investment.</li> </ul>
Cabinet Member for Infrastructure, Environment and Climate Change	<ul style="list-style-type: none"> <li>• Regulatory Services</li> <li>• Highways and Transport</li> <li>• Car parking strategy for the use of Council car parks and a charging policy.</li> <li>• Climate Change and Net Zero Ambition</li> <li>• Environment Strategy</li> <li>• Energy Strategy</li> <li>• Strategic Waste Management</li> <li>• Green and Open Spaces</li> <li>• Flood Risk Management and Planning</li> </ul>

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