

Relevant provisions to be inserted into Appendix 1 – Responsibility for Functions of the Constitution.

B. PRINCIPLES OF DELEGATION

The principles guide the allocation of responsibility for decision-making at Cabinet Member and Executive Director and Director level.

In respect of matters delegated from Cabinet to individual Cabinet Member, the focus would be on policy issues within the policy and expenditure frameworks agreed by Council/Cabinet:-

- Policy matters, internal to the service, and required to provide guidance to officers to ensure significant policy decisions are implemented
- Details of policy matters delegated by Cabinet once principles have been agreed
- Expenditure items not specifically detailed within Service Plans but not sufficiently significant in scale to refer to Cabinet
- Responses to consultation documents not referred to Cabinet.

In respect of matters delegated from Cabinet to Executive Directors or Directors in consultation with Cabinet Members, the focus would be on service management issues with policy or political implications (no surprises policy)

- Significant management decisions which could have an adverse or controversial impact on the delivery of services or achievement of agreed targets
- Development of Service Plans and Policy Statements for consideration by Cabinet

In respect of matters delegated from Cabinet to an Executive Director or Director these would relate solely to the management of services and resources covering:-

- Management of services within the framework of the Council Plan, Service Plans and Council policies and standards agreed by Members

- Management of resources within the framework of the corporate strategies (i.e. Financial, Information & Communications Technology, Procurement, Human Resources and Asset Management) agreed by Members.

C. SCHEME OF DELEGATION

Aims

Democratic accountability should be the key aim of the Scheme of Delegation together with:-

- Member authority for policy/strategic decisions
- Effective scrutiny of policy/strategic issues
- Officer responsibility for service delivery
- Effective monitoring of service performance.

Member Advantages

The Scheme of Delegation details below the decisions to be taken at the different levels. For Cabinet Members it will deliver the:-

- Ability to control key/strategic decisions in Council and Cabinet
- Opportunity to consider and shape policy within the Cabinet
- Involvement in Council Plan/Budget formulation in informal 'Star Chamber' type arrangements.

For individual Cabinet Members the advantages are:-

- Enhanced authority and responsibility to implement policy within agreed frameworks
- Increased ability to take speedier policy decisions
- Greater involvement in shaping service delivery in line with policy
- Improved information on service activities and executive decisions
- Improved service personal/political profile
- Protection of personal positions and interests through collective responsibility in Council/Cabinet and support from Executive Directors or Directors.

Other councillors will see improvements through:-

- Greater involvement, given the range of decisions proposed for Council
- An enhanced role through Improvement and Scrutiny Committees
- More responsibility for inspecting and monitoring service delivery within their local area
- Increased influence via the Sustainable Community Strategy Plan etc in shaping partner organisation activity.

Member-Officer Relationships

The Scheme of Delegation will only work effectively if there is mutual understanding and trust between Members and Officers.

However, to support the Scheme of Delegation and particularly where matters are delegated from Cabinet to Cabinet Member and Executive Directors or Directors, it is suggested that:-

- 'Service Plans' should be of sufficient detail to provide an effective framework for decisions
- Information on service delivery should be enhanced to ensure that members know what is going on without having to ask
- Protocols, or sets of criteria, for the detailed implementation of specific policy or service areas should be agreed between the Cabinet Member and Executive Directors or Directors
- The principle is reinforced that Executive Directors or Directors err on the side of caution in informing members of decisions that might have political implications
- Decisions delegated to officers within departments are dealt with in a structured way with proper records and audit trails so it is clear who is responsible and what the reasons were for the decisions.

E. CABINET

The Cabinet will be responsible for guiding the Council in the formulation of its corporate plan of objectives and key priorities. Within the policy framework, budgets and major plans approved by the full Council, the Cabinet will have Cabinet responsibility for the implementation of the Council's key goals and objectives.

It will operate within the Scheme of Delegations set out in this document.

The Leader chairs the Cabinet and appoints eight members as Cabinet Members and allocates cross-service Portfolio responsibilities to the Cabinet Members.

Matters for Cabinet

The Local Government Act 2000 delegates most functions to the Cabinet for example.

- Policy formulation within and across services
- Performance indicator and target setting
- Recommending Corporate Plans to Council
- Recommending Service Plans to Council
- Agreeing variations to Service Plans
- Monitoring Council Plan and Best Value targets
- Monitoring Service Plan delivery
- Preparing budget estimates
- Monitoring revenue/capital budget spend
- Reviewing progress on major capital schemes and other service developments
- Agreeing major organisational changes
- Agreeing virement between service areas
- Agreeing externally funded initiatives not included in Service Plans
- Agreeing detailed policy implementation criteria
- Agreeing Best Value Review reports
- Agreeing policy representations to Government
- Agreeing representation on 'larger than local' county, regional and national bodies.

F. CABINET MEMBER PORTFOLIOS

Cabinet Members are authorised to make decisions required in the area of their individual Cabinet Portfolio.

- (a) Cabinet Members may take policy, budget and expenditure decisions in accordance with the principles set out in paragraph Financial Regulations.
- (b) Cabinet Members may take decisions on tenders and contracts in accordance with Standing Orders In Relation To Contracts.
- (c) Cabinet Members may take decisions on virement, audit, debt write-off and placing of orders in accordance with Financial Regulations.
- (d) Cabinet Members may deal with certain petitions in accordance with the Council's Petition Scheme.
- (e) Cabinet Members may make decisions on:
 - (i) appointment of Members to outside bodies (Leader of the Council)
 - (ii) appointment of governors to local authority schools (Cabinet Member for Education)
 - (iii) attendance of other Members at courses and conferences
 - (iv) grants administered by the Council.
- (f) The Cabinet Member for Corporate Services may take decisions concerning the acquisition or disposal of land.

Strategic Leadership, Culture, Tourism and Climate Change

- Council Plan and overall Council strategy, policy and co-ordination
- Council performance
- Council budget strategy
- Climate Change
- Strategic lead Enterprising Council
- Strategic lead Vision Derbyshire
- Public Relations
- Policy & Research
- External Relations (East Midlands Councils, Local Government Association, Central Government & MPs)
- Regional Partnerships including Local Enterprise Partnership and D2 Economic Prosperity Committee
- Twinning
- Visitor Economy and Tourism
- Libraries and Culture

- Conservation and Heritage
- Strategic leadership of any matter of significant local, regional or national importance that may otherwise fall within another portfolio

Corporate Services and Budget

- Finance and Budget Monitoring
- Procurement
- Human Resources – Policy and Strategy
- Organisational Health and Safety
- Legal and Democratic Services
- Elected Member Development
- Property Rationalisation and Asset Management
- Efficiency and Value for Money
- Service Re-design
- Information and Communications Technology Services

Highways Assets and Transport

- Highways Assets and Highways Strategy
- Highways Asset Management and maintenance
- Highways Capital Programme
- Future Highways Model
- Highways Structures Management
- Road Safety
- Street Lighting
- Civil Parking enforcement
- Flooding and Drainage
- Public Transport
- Home to School Transport including SEN
- Adult Social Care Transport
- Community Transport
- Fleet Management and Maintenance

Infrastructure and Environment

- Environment and Natural Capital
- Countryside Services
- Local Nature Partnerships
- Strategic Planning and Local Planning Frameworks
- Minerals and Waste Planning

- Strategic Infrastructure (HS2, Chesterfield Staveley)
- Transport Strategy and Transport Planning (road, rail, other)
- Regional Transport Partnerships (Midlands Connect, Transport for Greater Manchester, Transport for the North and Transport for East Midlands)
- Digital Infrastructure
- Waste Strategy
- Waste Management
- Recycling
- Corporate Waste

Clean Growth and Regeneration

- Economic Development
- Economic Partnerships including Derbyshire Economic Partnership, International Partnership Boards
- Local Economic Strategy and Assessment
- Sector development
- Major regeneration projects
- Employment and Skills
- External Funding
- Inward Investment and Indigenous Growth
- Apprenticeships
- Business Support and Start-ups
- Markham Vale

Adult Care

- Adult Safeguarding
- Better Lives Programme
- Information, advice and assessment for people with social care needs
- Personalisation
- Commissioning and Procurement of Services
- Provision of in house services
- Social Care and NHS integration

Health and Communities

- Health and Wellbeing Board
- Relationship with the NHS CCG and Integrated Care Partnership
- Public Health, including:
 - Health improvement

- Healthcare related public health
- Health protection (infectious diseases and environmental health threats and preparedness)
- Prevention
- Health Inequalities
- Integration, including Integrated Care System
- Mental Health and Wellbeing
- Developing whole person wellbeing, health and care
- Strategic lead Thriving Communities
- Engagement with Communities
- Equalities
- Community Cohesion
- Community Consultation and Community Leadership
- Voluntary and Community Sector
- Crime and Disorder and Partnerships
- Domestic Violence
- Action on Drugs and Alcohol
- Emergency Planning
- Trading Standards
- District and Parish Council Liaison
- Registration Services
- Coroner Services

Children's Services and Safeguarding

- Designated Lead Member for Children's Services pursuant to Section 19 of the Children Act 2004
- Overall strategy and policy for all Children's matters, i.e. Education, Children and Families pursuant to the requirements of the Children Act 2004
- Children and Young People's Plan
- Corporate parenting
- Standards across statutory services
- Statutory multi-agency partnerships
- Early help relating to children and families
- Strategy for Special Educational Needs and Disability
- Vulnerable youth including young people missing education, those at risk of exploitation youth offending
- To act as champion for children and young people and in order to do so ensure the councils engagement with children and young people, parents and carers

Education

- Supporting the Cabinet Member for Children's Services and

Safeguarding as statutory lead member given the breadth of the portfolio by providing:

- additional capacity drive improvements in school standards and educational attainment
- liaison with schools, academies, colleges and other representatives of the education sector.
- Implementation of strategic direction as set by the Cabinet Member for Children's Services and Safeguarding in relation to education, schools, and SEND
- Implementation of policies and strategies agreed by the Cabinet Member for Children's Services and Safeguarding in relation to admissions, infrastructure, home to school transport policy and school organisation matter
- Implementation of policies and strategies agreed by the Cabinet Member for Children's Services and Safeguarding in relation to early years education and childcare
- Implementation of policies and strategies agreed by the Cabinet Member for Children's Services and Safeguarding in relation to provision for those children and young people at risk of educational exclusion for example those who are electively home educated, those in alternative provisions, and those who are missing education
- Post 16 education and skills policies and initiatives- including links with FE colleges, adult education, universities and training providers
- Education inclusion
- Educational outcomes for those at risk of poor outcomes
- Specialist education services including the music partnership, sports outdoor and recreation and education, school sports
- Governor appointment and development lead in line with local constitution