

Annual Council Meeting
18 May 2004
AGENDA ITEM 10

REPORT OF THE LEADER OF THE COUNCIL

The Cabinet delegation arrangements for inclusion in the Constitution are as follows:

3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

General

3.1 All the local authority functions that are not mentioned in the first two tables, or reserved to Council in Article 4, are executive functions. These are the responsibility of

- Individual members of the Executive (the Leader and members of the Cabinet)
- The Cabinet Meeting
- Cabinet Committees
- Area Sub-Committees (see 3.10 below)
- Joint Committees (see Article 11)
- Officers (see section 6 below)

Cabinet Members

3.2 Set out below is a table in the first column of which are listed the names, addresses and wards of Cabinet Members. The second column sets out each Cabinet member's functions and the third column summarises what has been delegated.

Executive Member and Portfolio	Responsibilities	Delegation
Cllr Victor Lyon 10 Charnwood Place Whetstone London N20 0PE Totteridge Ward LEADER	The Leader	The Leader may discharge any function of the Executive.

Executive Member and Portfolio	Responsibilities	Delegation
<p>Cllr. Lynne Hillan 20 Ashurst Road North Finchley London N12 9AX</p> <p>Brunswick Park Ward</p> <p>CHILDREN'S SERVICES, EDUCATION AND LIFELONG LEARNING</p>	<p>To lead on budget, policy formulation and implementation in relation to education. In particular, raising standards, ongoing education and services to schools. Early years provision. Children's Services.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to officers, in consultation with the Cabinet Member. These are set out in Paragraph 6 of Part 3 of the Constitution.</p>
<p>Cllr Peter Davis 5 Galley Lane Arkley, Barnet Herts, EN5 4AR</p> <p>Underhill Ward</p> <p>COMMUNITY DEVELOPMENT AND YOUTH</p>	<p>To lead on budget, policy formulation and implementation in relation to youth and community based service, parks and libraries.</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to</p> <ul style="list-style-type: none"> ▪ Area Sub-Committees as set out in paragraph 3.10 below. ▪ Officers, in consultation with the cabinet member, as set out in paragraph 6 of Part 3 of the Constitution.
<p>Cllr. Brian Coleman 1 Essex Park Finchley London N3 1ND</p> <p>Totteridge Ward</p> <p>ENVIRONMENT</p>	<p>To lead on budget, policy formulation and implementation on environmental and safety services. In particular, a healthy environment, street based services, highways and parking provision, and private sector rented housing.</p>	<p>The general powers delegated to Cabinet Members are set out below</p> <p>Certain functions are delegated to</p> <ul style="list-style-type: none"> ▪ Area Sub-Committees as set out in paragraph 3.10 below. ▪ Officers, in consultation with the cabinet member, as set out in paragraph 6 of Part 3 of the Constitution.

Executive Member and Portfolio	Responsibilities	Delegation
<p>Cllr. Brian Salinger 32 The Ridgeway London N11 3LJ</p> <p>Oakleigh Ward</p> <p>HOUSING AND ENVIRONMENTAL HEALTH</p>	<p>To lead on budget, policy formulation and implementation in relation to housing (and benefits), neighbourhood development and environmental health.</p>	<p>The general powers delegated to Cabinet Members are set out below</p> <p>Certain functions are delegated to</p> <ul style="list-style-type: none"> ▪ Area Sub-Committees as set out in paragraph 3.10 below. ▪ Officers, in consultation with the cabinet member, as set out in paragraph 6 of Part 3 of the Constitution.
<p>Cllr. Kanti Patel Poonam Villa 12a Woodside Lane North Finchley London N12 8RG</p> <p>High Barnet Ward</p> <p>BOROUGH DEVELOPMENT AND PLANNING</p>	<p>To lead on budget, policy formulation and implementation in relation to regeneration and development. In particular, economic development, town centre regeneration, planning and building control</p>	<p>The general powers delegated to Cabinet Members are set out below</p> <p>Certain functions are delegated to</p> <ul style="list-style-type: none"> ▪ Area Sub-Committees as set out in paragraph 3.10 below. ▪ Officers, in consultation with the cabinet member, as set out in paragraph 6 of Part 3 of the Constitution.
<p>Cllr. Maureen Braun 42 Sherwood Road Hendon London NW4 1AD</p> <p>Hendon Ward</p> <p>SOCIAL CARE</p>	<p>To lead on budget, policy formulation and implementation in relation to social services. In particular, adult social services and care in the community</p>	<p>The general powers delegated to Cabinet Members are set out below.</p> <p>Certain functions are delegated to Officers, in consultation with the cabinet member, as set out in Paragraph 6 of Part 3 of the Constitution.</p>

Executive Member and Portfolio	Responsibilities	Delegation
<p>Cllr. Katia David 16 Oakleigh Park South London N20 9JU</p> <p>High Barnet Ward</p> <p>HUMAN RESOURCES, SOCIAL INCLUSION AND EQUALITIES</p>	<p>To lead on budget, policy formulation and implementation on all matters relating to personnel, equalities and access to services.</p>	<p>The general powers delegated to Cabinet Members are set out below</p> <p>Certain functions are delegated to Officers, in consultation with the cabinet member, as set out in Paragraph 6 of Part 3 of the Constitution.</p>
<p>Cllr Anthony Finn 4 Cheyne Walk Hendon London NW4 3QJ</p> <p>Hendon Ward</p> <p>RESOURCES</p>	<p>To lead on budget, policy formulation and implementation in relation to resources. In particular finance and property services.</p>	<p>The general powers delegated to Cabinet Members are set out below</p> <p>In addition this Cabinet Member has the power to agree virements up to £250,000 in consultation with Resources Cabinet Committee and to accept the highest bid on a proposed property disposal subject to that bid not exceeding £1,000,000 and no more than 10% below the estimated disposal value.</p> <p>Certain functions are delegated to Officers, in consultation with the cabinet member, as set out in Paragraph 6 of Part 3 of the Constitution.</p>

Executive Member and Portfolio	Responsibilities	Delegation
Cllr. Mike Freer 23 Claverley Grove Finchley London N3 3DG Finchley Church End Ward VALUE AND EFFECTIVENESS	To lead on budget, policy formulation and implementation in relation to effectiveness and value of Council services, risk management, Asset Management Plan, IT and the distribution of grants. In particular, the monitoring of delivery and effectiveness of services.	The general powers delegated to Cabinet Members are set out below. In addition this cabinet Member may approve grant to voluntary organisation, up to £20,000 per annum Certain functions are delegated to Officers, in consultation with the cabinet member, as set out in Paragraph 6 of Part 3 of the Constitution.

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3.3 Cabinet Members general powers may be summarised as

1. To discharge the executive functions that fall within their portfolio, whether or not they are also delegated to officers except for matters specifically reserved to Council, Cabinet or cabinet committees.
2. To consider consultation documents, other than those referred to the Executive and, in consultation with the appropriate officers determine whether the Council's response needs to be approved by them or by the appropriate Director or Chief Officer.
3. To authorise inviting tenders for contracts for approved schemes in excess of £75,000 provided that a written estimate of the total cost of the contract had first been obtained.
4. To accept, subject to paragraph 2.2.1 of the Contract Procedure Rules, tenders or quotations for works or supplies valued in excess of £75,000 but not more than £250,000 within their portfolio. This must be following consultation with the Cabinet Member for Resources or the Leader in cases where the Cabinet Member for Resources is the appropriate portfolio holder.
5. To approve any non-statutory plan or strategy requiring approval by the Executive and not reserved to the Cabinet for decision in paragraph 3.8.

3.4 Except in cases of urgency, they will not normally take delegated decisions if they

- involve something other than the implementation of an annual Performance Management Plan or a decision previously taken by Council, Committee or Cabinet.
- are key decisions as defined in Article 13 of the Constitution.

Explanatory Note

This covers urgent (not emergency) decisions that were not anticipated within the budget or PMP but nevertheless relate to everyday business, not major changes/decisions outside the approved budget and 11 statutory plans.

Example : school heating system fails at the beginning of the autumn term.

Cabinet Committees

3.5 Cabinet Committees may discharge the executive functions that fall within their terms of reference, whether or not they are also delegated to officers, except for matters specifically reserved to Cabinet. The Rules in Part 4 of the Constitution may reserve certain decisions to cabinet committees.

3.6 The Cabinet Committees are:

Committee	Functions	Membership
Resources	<p>Capital and revenue finance, forecasting, monitoring, borrowing and taxation.</p> <p>To consider reports on treasury management strategy and activity, including creating and maintaining a Treasury Management Policy Statement.</p> <p>Grants and loans from all sources to voluntary organisations. (Grants above £50,000 are reserved to the Cabinet)</p> <p>Monitor the trading position of appropriate council services, carry out debt analysis and look at income sources and charging policies.</p> <p>To write off debt.</p>	<p>Councillor Anthony Finn (Chairman) Councillor Mike Freer Councillor Victor Lyon Councillor Brian Coleman Councillor Lynne Hillan Councillor Kanti Patel</p>

Committee	Functions	Membership
	<p>To determine external or cross-boundary trading limit.</p> <p>To agree exceptions to standing orders, all decisions relating to approved lists and agreed national registers, authorise post tender negotiations and accept tenders which are not the lowest.</p> <p>To agree externalisation contracts including any proposal to appoint external cash investment managers.</p> <p>Approval of schemes not in performance management plans but not outside the Council's budget or policy framework.</p> <p>All matters relating to land and buildings owned, rented or proposed to be acquired or disposed of by the council.</p>	
<p>Equalities and Social Inclusion</p>	<p>To develop a social inclusion strategy for the Borough.</p> <p>To oversee the promotion and delivery of the council's social inclusion strategy.</p>	<p>Councillor Katia David (Chairman) Councillor Peter Davis Councillor Anthony Finn Councillor Maureen Braun</p>

Committee	Functions	Membership
	<p>To develop and approve equalities policies, strategies and practice across the council in relation to both employment and service delivery.</p> <p>To consider in detail service equalities audits and to monitor the implementation of equalities audits action plans.</p> <p>To continue to support and review the integration of equalities in the Best Value Review process.</p> <p>To ensure the effective implementation of new legislation as it relates to the Council's policy and practice eg Disability Discrimination Act 1995, Human Rights Act 1998, Race Relations Amendment Act 2000 etc.</p>	
ICT	<p>To develop and recommend to Cabinet for adoption an e-Government strategy and associated ICT policies and strategies</p> <p>To submit to Cabinet each year detailed proposals for all council ICT expenditure in the coming year for consideration as part of the budget and forward plan process.</p> <p>To monitor the implementation of the e-Government and ICT strategies.</p>	<p>Councillor Mike Freer (Chairman) Councillor Anthony Finn Councillor Katia David Councillor Victor Lyon</p>

Committee	Functions	Membership
	<p>To co-ordinate and decide priorities for the development of e-government and ICT systems and projects to achieve the council's modernisation objectives in accordance with the approved strategies.</p> <p>All matters relating to the purchase or leasing of ICT equipment and software, provided that it is in accordance with the approved e-Government and ICT strategies and the Council's budget and policy framework.</p> <p>To oversee the performance of the IT service and the balance between internal and external service provision.</p> <p>For ICT contracts, to agree exceptions to standing orders, all decisions relating to approved lists and agreed national registers, authorise post tender negotiations and accept tenders including those which are not the lowest.</p>	

Cabinet

- 3.7 The Cabinet Meeting may discharge any executive functions whether or not they are also delegated to officers.
- 3.8 The following decisions are reserved to the Cabinet meeting
- Those so reserved in the Rules in Part 4 of the Constitution
 - Considering an executive function delegated to an area environment sub-committee referred to it for a decision.
 - Considering policy initiatives, initiating new policy proposals and determining the way in which policy reviews will be carried out.
 - Determining responses to consultation documents on proposals which could result in the council having to provide a new service, discontinue an existing one or change service provision in such a way that there are budgetary implications.
 - Determining whether meetings relating to non-key decisions will be held in public or private.
 - Agreeing budget virements of up to £2.5m and applications of up to 50% of the latest estimated general fund of housing revenue account balances and to make recommendations to Council on virements over these amounts and those over £100,000 where the amount is more than 10% of the budget head.
 - Grants to voluntary organisations above £50,000.
 - Considering recommendations made to them by overview and scrutiny committees.
 - A decision to adopt, or recommend to Council for adoption, a plan or strategy reserved to Cabinet as listed below, or the Council's budget and virement limits.

This includes the following:

Statutory Framework Policies – For Council Decision

- Best Value Performance Plan
- Children's Services Plan
- Community Plan
- Crime and Disorder Reduction Strategy (incorporating Drug and Alcohol Team Strategy)
- Education Development Plan
- London Transport Strategy – Local Implementation Plan
- Plans and strategies comprising the UDP
- Youth Justice Plan
- Single Education Plan (from 2005)

Plans and Strategies for Cabinet Decision

- ◆ Corporate Plan
- ◆ Food Law Enforcement Service Plan
- ◆ Housing Strategy

- ◆ Homelessness Strategy
- ◆ Adult Learning Plan
- ◆ Behaviour Support Plan
- ◆ School Organisation Plan
- ◆ Equalities Policy
- ◆ Race Equality Scheme
- ◆ Rights of Way Improvement Plan
- ◆ Waste Plan
- ◆ Accessibility Plan
- ◆ Civil Contingencies Plan (subject to confirmation)
- ◆ Local Development Framework and Supplementary Planning Guidance (subject to confirmation)

Non-statutory plans and strategies for approval by the Executive and not listed above will be approved by the relevant Cabinet member.

3.9 In taking decisions the Executive must act within the law and the Council's Constitution.

Area environment sub-committees

3.10 Area environment sub-committees as well as discharging council functions (see Part 3, Section 2 – Responsibility for Council Functions) perform functions that are the responsibility of the Executive as set out below.

Body responsible	Functions	Membership
Area Environment Sub-Committees	<p>To discharge the Executive's functions, within the boundaries of their areas, in accordance with council policy and within budget, apart from matters of significance to the whole borough or crossing sub-committee boundaries that relate to:</p> <ul style="list-style-type: none"> • Highways use and regulation not the responsibility of the Council <p>(Explanatory note: The Council's highways functions are limited to: - creating, stopping up and diverting footpaths and bridleways - asserting and protecting public rights to use highways - removing things deposited on highways which cause nuisance. All other highways functions are the responsibility of the Executive.)</p> <ul style="list-style-type: none"> • Town centre regeneration and management, including the operation of council markets • Private sewers, drains, public conveniences, land drainage and 	1 councillor for each ward in the area, with a substitute member for each ward.

Body responsible	Functions	Membership
	<p>water courses</p> <ul style="list-style-type: none"> • Refuse collection, cleansing, litter, waste and recycling • Day-to-day promotion, management and development of: <ul style="list-style-type: none"> - parks, open spaces, allotments, recreation and leisure facilities; - libraries, museums, arts and tourism facilities • Local nature reserves, sites of special scientific interest and other controlled areas • Day-to-day environmental issues and management of land on council housing estates • Cemeteries and crematoria • Making recommendation to Cabinet on the designation of conservation areas 	

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4. LIMITATIONS ON DELEGATION TO COUNCIL COMMITTEES AND SUB-COMMITTEES

4.1 Committees and sub-committees of the Council are authorised to discharge all functions within their terms of reference with the exception of:

- Those matters referred to in the above tables
- Decisions reserved to the Council meeting in Article 4 of the Constitution

4.2 The Area Planning Sub-Committees can take decisions within their terms of reference provided they are not within the list of matters reserved to the Planning and Environment Committee, or contrary to Council policy or outside budget.

4.3 Area environment sub-committees may take decisions within their terms of reference provided they are not matters of significance to the whole borough, contrary to Council policy or outside budget and subject to the limitation for deciding matters crossing sub-committee boundaries as set out in Article 10 of the Constitution.

5. MEMBERS' RIGHTS TO REFER MATTERS TO PARENT BODY

5.1 Any committee listed in the following schedule may decide to report on any matter to Council and any sub-committee may report to its parent committee.

In such cases the decision is reached by the usual process, such as a majority vote. The report may make recommendations or seek instructions.

- 5.2 A chairman of an area sub-committee may refer the sub-committee's recommendations up to the parent committee.
- 5.3 A specified number of members of a committee or sub-committee (see the table below) may require that a matter on which the committee or sub-committee had proposed to take action is referred up to the next meeting of the Council or the parent committee to which the committee or sub-committee would ordinarily report, subject to the exceptions set out in 5.5, 5.6 and 5.7 below.
- 5.4 In such a case:-
- 5.4.1 for committees, the action the committee had proposed to take will be recommended to the Council;
- 5.4.2 for sub-committees, the action the sub-committee had proposed to take will be recommended to the committee;
- 5.4.3 no action shall be taken on the matter in the meantime.
- 5.5 The first exception is that no matter that has been the subject of a decision by the Council or, in the case of sub-committees, the parent committee in the previous six months may be referred up.
- 5.6 The second exception is Area Planning Sub-Committees, no matter relating to the regulatory and enforcement functions of the Council relating to town and country planning and the control of buildings and new streets may be referred up.
- 5.7 The third exception is the Planning and Environment Committee, no matter relating to the regulatory and enforcement functions of the Council relating to town and country planning may be referred up to the Council meeting.

Committee/Sub-Committee	No. of members required to support a reference	Council/parent committee
Planning and Environment	6	Council
Area planning sub-committees	2	Planning and Environment
Area environment sub-committees (council functions)	2	Planning and Environment
Area environment sub-committees (executive functions)	2	The Executive

Committee/Sub-Committee	No. of members required to support a reference	Council/parent committee
General Functions Committee	3	The Council

5.8 Where area environment sub-committees are discharging executive functions a reference up can only be to the Executive.

5.9 This provision shall not apply to Appeals Committees, Overview and Scrutiny Committees and Chief Officers Appointments, Investigating and Disciplinary Panels.

6. POWERS DELEGATED TO OFFICERS

General Powers

6.1 Chief Officers (ie the Chief Executive, Directors and Heads of Service as listed in Article 12) can take decisions, in consultation with the Cabinet Member concerned:

- to discharge the functions allocated to them or dealt with by them or their staff, except for matters specifically reserved to Executive Members, Cabinet meeting, Cabinet Committees, Committees or Council.
- in all matters where they have managerial or professional authority
- to authorise and accept quotations for contracts up to £75,000 for approved schemes with sufficient estimate provision.
- to agree settlements of up to £1,000 subject to budget and audit trails.
- to agree financial settlement where recommended by the Ombudsman or a Court.
- without exception, in cases of emergency.

Explanatory Note

This covers emergency decisions that were not anticipated within the budget or PMP but nevertheless relate to everyday business, not major changes/decisions outside the approved budget and 11 statutory plans.

Example : school heating system fails during mid-winter, or a school roof collapses today.

6.2 They may use whatever means they consider appropriate to discharge those functions, including

- incurring expenditure and collecting income
- engaging and deploying staff
- deploying other resources within their control
- placing contracts and procuring other resources within or outside the Council.

- 6.3 Besides having delegated powers to deal with executive matters, specific chief officers have powers to deal with regulation, licensing and enforcement matters which are functions for which the Council is responsible.
- 6.4 All Directors and Chief Officers will draw up a list of specific powers delegated to them which is published on the intranet.

Specific Powers

- 6.5 In addition, in consultation with the Cabinet member concerned:
- Strategic Directors have the power to agree virements up to £100,000 between Budget Heads, and
 - Heads of Service, the power to agree virements up to £100,000 within a budget head.
- 6.6 The Borough Treasurer has the powers set out in the Financial Standing Orders and in particular:
- To agree to revenue or capital expenditure not provided for within the control budget being incurred if the Borough Treasurer is satisfied that it is wholly reimbursable to the Council, or compensatory savings have been identified. In all circumstances the expenditure must be consistent with performance management plans.
 - To take the most appropriate form of borrowing from the approved sources, and to make the most appropriate form of investments in approved instruments.
 - Subject to a report being submitted to Resources Cabinet Committee on the action taken, to write off debt up to £5,000, in consultation with the Borough Solicitor.
- 6.7 The following Officers also have the powers indicated:
- the Borough Treasurer to make grants to voluntary organisations up to £2,000 per annum.
 - the Director of Economic and Community Development, in consultation with the Cabinet Members for Resources to make decisions about:
 - leases of not more than 30 years,
 - licences and easements,
 - to acquire land for under £5,000 and
 - to dispose of interests in property for consideration not exceeding £100,000 plus proper fees.

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Restrictions and Conditions

- 6.8 Directors and Chief Officers will not take decisions that are reserved to another decision making body under this constitution, and in particular
- they will only take Key Decisions as defined in Article 13 of the

Constitution, or which do not involve the implementation of an annual Performance Management Plan or a decision previously taken by Council, Committee or Cabinet, if it is impractical for the relevant Executive Member to do so

- they will only take decisions that are reserved to Council or Cabinet under this Constitution in an emergency and if it is lawful for them to do so.

6.9 When exercising delegated powers officers must act within the law and the Council's constitution, and follow Council policy and the lawful instructions of Council Committees and the Executive. If exceptionally they need to depart from Council policy or those instructions, they must report to the relevant body as soon as possible.

6.10 Key decisions taken by officers will be published and recorded in accordance with the Access to Information Procedure Rules. Other decisions taken by officers must be recorded and made available to members of the Council either as individual or summary decisions published on the Members Intranet or as a performance indicator reported to an Overview and Scrutiny Committee,

6.11 They may authorise other officers to exercise these powers in practice, but they are taken in their name and they remain their responsibility.

6.12 Emergency action taken under delegated powers must be reported to the relevant body as soon as possible.

7. JOINT ARRANGEMENTS

The following are the joint arrangements for the discharge of functions which are the responsibility of the Executive:

- London Boroughs Grants Scheme under Section 48 Local Government Act 1985.
- Transport Committee for London agreement dated 15 January 1998.
- Association of London Government agreement dated 1 April 2000.

Victor Lyon
Leader of the Council