

## CHAPTER 2 – 5 - CABINET SCHEME OF DELEGATION

Under Section 15 of the Local Government Act 2000, The Leader of the Council has the power to delegate some Cabinet functions to individual members of the Cabinet

This document shows what delegations are in place. It can be changed by the Leader at any time but he/she shall notify the Monitoring Officer within 5 days of amending it.

Decisions taken by Cabinet Members/Officers carry the same weight as any decision taken by the decision making body and they must therefore consider all implications and the [Decision Making Principles](#) prior to taking delegated decisions and must ensure constitutional requirements are adhered to.

### **Delegated authority to make Decisions**

- 1.0 The Leader is personally responsible for the discharge of all Cabinet Functions and may take any decision in relation to any such function, whilst recognising the specific and/or statutory responsibilities placed on individual portfolio holders.

Any delegation is without prejudice to the Leader's ability to exercise these powers notwithstanding the delegation. The Leader may exercise any function which is designated as a Cabinet function under the law or under the Cabinet Functions and Procedure Rules. It should be noted that Section 15 of the Local Government Act 2000 gives all executive functions to the Leader, who may delegate them to the Cabinet, a Committee of the Cabinet, individual Cabinet Members, Officers or Joint Committees.

### **2.0 How to use delegated authority**

- 2.1 In using a delegation, Members and Officers shall comply with

- The [Budget and Policy Framework](#) set by Council
- The decision making principles set out in the [Access to Information Procedure Rules](#)
- Statutory Requirements
- [Contract Procedure Rules](#)
- [Financial Procedure Rules](#)
- Consideration of relevant policies
- The [Employee Code of Conduct](#) if relevant
- The Member Code of Conduct if relevant
- The reservations contained with this Scheme of Delegation
- The Leader's wishes
- Budgetary provisions
- Advice from the [Chief Executive](#), the [Monitoring Officer](#) or the [Chief Finance Officer](#)
- Any provision contained within the Constitution

- 2.2 Where an Officer or Portfolio Holder has delegated powers, Cabinet can still exercise that power in a particular case if it considers it appropriate to do so or the Leader directs them to.

### **Matters delegated to Cabinet Members**

- 2.3 The Leader delegates all Cabinet Functions which fall within the portfolio of each Cabinet Member to that Cabinet Member who may take any decision in relation to those functions subject to the reservations in the lists below and to the Leader's directions in respect of controversial, high profile and/or financially significant decisions.

Portfolios are attached at Appendix A.

### **Matters delegated to Officers**

- 2.4 The Leader delegates all Cabinet Functions to Chief Officers. Those Officers must exercise their delegations in accordance with the [Officer Scheme of Delegation](#) in its entirety subject to the reservations in the list below and the Leader's directions in respect of controversial, high profile and/or financially significant decisions. Chief Officer's areas of responsibility are attached at Appendix B.

### **3.0 Functions reserved to the Leader**

- 3.1 The following functions have been reserved to the Leader and delegations can not be exercised

	<b>Functions Reserved to the Leader</b>
1	To lead on implementing the Council's policy and budget decisions
2	To provide leadership of the Council by setting the strategic direction and key priorities and overseeing the development of the financial strategies.
3	To represent the Council in the community and in negotiations with regional and national public service organisations
4	To be the lead spokesperson for the Council and deal with external relations with partners and other stakeholders.
5	Overall responsibility for the performance framework, including the monitoring of targets.
6	To lead and co-ordinate the Council's work on key cross-cutting policy areas such as equalities, sustainability and communications.
7	To appoint a Deputy Leader
8	To appoint up to 9 Councillors to be members of the Cabinet.
9	To allocate to each member of the Cabinet areas of responsibility to be known as Portfolios.
10	To provide leadership to the Cabinet and chair Cabinet meetings and major partnerships as necessary and ensure the efficient despatch of business consistent with the Council's policies and strategies.
11	To notify the Monitoring Officer of the allocation of responsibility so that the information can be published in the Constitution.
12	In the absence of a Cabinet member the taking of responsibility for all relevant matters within the remit of the Cabinet.
13	Where the Leader judges it to be the most suitable course of action, the Leader may require any decision proposed by one or more Portfolio holder to be taken by the Cabinet.
14	To exercise discretion to personally discharge any Cabinet functions or make arrangements for their discharge by the Cabinet, another member of the

	Cabinet, a committee of the Cabinet or to an officer - without prejudice to the Leader's continued power to discharge that function.
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### **Matters reserved to Cabinet**

- 3.2 The following matters shall be considered by Cabinet as a whole and Cabinet Members or Officers should not use delegated authority.

	<b>Functions Reserved to Cabinet</b>
1	Any decisions which in the opinion of the Leader should be determined by Cabinet
2	Proposing the Budget and Policy Framework and Capital Programme to the Council
3	Approving the Risk Management Strategies and Policies and reviewing the effectiveness of Risk Management Arrangements.
4	Approval to the carry forward of underspends in excess of £500,000
5	Approval of in year budget reallocations up to a limit of £50,000.
6	Reallocation of capital budgets which do not exceed the overall capital programme.
7	Authorising the Chief Finance Officer to write-off bad or doubtful debts of £5,000 or over.

Signed .....

Leader of the Council

Date .....

The following are the Council's Cabinet Portfolios (which may be varied from time to time by the Leader):

Portfolio Holder	Areas of responsibility	Corporate Strategy
<b>Leader</b>	<ul style="list-style-type: none"> <li>• Providing overall Leadership and direction for the Council</li> <li>• Corporate Strategy and Policy Development</li> <li>• Corporate Plan delivery</li> <li>• Corporate Performance</li> <li>• Risk management</li> <li>• Corporate Communications – spokesperson for the Council</li> <li>• Delivery of the MMDR</li> </ul>	Priorities 1-6
<b>Growth and Prosperity (and Deputy Leader)</b>	<ul style="list-style-type: none"> <li>• Town Centre including car parks</li> <li>• Economic Growth and Inward Investment</li> <li>• Major Developments (inc utilisation of council assets)</li> <li>• Housing Delivery (council and private sector)</li> <li>• Infrastructure (inc digital infrastructure)</li> <li>• Planning Policy</li> <li>• Tourism, Events and Place Promotion</li> <li>• Melton Place Board representative</li> <li>• Culture and Heritage</li> <li>• Capital Projects and Regeneration inc new leisure facilities for Melton</li> <li>• Performance of Development Management Services – oversight of Planning Services Review</li> <li>• Conservation and Sustainability</li> <li>• Development of Country Park and other open spaces</li> <li>• Building Control</li> <li>• Land Charges</li> <li>• Inclusive Growth – tackling economic inequality</li> </ul>	Priority 3
<b>Corporate Finance and Resources</b>	<ul style="list-style-type: none"> <li>• Finance</li> <li>• Debt Management</li> <li>• Human Resources</li> <li>• Corporate Health and Safety</li> <li>• Learning and Development</li> <li>• ICT Operations</li> <li>• Procurement</li> <li>• Commercialisation</li> <li>• Corporate Property and Assets</li> </ul>	Priority 5

<b>Climate, Access and Engagement</b>	<ul style="list-style-type: none"> <li>• Governance and Democratic Services</li> <li>• Parish Council liaison &amp; Rural Communities</li> <li>• Resident engagement and embedding services in communities</li> <li>• Equalities and accessibility</li> <li>• Community grants and community lottery</li> <li>• Data Management, GDPR and FOIs</li> <li>• Electoral Services</li> <li>• Member Development Champion</li> <li>• Legal</li> <li>• Customer access, website and telephony experience</li> <li>• Environmental protection and place based enforcement (inc planning and licensing)</li> <li>• Environmental Health inc Private Sector Housing</li> <li>• Licensing</li> <li>• Lightbulb and Disabled Facilities Grants Housing and Communities</li> <li>• Climate Change</li> </ul>	Priority 1, 4 & 6
<b>Housing and Communities</b>	<ul style="list-style-type: none"> <li>• Council housing assets, maintenance and repairs</li> <li>• Landlord health and safety</li> <li>• Council housing tenancy management</li> <li>• Council house lettings</li> <li>• Homelessness and Housing Options</li> <li>• HRA Business Plan</li> <li>• Community Safety and Priority Neighbourhoods</li> <li>• Support to vulnerable people; including older people and Lifeline services</li> <li>• Complex case management</li> <li>• Inclusive Growth – tackling social inequality</li> <li>• Safeguarding</li> <li>• Well-being, physical activity and leisure centre contract management</li> <li>• Revenues and Benefits</li> <li>• Waste Services</li> <li>• Environmental Services (cleansing and maintenance)</li> <li>• Burial Services</li> </ul>	Priority 2

## Chief Officers

Chief Officers are delegated authority to take any decision in relation to the functions within their area of service responsibility as detailed in this Constitution. This includes but is not limited to the ability to exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible, take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of the Council, sign licences and notices and place orders for goods and services relevant to their service areas and increase fees and charges in line with the [Financial Procedure Rules](#). For clarity this includes all operational Human Resources matters relevant to their area of responsibility.

Post	Area(s) of Responsibility
<b>(a) Chief Executive</b>  <b>(b) <u>Statutory Officer:</u></b>  <b>Head of Paid Service</b>	Returning Officer for local elections  Acting Returning Officer for parliamentary elections  Overall responsibility for the delivery of all Council services  All staffing matters except for restrictions contained within the Employment Procedure Rules.
<b>(c) Director for Housing and Communities</b>	Housing and Neighbourhoods <ul style="list-style-type: none"> <li>- Housing management function</li> <li>- Customer Services</li> <li>- Homelessness and housing options</li> <li>- Community Safety</li> </ul> Waste and Environmental Management  Housing Assets; repairs and maintenance  Revenues and Benefits  People Services <ul style="list-style-type: none"> <li>- Health and well-being</li> <li>- Leisure and physical activity, including Leisure centre contract management</li> <li>- Complex case work including Me and My Learning and Intensive Housing Management</li> <li>- Assistive Technology</li> <li>- Assets of Community Value</li> </ul>

<b>(d) Director for Governance and Regulatory Services</b>	<p>Governance</p> <ul style="list-style-type: none"> <li>- Legal</li> <li>- Information Governance</li> <li>- Complaints</li> <li>- Democratic Services</li> <li>- Elections</li> </ul> <p>Regulatory Services</p> <ul style="list-style-type: none"> <li>- Licensing</li> <li>- Environmental Health</li> </ul>
<b>(e) Director for Corporate Services</b>	<p>Finance</p> <p>Procurement</p> <p>Internal and External Audit</p> <p>ICT</p> <p>Corporate Planning and Improvement</p> <p>HR &amp; Communications</p> <p>Communications and Marketing</p>
<b>(f) Director for Growth &amp; Regeneration</b>	<p>Growth &amp; Regeneration</p> <p>Corporate Property and Assets</p> <p>Strategic Planning and Delivery:</p> <ul style="list-style-type: none"> <li>- Development Control</li> <li>- Building Control</li> <li>- Local Plan and Planning Policy</li> <li>- Private Sector Housing and DFG's</li> </ul> <p>Emergency preparedness and response; Business Continuity</p> <p>Climate Change</p>