



## Report of the Assistant Chief Executive (Corporate Governance)

### Full Council

Date: 12 December 2007

### Subject: Executive Member appointment and amendments to the constitution

#### Electoral Wards Affected:

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

### Executive Summary

1. Further to the resignation of Councillor Harris as an executive member, this report notifies council that from 3<sup>rd</sup> December:
  - Councillor Brett replaced Councillor Harris as deputy leader and now holds the central and corporate portfolio; and
  - Councillor Golton was appointed as the Lead Executive Member, Children's Services.
2. This report also notifies council of amendments to the officer delegation scheme (executive functions) approved by the leader on 3 December 2007. These follow the report to the executive board on 9 February 2007, on the council change programme, and the recent appointment of a Chief Highways Officer.
3. The main amendments are:
  - Highways functions and commercial services delegations have been transferred from the Director of City Services to the Director of City Development and the Director of Resources respectively; and
  - concurrent delegations have been given to the Chief Highways Officer in relation to highways functions.
4. In addition, under authority delegated to her under Article 15, the Monitoring Officer can approve consequential amendments to the constitution, following these amendments. These are also outlined in this report for information.

## **1.0 Purpose Of This Report**

- 1.1 This report notifies council about the appointment of a new deputy leader, a new Executive Member and re-allocation of executive portfolios, following the resignation of Councillor Harris, as an Executive Member.
- 1.2 This report also notifies council about amendments to the officer delegation scheme (executive functions), in accordance with Executive Procedure Rule 1.4.

## **2.0 Background Information**

- 2.1 As Members will know, Councillor Harris resigned his position as Executive Member with effect from 30 November when his term of office as leader finished.
- 2.2 At their meeting of 9 February, the Executive Board endorsed proposals to reduce the number of strategic service directors to four. Under these proposals, functions delegated to the Director of City Services are to be withdrawn in a phased way, and delegated to other Directors.
- 2.3 Executive Board on 9 February, also endorsed proposals to bring together the separate traffic and highways functions which are currently delegated to both the Director of City Development and the Director of City Services, and noted the intention to establish a new post of Chief Highways Officer. An appointment has now been made to this post.

## **3.0 Main Issues**

### **Executive Members/portfolios**

- 3.1 The leader has now confirmed that from 3<sup>rd</sup> December:
- Councillor Brett is deputy leader and holds the central and corporate portfolio; and
  - Councillor Golton is the Lead Executive Member, Children's Services.
- 3.2 These changes will therefore be reflected in Sections 3A and 3B (a) of Part 3 of the constitution.

### **Amendments to the officer delegation scheme (executive functions)**

- 3.3 With effect from 3 December 2007, the leader amended the officer delegation scheme (executive functions) as follows:
- highways functions delegations were withdrawn from the Director of City Services and delegated to the Director of City Development; and
  - commercial services functions were withdrawn from the Director of City Services and delegated to the Director of Resources.
- 3.4 A table summarising the changes, is attached as appendix 1 to this report.
- 3.5 Annexes to the table, which are the revised delegations, are also attached for information.
- 3.6 As the Chief Highways Officer has now been appointed, the leader has now delegated all executive highways functions concurrently to the Director of City Development and the Chief Highways Officer.

- 3.7 The officer delegation scheme (executive functions) general delegations to officers, which delegate authority in respect of function which are common to all Directors, has also been amended to extend to the Chief Highways Officer.

### **Consequential amendments**

- 3.8 By virtue of Article 15 of the Constitution, the Assistant Chief Executive (Corporate Governance) has delegated authority to approve consequential amendments to the constitution, to implement decisions of the council or the executive. These were needed to:
- The officer delegation scheme (council functions), to transfer council highways functions concurrently to the Director of City Development and the Chief Highways Officer;
  - Article 12 of the Constitution, (which sets out the functions and areas of responsibility for Directors);
  - Part 3 Section 2B - Scrutiny Board Terms of Reference (to reflect the re-allocation of functions between the Directors and the appointment of the Chief Officer (Highways) only);
  - Part 3 Section 2A - Summary of council functions;
  - Part 3 Section 2B - Local Choice functions; and
  - Part 7 - management structure.

### **4.0 Implications For Council Policy And Governance**

- 4.1 Under its Code of Corporate Governance, the Council is committed to ensuring that the necessary roles and responsibilities for the governance of the council are identified and allocated, so that it is clear who is accountable for decisions.
- 4.2 The constitution must therefore kept up to date to reflect any changes in the executive arrangements, and changes should be communicated to relevant people.

### **5.0 Legal And Resource Implications**

- 5.1 Under Rule 1.4 of the Executive Procedure Rules, the Assistant Chief Executive (Corporate Governance) must present a report to the council setting out changes made by the leader to the officer delegation scheme (executive functions). This report fulfils that requirement. It also informs Members' of other changes to the Executive arrangements.

### **6.0 Conclusions**

- 6.1 Amendments have been made by the leader to the executive arrangements, which council are asked to note.

### **7.0 Recommendations**

- 7.1 The council is asked to note the changes to executive arrangements,(including the amendments to the constitution set out in this report), and the attached appendices.

## Appendix 1

### Summary of amendments to Officer delegation scheme (executive functions)

Annex	Document	Paragraph	Nature of amendment
A	Delegation to Director of City Services (executive functions)	Delete para a), amend new para c).	Functions re commercial services transfer to Dir of Resources.  Highways functions transfer to Director of City Development/CO (Highways), with the exception of parking enforcement.
B	Delegation to Director of City Development (executive functions)	Amendment to para 2.(g)	Amend to include highways and road traffic functions from Director of City Services (with the exception of parking enforcement – stays with Director of City Services).
C	Delegation to Director of Resources (executive functions)	New para f ).	Commercial services transferred from Director of City Services
D	Delegation to Chief Highways Officer (executive functions)		New document giving concurrent delegations
	Officer Delegation scheme (executive functions)	Introduction identifying who is authorised under the scheme, page 2	New references to Chief Highways Officer

*Officer Delegation Scheme (Executive Functions)*  
**THE DIRECTOR OF CITY SERVICES**

With the exception of those matters where an appropriate Executive Member<sup>1</sup>, has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board, for consideration<sup>2</sup>, the Director of City Services<sup>3</sup> is authorised to discharge any function<sup>4</sup> of the Executive in relation to:

- (a) civic and community buildings, accommodation and facilities management;
- (b) the authority's roles as highway authority and road traffic authority in relation to parking enforcement; and
- (c) streetscene management and related enforcement functions, including street and gully cleansing, refuse collection, waste management, public conveniences, graffiti removal, fly-tipping and dog warden services.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other Portfolio-holding Member of the Executive Board

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board

<sup>3</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

*Officer Delegation Scheme (Executive Functions)*

**THE DIRECTOR OF CITY DEVELOPMENT**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup> and with the exception of those matters reserved to the Executive Board<sup>3</sup>, the Director of City Development<sup>4</sup> is authorised to discharge the following functions<sup>5</sup>:

1. Local choice functions which have been assigned to the Executive (see Section 1 Part 3 of the Constitution):
  - (a) any function related to contaminated land;
  - (b) obtaining of information as to interests in land; and
  - (c) the making of arrangements for the execution of highways works under S278 Highways Act 1980.
  
2. Any function of the Executive<sup>6</sup> in relation to:
  - (a) the management of land (including valuation, acquisition, appropriation, disposal and other dealings with land or any interest in land);
  - (b) the operation of retail and wholesale markets and car boot sales;
  - (c) the promotion of economic development and economic led regeneration;
  - (d) the management of the city centre (including the promotion of the city centre and management of public spaces);
  - (e) the authority's role as local planning authority<sup>7</sup>;

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board.

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board.

<sup>3</sup> Certain disposals of land are currently required to be referred to an appropriate committee for consideration.

<sup>4</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements.

<sup>6</sup> The Director of City Development will be mindful of the potential for conflicts of interest arising and will make appropriate arrangements in this respect.

<sup>7</sup> Save where any such functions are exercisable by a Plans Panel, the discharge of all **Council functions** relating to town and country planning and development control has been delegated to the Chief Planning Officer. No such **Council functions** will be exercisable by the Director.

*Officer Delegation Scheme (Executive Functions)*

- (f) building control (whether under the Building Act 1984 or otherwise);
- (g) the authority's role as highways authority and road traffic authority except in relation to parking enforcement;
- (h) safety at sports grounds;
- (i) land drainage;
- (j) design services;
- (k) asset management;
- (l) street naming and numbering;
- (m) environmental management and the formulation and implementation of environmental improvement programmes;
- (n) tourism and promotions;
- (o) cultural services (including the arts, libraries, record repositories, museums and art galleries, public entertainments, halls and venues);
- (p) recreation services (including parks, countryside and sports facilities);
- (q) cemeteries, crematoria, burial grounds and mortuaries; and
- (r) countryside management (including all matters relating to the provision and maintenance of footpaths and bridleways), and the provision and maintenance of landscaping schemes.

*Officer Delegation Scheme (Executive Functions)***THE DIRECTOR OF RESOURCES**

With the exception of those matters where an appropriate Executive Member<sup>1</sup> has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>, the Director of Resources<sup>3</sup> is authorised to discharge any function<sup>4</sup> of the Executive in relation to:

- (a) making arrangements for the proper administration of the authority's financial affairs<sup>5</sup> including administration of benefits, student support, the collection of revenue, council tax and national non domestic rates, internal audit, creditor payments, pensions and the Council's insurance arrangements;
- (b) industrial relations and employment matters, including employee training and health and safety;
- (c) risk management;
- (d) civil defence and emergency peace time planning;
- (e) the management of matters relating to the application of information, communication and associated technologies to support the discharge of any function of the Executive; and
- (f) the provision of services relating to building maintenance, catering, cleaning, transport (including fleet services and passenger transport services), and school crossing patrols.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Director may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive Board for consideration

<sup>3</sup> The fact that a function has been delegated to the Director does not require the Director to give the matter his/her personal attention and the Director may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Director as "proper officer" for the purpose of any function delegated to him/her under these arrangements

<sup>5</sup> The Director of Resources has responsibility for these arrangements as Section 151 Officer



**CHIEF HIGHWAYS OFFICER**

With the exception of those matters where

- (i) an appropriate Executive Member<sup>1</sup> or the Director of City Development has directed that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration<sup>2</sup>; or
- (ii) the Director of City Development has directed that the delegated authority should not be exercised and that the matter be referred to him/her for consideration

the Chief Highways Officer<sup>3</sup> is authorised<sup>4</sup> to discharge any function<sup>5</sup> of the Executive in relation to:

1. The following local choice function which has been assigned to the Executive (see Section 1 Part B of the Constitution): to make arrangements for the execution of highways works under Section 278 Highways Act 1980; and
2. Any function of the Executive in relation to the authority's role as highways authority and road traffic authority, except in relation to parking enforcement.

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<sup>1</sup> An "appropriate Executive Member" is the Leader or other appropriate portfolio-holding Member of the Executive Board

<sup>2</sup> The Chief Officer may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the Executive Board or to the Director of City Development.

<sup>3</sup> The fact that a function has been delegated to the Chief Officer does not require the Chief Officer to give the matter his/her personal attention and the Chief Officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Chief Officer remains responsible for any decision taken pursuant to such arrangements.

<sup>4</sup> The Chief Officer must consult the Director of City Development before taking any key or major decision.

<sup>5</sup> "Function" for these purposes is to be construed in a broad and inclusive fashion and includes the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of the specified functions. The delegation also includes the appointment of the Chief Officer as "proper officer" for the purpose of any function delegated to him/her under these arrangements.