

SCHEDULE 2

THE EXECUTIVE

The Executive's Terms of Reference

Executive Portfolios

Delegation of Executive Functions

Executive Members Scheme of Delegation

CABINET

| MEMBERSHIP | |
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| DARLINGTON BOROUGH COUNCIL 9 Labour Group Members | |
| OTHER MEMBERS | |
| TOTAL MEMBERSHIP – | 9 |
| QUORUM – | 3 |

ROLE –

The Cabinet will carry out all of the Local Authority's functions which are not the responsibility of any other part of the Local Authority, whether by law or under this Constitution.~

Form and Composition -

The Cabinet consists of the Leader and Deputy Leader together with seven other Councillors, appointed to the Cabinet by the Council.

The following Cabinet Portfolios will be allocated, by the Leader, to each Cabinet Member following the Annual General Meeting :-

- Adult Services;
- Children and Young People;
- Communities and Engagement;
- Economy;
- Health and Leisure;
- Neighbourhood Services and Community Safety;
- Resources;
- Sustainable Environment and Climate Change; and
- Transport.

Membership Protocols -

Cabinet Members cannot serve on Scrutiny Committees.

Cabinet Members cannot be the Mayor or Deputy Mayor.

Cabinet Members cannot be appointed as Chairs or Vice-Chairs on the Planning Applications or the Licensing Committees.

Roles and Responsibilities –

The Cabinet is made up of the Leader, Deputy Leader and seven other Members. It has nine functional portfolios and has the following responsibilities:-

| PORTFOLIO | RESPONSIBILITY |
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| <p>Collective Responsibilities</p> | <ol style="list-style-type: none"> 1. All Cabinet Members will have the general responsibility to ensure the effective management and delivery of services within their areas of responsibility, and within the following framework :- <ul style="list-style-type: none"> • the Council’s overall strategic, corporate and policy objectives; • the budgets set for the services and this Council’s Financial Procedure Rules; and • the Law, and this Constitution. 2. Collective responsibilities are :- <ol style="list-style-type: none"> (a) Developing, co-ordinating, promoting and submitting proposals on this Council’s corporate strategies, policies, objectives and initiatives. (b) Overseeing, developing, promoting and monitoring the performance of services provided directly by this Council within this Council’s approved budget and policy framework. (c) Overseeing services provided by joint arrangements with other Councils and agencies. (d) Promoting the interests of the Borough, its residents, businesses and other organisations and taking a community leadership role across the public, voluntary and business sectors, to develop working links with and to monitor the work of, bodies providing public services in the Borough. (e) The formulation of the revenue and capital budget for consideration by Council; and, in doing so consulting with Members and stakeholders in the Community as necessary on the budget; and taking in-year decisions on resources and priorities to deliver strategies and the budget. (f) The maintenance and development of processes for effective communication and consultation with the community, Consultation Forums and other agencies especially in relation to the Council’s policies and strategies. |

| PORTFOLIO | RESPONSIBILITY |
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| | <ul style="list-style-type: none"> <li data-bbox="628 197 1437 371">(g) Promoting the mainstreaming of equal opportunities, sustainability, Social Inclusion and health and community safety in relation to the provision of this Council's services, and the delivery of services in the Borough by other agencies. <li data-bbox="628 416 1406 517">(h) Dealing with all matters which are within the duties of this Council which are not specifically delegated to any other body within the democratic structure. <li data-bbox="628 562 1394 663">(i) Maintaining and developing frequent and effective dialogue with all Members especially in relation to the work of the Scrutiny Committees. <li data-bbox="628 707 1430 882">(j) Seeking the advice of Scrutiny Committees before taking significant decisions and being responsive to any recommendations those Committees may make and, where they differ from its own policy agenda, justifying its own policies to Council. <li data-bbox="628 927 1410 994">(k) Leading the community planning process in partnership with other agencies. <li data-bbox="628 1039 1410 1106">(l) Overseeing the development of the Council's Corporate Strategies and Policies. <li data-bbox="628 1151 1426 1285">(m) Ensuring that all relevant services represent Best Value including undertaking overviews of individual best value reviews, agreeing terms of references, receiving interim reports, monitoring progress, and considering outcomes. <li data-bbox="628 1330 1422 1442">(n) Maintaining positive relationships with relevant external agencies such as the District Auditor and Best Value Inspectorate. <li data-bbox="628 1487 1358 1554">(o) Being the focus for forming partnerships with other agencies, businesses and voluntary sector bodies . <li data-bbox="628 1599 1374 1666">(p) Recognising the possible impact of policies on Local Agenda 21 issues. <li data-bbox="628 1711 1374 1778">(q) Having responsibility for contracts that are subject to Procurement. <li data-bbox="628 1823 1418 1912">(r) Considering and making recommendations on the Council's Capital and Revenue Medium-Term Financial Plans. <li data-bbox="628 1957 1251 2002">(s) That, in relation to responsibility for land :- |

| PORTFOLIO | RESPONSIBILITY |
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| | <ul style="list-style-type: none"> (i) the Cabinet is the holding body for all Council-owned land; (ii) the power to lodge planning applications to develop council land on behalf of the Council, be delegated to Chief Officers, subject to consultation with the relevant Cabinet Member; and (iii) the Cabinet is responsible for all disposals of land whether by sale, lease or licence and all acquisitions, taking into account any delegation scheme to Officers with the powers of the Chair of the Tendering Panel and the Opposition Member being extended to encompass opening of Tenders received in response to an offer to dispose of land. (t) Corporate Risk Management. (u) Leading Edge projects, as required. |
| Leader | <ol style="list-style-type: none"> 1. To lead on the development and implementation of corporate policies and strategies relating to the principal objectives of the Council and its priorities. 2. To ensure that the Council's plans and policies contribute to the delivery of the Darlington Community Strategy. 3. To ensure that the objectives of the Council's Corporate Plan are actively and positively pursued. 4. To maintain an overview of partnerships in which the Council engages, and in particular to represent the Council on the Local Strategic Partnership. 5. To keep under review and be responsible for the implementation of significant new legislation which is not specifically dealt with under another portfolio or under Council. 6. To oversee the allocation of resources required to implement the Council's corporate budgetary and strategic objectives with specific reference to :- <ul style="list-style-type: none"> (a) the annual budget and capital programme; (b) major issues involving capital expenditure; and (c) major bids for external funding. 7. To advise the Council on its Constitution. |

| PORTFOLIO | RESPONSIBILITY |
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| | <ol style="list-style-type: none"> 8. To oversee the Council's management process to ensure its effective contribution to the provision of efficient, value for money and high quality services; including the need for new services or changes in services where appropriate. 9. To ensure the efficient corporate management of the Council and the delivery of quality and cost effective services to the public. 10. To ensure effective financial and management audit arrangements are in place. 11. To nominate the Council's representatives on outside bodies (except in cases where the responsibility is specifically dealt with by another body). 12. To oversee the Council's communications and media relations. 13. To allocate Cabinet Portfolio's to each Cabinet Member. |
| Deputy Leader | <ol style="list-style-type: none"> 1. To assist the Leader with his responsibilities. 2. To deputise for the Leader in his absence. 3. To be a member of the Drug and Alcohol Action Team. 4. To maintain a strategic overview of Community Safety and related issues. 5. To be the Council's Representative on the Police Authority. 6. To have responsibility for the Council's relationship with the Police, Probation Service and Magistrates. |
| Economy | <p>Except where specifically delegated to the Planning Applications Committee, to have overall responsibility for:</p> <ol style="list-style-type: none"> 1. Regeneration and development strategy and implementation. 2. To exercise overall responsibility for the development of the Town Centre, including its markets, and its management arrangements. 3. Policy in respect of city regions, regional, and sub-regional economic and spatial policies and relationships. 4. Promoting business and business engagement. 5. International partnerships including town twinning. |

| PORTFOLIO | RESPONSIBILITY |
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| | <p>6. An overview of the quality of the built environment in Darlington.</p> |
| Children and Young People | <p>To have overall responsibility for statutory children's services, adult skills development, libraries, service performance management and, in particular:-</p> <ol style="list-style-type: none"> 1. The role of the Council as the Children's Services Authority. 2. The lead Member role as defined in the Children Act 2004. 3. Schools and school organisation. 4. The exercise of the Council's corporate parenting responsibilities. 5. The youth service and Connexions. 6. Policy and programmes relating to play provision. 7. Libraries, adult education and skills development. |
| Transport | <p>To have overall responsibility for:-</p> <ol style="list-style-type: none"> 1. Highway Authority duties, including management of the network, road safety and highway maintenance policies and strategies. 2. The policies and strategies relating to transport issues. 3. City regions, regional, sub-regional transport policies and relationships. 4. Policies for on and off-street vehicle parking. 5. Hackney carriages and private hire vehicles, excluding the licensing of such vehicles. |
| Neighbourhood Services and Community Safety | <p>To have overall responsibility for housing, community safety (including the Drug and Alcohol Action Team and the Youth Offending Service), Street Scene, Licensing, and, in particular: -</p> <ol style="list-style-type: none"> 1. The Council's responsibilities as a Housing Authority, including the development of housing policy, homelessness and the provision of council housing. 2. Housing and Council Tax benefits. |

| PORTFOLIO | RESPONSIBILITY |
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| | <ol style="list-style-type: none"> 3. The enabling regulatory and strategic role for private sector housing. 4. Community Safety, including Uniformed Warden Service, YOS, DAAT, CCTV and environmental crime enforcement. 5. Street Scene Services. 6. The Council's responsibilities for cemeteries, crematoriums and burial grounds. 7. Licensing 8. The Council's responsibilities for the Fire and Rescue Service. |
| Sustainable Environment and Climate Change | <p>To have the policy brief for climate change, waste reduction and recycling and, in particular, overall responsibility for: -</p> <ol style="list-style-type: none"> 1. Waste Management (collection, waste disposal and recycling). 2. Local Agenda 21 issues. 3. Policy and programmes to tackle Climate Change. 4. The development of policy for sustainable energy. 5. Promoting sustainable lifestyles and sustainable business activity. 6. Land and sustainable drainage. |
| Health and Leisure | <p>To have overall responsibility for public health, environmental health, trading standards, the registrars, leisure, culture, the museum, and, in particular: -</p> <ol style="list-style-type: none"> 1. Leisure, Sports and Arts management and development. 2. The provision and operation of Arts and leisure facilities within the Borough including the museums and archives service. 3. The development and maintenance of policy and programmes for Darlington's parks, open spaces and countryside. 4. The promotion and development of public art festivals and major events. 5. Development of policy and programmes to promote public health and health improvement. |

| PORTFOLIO | RESPONSIBILITY |
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| | <p>6. Consumer safety and trading standards, fair trading.</p> <p>7. Environmental Health Services.</p> |
| Adult Services | <p>To have overall responsibility for adult social care, older peoples engagement (GOLD), and in particular:-</p> <ol style="list-style-type: none"> 1. The assessment and provision of community care services including warden call services. 2. The assessment and provision of services for adults with mental health difficulties and those with physical and learning disabilities. 3. Complaints and evaluation for Adult Services. 4. Partnerships and pooled budgets for Adult Services (including Supporting People). 5. User and carer representation for Adult Services. 6. Adult protection. 7. Joint Working with Health for Adult Services (guided by National Service Frameworks (NSF's) and Government Guidance). 8. To act as Member Champion for Older People. |
| Communities and Engagement | <p>To have overall responsibility for neighbourhood renewal, social inclusion, community partnerships, the policy brief for localities, voluntary sector and welfare benefits and, in particular:-</p> <ol style="list-style-type: none"> 1. Co-ordination and promotion of policy and programmes to achieve neighbourhood renewal. 2. Social inclusion and equalities 3. The development and maintenance of effective relationships with and support to the voluntary sector 4. Developing a strategic approach to the delivery of services to localities 5. The implementation of policy and programmes to strengthening community engagement 6. Championing the needs of the customer and ensuring that Council services are customer focussed. |

| PORTFOLIO | RESPONSIBILITY |
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| Resources | <p>To have overall responsibility to resource management in particular :</p> <ol style="list-style-type: none"> 1. Financial Management within the council including monitoring and reviewing the Medium Term Financial (MTFP), Treasury management, local taxation and Risk management and Insurance. 2. Oversight of the Council Corporate Planning process including the Organisational Development Strategy (ODS), Performance management and the efficiency programme. 3. Property management including asset disposals and acquisition. 4. Information Communication Technology (ICT) Strategy. 5. Human Resource Strategy including Health and Safety for employees and Industrial Relations activities of the Council. 6. To make decisions on applications for Community Grants, subject to existing criteria. 7. Oversight of the Council's Legal and Democratic Services. |

Delegation of Executive Functions

The Executive has delegated some of its functions to an individual Cabinet Member and Officers, as detailed below:-

Individual Cabinet Member

1. The Cabinet has delegated the Executive Functions as detailed in the Executive Members Delegation Scheme, as detailed on the following page.
2. Before taking decisions within his delegated authority, the individual Cabinet Member will seek advice from relevant officers.
3. The Individual Cabinet Member exercising decision making powers will ensure that proper records are kept of all decisions they take, in accordance with legal requirements.
4. Where the individual Cabinet Member has a prejudicial interest (as defined in the Members' Code of Conduct) in relation to any decision, he will not take that decision, but will ask the relevant Officer to refer the matter to the Cabinet for determination.

Officers

5. The Council's Cabinet has delegated to Officers, the Executive functions which are contained in the Officers Delegation Scheme which are shown to be Executive by the first column of the scheme. This column is to distinguish executive and non-executive functions in the Officers Delegation Scheme.
6. The delegation of these powers operates under Section 15 of the Local Government Act 2000 and all other powers enabling the Executive.
7. The Executive powers delegated to Officers are subject to the Cabinet Procedure Rules as set out in this Constitution.

Outside Body Appointments

8. Insofar as the making of appointments to outside bodies is an executive function, the Executive agrees that those appointments should be made as set out in Schedule 5.

Joint Arrangements

9. The Cabinet has delegated the powers to Stockton Borough Council under s19 Local Government Act 2000 to carry out executive functions for the delivery of ICT, print and design, transactional human resources and transactional finance. The date that each delegation shall come into effect shall be determined by the Director of Corporate Services in consultation with the Cabinet Member with the Resources Portfolio

Executive Scheme of Members Delegation

The Cabinet have delegated to the Cabinet Member with the Resources Portfolio the authority to make decisions on applications for Community Grants, subject to criteria.