

## **SCHEDULE 2**

### **THE EXECUTIVE**

The Executive's Terms of Reference

Executive Portfolios

Delegation of Executive Functions

Executive Scheme of Members' Delegation

## CABINET

MEMBERSHIP	
DARLINGTON BOROUGH COUNCIL 8 Conservative Group Members	
OTHER MEMBERS	0
TOTAL MEMBERSHIP –	8
QUORUM –	3

### ROLE –

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 -

Cabinet consists of the Leader and Deputy Leader and a number of other Members appointed by the Leader.

The Leader will decide the size of the Cabinet and allocate the Portfolios below to each Cabinet Member :-

Adults  
Children and Young People;  
Stronger Communities;  
Economy;  
Health and Housing;  
Resources; and  
Local Services.

## **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 six other Members. It has seven functional portfolios and has the following responsibilities:-

<b>PORTFOLIO</b>	<b>RESPONSIBILITY</b>
<b>Collective Responsibilities</b>	<ol style="list-style-type: none"><li>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"><li>• the Council's overall strategic, corporate and policy objectives;</li><li>• the budgets set for the services and this Council's Financial Procedure Rules; and</li><li>• the Law and this Constitution.</li></ul></li><li>2. Collective responsibilities are :-<ol style="list-style-type: none"><li>(a) developing, co-ordinating, promoting and submitting proposals on this Council's corporate strategies, policies, objectives and initiatives;</li><li>(b) overseeing, developing, promoting and monitoring the performance of services provided directly by this Council within this Council's approved budget and policy framework;</li><li>(c) overseeing services provided by joint arrangements with other Councils and agencies;</li></ol></li></ol>

PORTFOLIO	RESPONSIBILITY
	<ul style="list-style-type: none"> <li>(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;</li> <li>(e) the formulation of the revenue and capital budgets 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 (within the discretions agreed for the time being by Council);</li> <li>(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;</li> <li>(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> <li>(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> <li>(i) maintaining and developing frequent and effective dialogue with all Members especially in relation to the work of the Scrutiny Committees;</li> <li>(j) seeking the advice of Scrutiny Committees</li> </ul>

PORTFOLIO	RESPONSIBILITY
	<p>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;</p> <p>(k) leading the community planning process in partnership with other agencies;</p> <p>(l) overseeing the development of the Council's Corporate Strategies and Policies;</p> <p>(m) ensuring that all relevant services represent value for money;</p> <p>(n) maintaining positive relationships with relevant external agencies such as the Council's Auditors;</p> <p>(o) being the focus for forming partnerships with other agencies, businesses and voluntary sector bodies;</p> <p>(p) recognising the possible impact of policies on implementing sustainable development;</p> <p>(q) having responsibility for contracts that are subject to Procurement;</p> <p>(r) considering and making recommendations on the Council's Capital and Revenue Medium-Term Financial Plans;</p> <p>(s) that, in relation to responsibility for land :-</p> <p style="padding-left: 40px;">(i) the Cabinet is the holding body for all Council-owned land;</p> <p style="padding-left: 40px;">(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</p>

PORTFOLIO	RESPONSIBILITY
	<p>(iii) the Cabinet is responsible for all disposals of land whether by sale, lease or licence and all acquisitions, taking into account any delegations and the Contract and Property Procedure Rules.</p> <p>(t) Corporate Risk Management;</p> <p>(u) Transformation projects, as required;</p> <p>(v) ensuring efficiency is fully taken into account when taking any decisions; and</p> <p>(w) ensuring resources within the portfolios are utilised in an efficient manner.</p>
<b>Leader</b>	<ol style="list-style-type: none"> <li>1. To appoint a Deputy Leader for a four-year term of office.</li> <li>2. To appoint the number of Cabinet Members, a minimum of three and a maximum of nine, and allocate the Portfolio's to each Cabinet Member.</li> <li>3. To make decisions, draw up the budget and make new policies alone or with Cabinet (a simple majority of Councillors can reject a proposal from the Leader/Cabinet).</li> <li>4. To make arrangements for the discharge of the functions which under Regulations are the responding of Cabinet.</li> <li>5. In addition to leadership of corporate strategy for the Council, including reputation, legislation, partnerships and policy, the Leader will :- <ul style="list-style-type: none"> <li>• represent the Council as required at national and regional level and on Regional and Tees Valley bodies, including the Tees Valley Combined Authority;</li> <li>• lead on Transformation and the Business</li> </ul> </li> </ol>

PORTFOLIO	RESPONSIBILITY
	<p>Model; and</p> <ul style="list-style-type: none"> <li>• lead on international partnerships and Town Twinning;</li> <li>• lead on Darlington Partnership</li> </ul>
<b>Deputy Leader</b>	<ol style="list-style-type: none"> <li>1. To assist the Leader with her responsibilities.</li> <li>2. To deputise for the Leader in her absence.</li> </ol>
<b>Economy</b>	<ul style="list-style-type: none"> <li>• ‘Place’ Strategy, Policy and Performance</li> <li>• Planning and Related Policy</li> <li>• Economy and Housing Policy</li> <li>• Environment, Urban Design, Heritage and Sustainability</li> <li>• Climate Change</li> <li>• Development Management (Local Planning Authority matters – except where delegated to Planning Applications Committee)</li> </ul> <p>Economic Development and Regeneration:</p> <ul style="list-style-type: none"> <li>• Employability</li> <li>• Business Support</li> <li>• Business Engagement</li> <li>• Inward Investment</li> <li>• Regeneration and Development</li> <li>• Town Centre</li> <li>• Environmental Health</li> <li>• Building Control</li> <li>• </li> </ul>
<b>Stronger Communities</b>	<ul style="list-style-type: none"> <li>• Policing</li> <li>• Community safety.</li> <li>• Council’s responsibilities for Fire and Rescue Services</li> <li>• Street Scene Enforcement</li> <li>• Illegal Encampments</li> <li>• Private Sector Housing</li> <li>• Licensing of premises (except where delegated to Licensing Committee)</li> <li>• Hackney carriage and private hire vehicles (except where delegated to the Licensing Committee)</li> <li>• Trading Standards and Animal Welfare</li> </ul>

PORTFOLIO	RESPONSIBILITY
	<ul style="list-style-type: none"> <li>• Co-ordination of the Council's responsibilities under the Floods and Water Act</li> <li>• Civil Contingencies and Emergency Planning</li> <li>• Parking Enforcement</li> <li>• CCTV</li> <li>• Voluntary sector</li> <li>• Community Development</li> <li>• Decision making on applications for community grants, subject to existing criteria</li> <li>• Equalities</li> <li>• Cabinet Champion for equalities</li> </ul>
<b>Children and Young People</b>	<ul style="list-style-type: none"> <li>• Education</li> <li>• Adult and Community Learning</li> <li>• Children's safeguarding and assessment</li> <li>• Looked after children (including fostering and adoption)</li> <li>• Care Leavers</li> <li>• Life Stages (0 – 25 years)</li> </ul>
<b>Resources</b>	<ul style="list-style-type: none"> <li>• Financial Management within the Council including Medium Term Financial (MTFP), Treasury management, local taxation and Risk management and Insurance</li> <li>• Oversight of Transformation and Business Model implementation</li> <li>• Oversight of the Council's Corporate Planning process including the Organisational Development Strategy (ODS), Performance management and the efficiency programme</li> <li>• Corporate Landlord, property and estates management</li> <li>• Corporate Procurement</li> <li>• Information Communication Technology (ICT)</li> <li>• Human Resources</li> <li>• Health and Safety</li> <li>• Communications and One Darlington magazine</li> <li>• Oversight of the Building Services division</li> <li>• Housing Benefits</li> <li>• The Council's Customer Strategy and oversight of the Council's Customer Services and insight functions</li> <li>• Legal/Democratic/Registrars</li> </ul>

PORTFOLIO	RESPONSIBILITY
	<ul style="list-style-type: none"> <li>• Oversight of the Councils Shared Services Partnership Xentrall</li> <li>Oversight of the capital projects and design services management</li> </ul>
<b>Adults</b>	<ul style="list-style-type: none"> <li>• Adult Mental Health</li> <li>• Mental Health Services for Older People, Mental Capacity Act/Deprivation of Liberty Safeguards, and Approved Mental Health Practitioners</li> <li>• Assessment and Reviews, Physical and Sensory Impairment, First Point of Contact, Safeguarding Adults, On-going and Complex Care and Occupational Therapy</li> <li>• Life Stages Services (26 years plus)</li> <li>• Day Services</li> <li>• Supported Living</li> <li>• Reablement</li> <li>• Learning Disability Services</li> </ul>
<b>Health and Housing</b>	<ul style="list-style-type: none"> <li>• Public Health functions</li> <li>• Integrated health commissioning</li> <li>• NHS</li> </ul> <p>Sports and physical activity programme Dolphin Centre Eastbourne Sports Complex</p> <ul style="list-style-type: none"> <li>• Council Housing Services including Lifeline and Homelessness</li> </ul>
<b>Local Services</b>	<ul style="list-style-type: none"> <li>• Street Scene Policy (refuse/recycling/street cleaning/grounds maintenance)</li> <li>• Crematorium and Cemeteries</li> <li>• Arboriculture</li> <li>• Countryside and Allotments</li> <li>• Parks, Open Spaces and Play Areas</li> <li>• Waste Management</li> <li>• Fleet Management and Maintenance</li> <li>• </li> </ul>

PORTFOLIO	RESPONSIBILITY
	<div>Head of Steam Hippodrome Events and Programming Library Service Strategic Arts 2025</div> <div><b>Transport Policy</b></div> <div><ul style="list-style-type: none"><li>• Highway Authority responsibilities, including :-<ul style="list-style-type: none"><li>• Transport and Highways Asset Management (roads, paths, rights of way, street lighting, traffic signals, signage);</li><li>• Transport and Highways Network Management and Improvement Schemes</li><li>• Road Safety</li><li>• Parking Policy</li><li>• Supported Bus Services and Concessionary Fares</li><li>• Sustainable Transport</li></ul></li></ul></div>

## **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 Scheme of Members' Delegation.
2. Before taking decisions within his/her 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/she 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.

## **Delegation to and from Other Local Authorities/Bodies**

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.
10. The Cabinet has delegated the powers relating to the enforcement of the legislation as detailed below, to Redcar and Cleveland Borough Council and authorised officers employed within the National Trading Standards Regional Investigations Team (North East), in accordance with Section 101 of the Local Government Act 1972, and Section 13(7) of the Local Government Act :-
  - (a) Anti-Social Behaviour Act 2003;
  - (b) Business Protection from Misleading Marketing Regulations 2008
  - (c) Children and Families Act 2014;
  - (d) Companies Acts 1985 and 2006;
  - (e) Consumer Credits Acts 1974 and 2006;
  - (f) Consumer Protection Act 1987;
  - (g) Consumer Protection from Unfair Trading Regulations 2008;
  - (h) Consumer Rights Act 2015;
  - (i) Copyright, Designs and Patents Act 1988;
  - (j) Courts and Legal Services Act 1990;
  - (k) Energy Act 1976;
  - (l) Energy Conservation Act 1981;
  - (m) Enterprise Act 2002;
  - (n) Estate Agents Act 1979;
  - (o) European Communities Act 1972;
  - (p) Explosives Act 1875;
  - (q) Fireworks Act 2003;
  - (r) Fraud Act 2006;
  - (s) General Product Safety Regulations 2005;
  - (t) Hallmarking Act 1973;
  - (u) Health and Safety at Work etc. 1974;
  - (v) Intellectual Property Act 2014;
  - (w) Licensing Act 2003;
  - (x) Medicines Act 1968;
  - (y) Prices Acts 1974 and 1975;
  - (z) Proceeds of Crime Act 2002;
  - (aa) Road Traffic Acts 1988 and 1991;
  - (bb) Trade Descriptions Act 1968;
  - (cc) Trade Marks Act 1994; and
  - (dd) Video Recordings Act 1984 and 2010

and all secondary legislation made under any of the specified legislation.

### **Joint Arrangements**

11. The joint arrangements which have been established with other local authorities are :-
  - (a) North East Joint Health Scrutiny Committee;
  - (b) Tees Valley Joint Health Scrutiny Committee; and
  - (c) Durham Police and Crime Panel and Audit Committee

## **Executive Scheme of Members Delegation**

1. Cabinet has delegated the following powers to the Cabinet Member with the Housing, Health and Partnerships Portfolio :-
  - (a) to make decisions on applications for Community Grants, subject to criteria; and
  - (b) to make decisions on applications for Discretionary Rate Relief, subject to criteria.
2. Cabinet has delegated the following powers to the Leader (or in his absence his nominated representative) in his capacity as this Council's representative on the Leaders' Board or any future successor body, to :-
  - (a) exercise all the necessary executive powers and functions relating to the preparation and revision of the Regional Strategy for the North East, as prescribed in Part 5 of the Local Authority, Economic Development and Construction Act 2009; and
  - (b) exercise all the necessary executive powers and functions relating to the North East Smart Ticketing Initiative (NESTI).