

CABINET – 19 SEPTEMBER 2007

PRINCIPAL SCRUTINY COMMITTEE – 24 SEPTEMBER 2007

ANNUAL REVIEW OF CONSTITUTION – REVIEW OF PORTFOLIO HOLDER DECISION
MAKING SCHEME OF DELEGATION

REPORT OF CORPORATE DIRECTOR (GOVERNANCE)

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RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

When the Leader with Cabinet system was introduced, following the Local Government Act 2000, the intention behind the legislation was that many member decisions could be made by individual portfolio holders. The meetings of Cabinet would concentrate on more forward thinking strategic issues together with major policy and financial issues.

The portfolio holder individual decision making system was introduced gradually from March 2004 so that Members could be confident that it was being used effectively and that other Members could have the opportunity to have an input before a final decision was made.

The existing scheme of delegation provides some scope for more routine business to be taken off the Cabinet agenda but, in practice Cabinet agendas would still deal with more routine business than is desirable.

Proposed amendments to the scheme of delegation are set out in tracking in Appendix A. The changes would allow more decisions to be made under the portfolio holder system.

The fact that a decision can be made under the scheme does not necessarily mean in all cases that the system will be used. A portfolio holder may still elect that a matter should still be dealt with in a public meeting at Cabinet.

The Council's procedure for portfolio holder decision-making allows other Members the opportunity to require that the decision is taken in public at a Cabinet meeting. Copies of the draft decision notice are sent to the Chairman and Vice Chairman of Principal Scrutiny Committee and the Members of the relevant Scrutiny Panel. Five or more of the Members so notified can require the matter to be dealt with at Cabinet. Ward Members are also notified in appropriate cases.

Details of both draft and final portfolio holder decision notices are given to the press and made available on the website – unless they contain exempt information.

Appendix B shows a breakdown of categories of executive decision reports/decision notices for 2003/07. It also shows the results of the 2007 Member Survey on the use of this system. The development of the portfolio holder system is part of a wider approach to streamlining the Cabinet agenda. The development of Cabinet Committees has also proved useful where participation by the public and other Members at meetings was appropriate. Two Cabinet Committees currently exist – Traffic and Parking and Local Development Framework.

The Council's current Constitution requires the scheme of delegation to be approved by Council. It should be noted that when the Local Government and Health Bill is in force next year then the Leader will be fully responsible for determining the extent of the scheme of delegation for executive functions.

RECOMMENDED to Council:

That the revised scheme of delegation to Portfolio Holders in Section 3 Part 3 of the Constitution, as set out in Appendix A, be approved.

OTHER CONSIDERATIONS:

1 **CORPORATE STRATEGY (RELEVANCE TO):**

1.1 Relevant to the outcome to be "an efficient and effective Council". Development of the role of Cabinet and portfolio holders will assist the Council to provide community leadership. It will also assist in ensuring that the Council is efficient and provides value for money for local taxpayers.

2 **RESOURCE IMPLICATIONS:**

2.1 The revised scheme can be operated within existing resources. However, streamlining the decision-making process should lead to a more efficient use of Member and officer time.

BACKGROUND DOCUMENTS: None.

APPENDICES:

Appendix A - Proposed Amendments to the Scheme of Delegation to Portfolio Holders.

Appendix B - Breakdown of Categories of Executive Decisions – 2003/2007 and Response to Member Survey.

Appendix A

SECTION 3 – THE PORTFOLIO HOLDERS

- 3.1 The following Members have been appointed with responsibility for the portfolio set out below. No individual Member of the Cabinet, Leader or Portfolio Holder, may discharge executive functions without the authority of the Council. The authorisations that have been given are set out in paragraph 3.2 below. The procedure for decision making by an individual Member of Cabinet is set out in paragraph 22 of the Access to Information Procedure Rules'

<u>Name of Portfolio</u>	<u>Name of Member</u>
Leader (with responsibility for major projects, the Local Strategic Partnership, the local economy and tourism)	Councillor Beckett
Deputy Leader (with responsibility for Performance and Communications)	Councillor Hollingbery
Culture, Heritage and Sport	Councillor Stallard
Environment, Health and Safety	Councillor Pearson
Finance and Resources	Councillor Allgood
Housing and Communities	Councillor Coates
Planning and Transport	Councillor Wood

3.2 Scheme of Delegation to Portfolio Holders

The Leader

1. To act in the place of any portfolio holder having delegated authority under this Scheme.

Each Portfolio Holder

1. To incur expenditure or to make decisions in connection with the operation of services within the budget and policy framework approved by Council, other than on contract award, IT projects, or where a more specific delegation is granted in this scheme, subject to:
 - (a) in relation to individual matters where Cabinet has specifically authorised delegation to a portfolio holder up to a limit per matter of £500,000 and
 - (b) in any other case up to £200,000
2. Determination of fees and charges for services within the budget and policy framework.

3. To approve relevant business plans designed to deliver the Council's policy framework within the agreed budget.
4. To authorise public consultation on strategies and policies within the budget and policy framework.
5. To comment on behalf of the Council on consultation papers issued by Government or any other public body.
6. To approve Equality and Diversity Service Reviews and Action Plans.
7. To approve the response to be taken to service action plans, external inspection reports, monitoring reports, scrutiny reports and post implementation reviews.

Portfolio Holder for Culture, Heritage and Sport

1. To authorise Community Chest grants in accordance with any policies approved by Cabinet up to a limit of £500 in any individual case.
2. To authorise any minor non-recurring or emergency grants (other than those approved under the Annual Revenue Grants Scheme) up to a limit of £10,000 in any individual case.

Portfolio Holder for Finance and Resources

1. The acquisition (within the budget and policy framework approved by Council) or the disposal of any interest in land at best consideration for a sum not exceeding £400,000.
2. To authorise any lettings, lease renewals, rent reviews or licences (at best consideration) either by the Council or to the Council, in respect of which the rent or licence payment does not exceed £150,000 per annum, in the case of lease renewals, rent and licence fee reviews the limit of £150,000 relates to the payment sum prior to the transaction.
3. In relation to procurement contracts for works, goods, software or services up to a value of £1,000,000 or £200,000 per annum, whichever is the greater:
 - (i) Approval of price/quality evaluation criteria.
 - (ii) Approval of short-listing procedures, short-list selection and approved lists of contractors, including the authorisation of any departures from Contract Procedure Rules under Contract Procedure Rule 3.
 - (iii) Award of contract.
 - (iv) Approval of schemes under Financial Procedure Rule 6.4 – authority to release expenditure for capital schemes.

- (v) Approval of final cost of capital schemes under Financial Procedure Rule 7.12.

Subject to there being appropriate budget provision, including appropriate virement.

Portfolio Holder for Housing and Communities

1. To authorise public consultation on the possible development of Housing Revenue Account land.
2. To authorise disposals of up to 10 vacant dwellings in any financial year, in accordance with approved policy and the Council's Housing Strategy.
3. To authorise the commitment of developers' contributions to support specific affordable housing schemes, subject to available resources.

Portfolio Holder for Planning and Transport

1. To authorise comments on the Development Plan or Local Development Framework of other local authorities.
2. To agree Historic Building Grants or Environmental Improvement Grants up to a limit of £25,000 per project.
3. To agree the release of money from the Open Space Fund for individual projects, up to a limit of £100,000 per project.
4. To approve community transport scheme grants up to a limit of £5,000 per project.
5. Approval of draft Supplementary Planning Guidance and Supplementary Planning Documents for publication for public consultation, with the approval of the final Guidance/Document to be made by Cabinet or the Cabinet (Local Development Framework) Committee.
6. To authorise public consultation on proposed traffic regulation and parking orders.
7. To authorise the making of traffic regulation and parking orders except where:
 - (a) a ward Councillor registers a request that the matter be not determined by the portfolio holder;
 - (b) a parish council submits representations contrary to the officer recommendation;
 - (c) Ten or more representations from separate addresses are received (and not withdrawn) which are contrary to the officer recommendation;

and in these cases the matter will be referred at the portfolio holder's discretion either to Cabinet, or to the Cabinet (Traffic and Parking) Committee for determination.

Appendix B

Breakdown of Executive Decisions - Decision Taker

Year	Cabinet Reports	Cabinet (Traffic and Parking) Reports	Cabinet (LDF) Reports	Portfolio Decision Notices	Total Reports/Notices
2003/04	218	Not applicable	Not applicable	1	219
2004/05	211	Not applicable	Not applicable	18	229
2005/06	181	8	Not applicable	19	208
2006/07	184	5	6	50	245
2007/08 (to August)	49	2	9	13	73

Portfolio Holder Decisions – By Main Categories

Year	Total No. of Notices	Land/ Contracts – exempt report	Land/ Contracts – open report	Grants	Traffic	Consultations	Business Plans
2003/04	1	1	Nil	Nil	Nil	Nil	Not applicable
2004/05	18	5	2	6	2	3	Not applicable
2005/06	19	2	Nil	6	8	3	Not applicable
2006/07	50	10	Nil	4	13	7	16
2007/08 to August	13	Nil	1	2	6	4	Nil

Portfolio Holder Decisions – Input By Other Members after Draft Decision Notice

Year	Total No. of Notices	No. of Draft Notices – where 1 or more representations made by members	Proposed decision changed following member representations
2003/04	1	Nil	Nil
2004/05	18	5	Nil
2005/06	19	Nil	Nil
2006/07	50	3	1
2007/08 to August	13	1	1

Response to Questions in the Member Survey on the Portfolio Holder Decision-Making System

6. Thinking about the role of Cabinet and Portfolio Holders, please indicate how strongly you agree or disagree with the following statements.

	Statement	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
6c	Delegated decision making by individual Portfolio Holders is operating effectively;	13.0%	52.2%	17.4%	17.4%	0.0%
6d	I have good awareness of the decisions being taken by Portfolio Holders;	8.7%	65.2%	8.7%	17.4%	0.0%
6f	I know how to make my views known on any issue coming before a Portfolio Holder for decision;	30.4%	47.8%	13.0%	8.7%	0.0%
6h	I feel well informed about the decisions that Portfolio Holders have taken.	22.7%	31.8%	22.7%	22.7%	0.0%