

## **Part 3.2 - The Cabinet, its Committees and the Cabinet Member Structure**

- 3.2.1.** Executive functions will be performed by the Cabinet. These functions will be grouped together in the form of areas of responsibility. The number and scope of which will be determined by the Leader.

The Leader will also allocate responsibility for the areas of responsibility among the individual Cabinet Members on an annual basis and shall have the ability to amend these in year as required. The Leader has allocated an area of responsibility to each Cabinet Member and allocated to each Cabinet Member responsibility for the discharge of functions set out below.

The Leader may exercise any of the functions delegated to individual Cabinet Member.

The Leader may delegate other functions not expressly set out herein to individual Cabinet Members provided they are the executive functions and provided due to notice of the exact terms of the delegation and the name of the Cabinet Member is lodged with the Monitoring Officer.

### **3.2.2 Cabinet**

The Cabinet will be collectively responsible for executive functions which are not otherwise delegated by the Leader.

Set out below are the responsibility for executive functions to be exercised by Cabinet Committees or Joint Committees. These responsibilities are set out in the detailed Terms of Reference.

Where the Terms of Reference of Cabinet Committees or Joint Committees overlap with the Cabinet Member's general powers of delegation, the executive decision is to be taken by the Cabinet Committee or Joint Committee.

Therefore the Cabinet Member's general powers of delegation are to be subject to, and subservient to, the Cabinet Committees and Joint Committees' specific Terms of Reference.

Set out below also are responsibility for executive functions to be exercised by the Leader and Cabinet Members. The Leader or the Cabinet Member may refer the exercise of an executive function within an area of responsibility for a decision by the Cabinet.

### **3.2.3 Cabinet Advice on Council Functions**

The Cabinet has the following role in advising the Council on the following matters;

- a) The making of Council Procedure Rules in accordance with Section 106 and para 42 Schedule 12 of the Local Government Act 1972.
- b) The making of Contract Procedure Rules in accordance with Section 135 of the Local Government Act 1972.
- c) The preparation and adoption of local development documents which are development plan documents, and matters concerning the establishment, functions and dissolution of a joint Committee under Sections 29, 30 and 31 of the Planning Compulsory Purchase Act 2004.

### **3.2.4 Cabinet Committees**

The Cabinet can establish Cabinet Committees with specific terms of reference. Subject to any alterations within the discretion of the Leader these Committees will exercise executive functions within their terms of reference. They may delegate further to a Sub-Committee, an Area Committee (if any) via joint arrangements or to an officer.

The Cabinet has currently established three Cabinet Committees: Cabinet Committee Housing, Cabinet Committee Regeneration and Cabinet Committee Local plan.

The Monitoring Officer has the discretion to determine which of the Overview and Scrutiny Committees or Cabinet Committees are appropriate for pre-scrutiny and decision-making purposes.

Deputies for the Cabinet Committees will be appointed at the Chairperson's discretion.

In the absence of the relevant Cabinet Member, any Cabinet Member can act as Chairperson for Meetings of Cabinet to include Cabinet Member Decision Days.

### **3.2.5 Cabinet Committee: Regeneration**

#### **Membership**

The Committee's membership will be the Leader and Cabinet Member for Regeneration (Chairperson), plus 3 other Cabinet members (4 voting members).

In the event of any member of Cabinet not being available for a meeting of the Cabinet Committee another member of Cabinet may deputise where no conflict arises.

In addition, 4 other members will be invited to attend and offer views at meetings of the Committee (4 non-voting members).

#### **Delegated Matters**

1. To oversee the Regeneration projects of the Council and to ensure that the objectives established by Cabinet are met, and in particular:

- (i) to exercise those financial management and procurement powers of Cabinet set out below in respect of the major regeneration projects;
- (ii) to agree the Project Plan and monitor progress of the project against that Plan including key milestones;
- (iii) to agree progression to the next stages of design as set out in the Project Plan;
- (iv) to ensure effective actions are in place to address key risks;
- (v) to consider and agree methods of consultation and engagement;
- (vi) to consider and agree a communication strategy.
- (vii) to approve, where applicable, the Outline, Strategic and Full Business Cases;

2. To exercise the powers of Cabinet under the Financial Procedure Rules in respect of each regeneration project.

3. To exercise the following powers of Cabinet under the Contract Procedure Rules in relation to the procurement of contracts for works, goods, software or services in connection with the Project:-

- (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;
- (iii) award of Contract.

4. To consider and approve the submission of any planning applications to the council as Local Planning Authority to take forward the Project.

5. To agree any land disposals (including, sales, leases and grants of easements) at best consideration or where the undervalue does not exceed £100,000, to take forward the Project.

6. To agree any land acquisitions (including acquisitions of freehold/leasehold land, and easements) to take the Project forward, within the budget allowed for the Project.

#### Referred Matters

To advise Cabinet on:

7. Any proposals in which the limitations set out above in the Delegated Matters would be exceeded or where risks are considered needed to be raised with Cabinet.

To advise Cabinet and Council on:

8. Approval of a capital or revenue virement or supplementary capital or revenue estimate over £250,000.

9. Any other matter as considered appropriate by the Cabinet Committee

The quorum is 2 voting members.

### **3.2.6 Cabinet Committee: Housing**

#### **Membership**

The Committee's membership will be the Cabinet Member for Community and Housing (Chairperson), plus 2 other Cabinet members (3 voting members).

In the event of any member of Cabinet not being available for a meeting of the Cabinet Committee another member of Cabinet may deputise where no conflict arises.

In addition, it is proposed that the following be invited to attend and offer views at meetings of the Committee (non-voting):

- (a) 4 other members: and
- (b) Two TACT representatives plus one deputy

#### **Terms of Reference**

1. To exercise the executive functions set out below in relation to the Housing Revenue Account and Strategic Housing Services.

2. To oversee the Council's Housing revenue account business plan including the agreed affordable housing development programme and to ensure the programme achieves appropriate levels of quality and quantity of housing within the policy and budget framework approved by Council.

3. To monitor and oversee the Council's Housing and Homelessness strategies and the delivery of associated action plans.

#### **Referred Matters**

To advise Cabinet on:

- 1. Approving the annual Business Plan for the wholly owned Housing Company.
- 2. Any other shareholder agreement reserved matter decision.

#### **Delegated Matters**

1. Approving or adopting the policy and budget framework contained in the Council Plan, the, Housing Strategy and Annual Housing Revenue Account budget and Business Plan.
2. To advise on any changes required to the policy and budget framework to take account of new legislation.
3. Whether to approve or modify the policy and budget framework for the Council's 10 year Housing Development Programme and the associated funding requirements from both the Housing Revenue Account and General Fund, which will be kept under regular review.
4. Whether to make changes to the Housing Development policy and budget framework to take account of new legislation or changes to the Housing Revenue Account Business Plan.
5. The operation and performance of wholly or partly Council owned companies/trading vehicles established to manage housing provision in the Winchester district.
6. The detailed list of individual schemes within the Council's 10 year Housing Development Programme and to keep the Programme under regular review recommending the addition or deletion of schemes.
7. Whether to approve or modify the Council's New Homes Development Strategy and Council House design requirements.
8. The rental policy for properties provided under the Housing Development Programme.
9. Housing programmes that contribute to the Council's Carbon Neutrality commitments.
10. Any proposals in which the limitations set out below in the Delegated Matters would be exceeded.
11. The implementation of approved policies and programmes in accordance with policy and budget framework approved by Cabinet and/or Council, subject to such budgetary and other constraints that Cabinet and/or Council may impose.
12. Housing Acts including the provision, allocation, improvement, repair, maintenance and management of dwellings and land.
13. To agree and authorise any matters in relation to schemes within the 10 year Housing Development Programme which are in accordance with the policy and budget framework approved by Cabinet and/or Council, subject to such budgetary and other constraints set out below or that Cabinet and/or Council may impose.

14. To agree changes to the timetable or scheduling of works within the approved 10 year Housing Development Programme or in cases of urgency substituting new schemes in place of schemes that will no longer come forward providing such schemes comply with the agreed Value for Money criteria for appraisals and the capital and revenue costs can be met within approved Housing Revenue Account or General Fund budgets, and within the Council's approved Prudential Indicators.

15. Exercising the powers of Cabinet under the Financial Procedure Rules in respect of the Housing Revenue Account.

16. Exercising the powers of Cabinet under the Contract Procedure Rules in relation to procurement contracts for works, goods, software or services up to a value of £2,000,000 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;
- (ii) Award of Contract;
- (iii) Approval of schemes under Financial Procedure Rule 6.4 – authority to release expenditure for capital schemes;
- (iv) Approval of final cost for capital schemes under Financial Procedure Rule 7.4.

7. To agree any land disposals at best consideration or where the undervalue does not exceed £100,000. To agree any disposals at less than best consideration where the undervalue does not exceed £250,000 provided the matter is not called-in for review by The Scrutiny Committee.

8. To review and monitor the Council's performance and use of resources in the above areas, including but not restricted to the implementation of change plans, performance against national and local performance indicators, and identification of risks and action taken to mitigate those risks.

The quorum is 2 voting members.

### **3.2.7 Cabinet Committee: Local Plan**

#### **Membership**

The Committee's membership will be the Cabinet Member for Place and the Local Plan (Chairperson), plus 2 other Cabinet members (3 voting members).

In the event of any member of Cabinet not being available for a meeting of the Cabinet Committee another member of Cabinet may deputise where no conflict arises.

In addition, 5 members will be invited to attend and offer views at meetings of the Committee (5 non-voting members):

#### **Terms of Reference**

1. To oversee the Council's development of the Local Plan and to ensure the programme to deliver the plan is timely and within the policy and budget framework approved by Council.
2. To monitor and oversee the Council's Local Plan strategies and the delivery of associated documents relating to policy options, draft policies and evidence prepared to support the Local Plan.
3. To exercise the executive functions set out below in relation to Strategic Planning Services and the Local Plan
4. To make recommendations as required to Cabinet and Council.

#### **Delegated Matters**

1. To oversee the development of the Local Plan of the Council and to ensure that the objectives established by Cabinet are met, and in particular:
  - (i) to exercise those financial management and procurement powers of Cabinet set out below in respect of the production of the Local Plan
  - (ii) to agree the Project Plan and monitor progress of the project against that Plan including key milestones;
  - (iii) to agree progression to the next stages of delivery as set out in the Project Plan;
  - (iv) to ensure effective actions are in place to address key risks;
  - (v) to consider and agree methods of consultation and engagement;
  - (vi) to review the Local Plan under development.
2. To exercise the powers of Cabinet under the Financial Procedure Rules in respect of the production of technical reports and advice for the Local Plan
3. To exercise the following powers of Cabinet under the Contract Procedure Rules in relation to the procurement of contracts for works, goods, software or services in connection with the Project:-
  - (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;
- (iii) award of Contract.

### Referred Matters

To advise Cabinet on:

- 4. Any proposals in which the limitations set out above in the Delegated Matters would be exceeded or where risks are considered necessary to be raised with Cabinet.

To advise Cabinet and Council on:

- 5. Approval of a revenue virement or supplementary revenue estimate over £250,000.
- 6. Any matters of policy that need to be brought to their attention.
- 7. Any other matter as considered appropriate by the Cabinet Committee.

The quorum is 2 voting members.

Cabinet Members areas of responsibility are appointed by the Leader

### **3.2.7 General Powers Granted to Cabinet Members**

The following responsibilities have been delegated to each individual Cabinet Member to exercise within their portfolio and service area:

- a) To exercise the Executive powers and duties of the Council for strategic development, policy direction, partnership working, executive powers including key decisions, programme and performance management, in accordance with the Council's procedure rules for their area of responsibility;
- b) To be responsible for ensuring the successful delivery of business transformation in relation to their areas of responsibility;

- c) To request the Overview & Scrutiny Committee review changes to policy and strategy within their areas of responsibility;
- d) To have oversight of budget planning and monitoring in their service area;
- e) To act as the Council's lead spokesperson on strategic bodies for their areas of responsibility;
- f) To determine priorities in conjunction with the relevant member of the Council's management team and other Cabinet Members (within the policy and budget framework);
- g) To make proposals for policy initiatives, within the policy and budget framework, and for the amendment of such framework subject to the agreement of the Cabinet and Council;
- h) To recommend to the Cabinet responses to reports from the Overview & Scrutiny and Audit and Governance Committees;
- i) To agree minor matters and non-material amendments to policy;
- j) To approve grant funding allocations to third parties within approved budgets for this purpose;
- k) To approve all in-year changes to fees and charges;
- l) The Cabinet Member for Community and Engagement has delegated authority to approve all community safety partnership strategies under the Crime and Disorder Act or other related legislation.

Decisions delegated to Cabinet Members may be taken at Cabinet Member Decision Days, as set out in the Cabinet Procedure Rules (Part 4.2 of the Council's Constitution) and in accordance with the Access to Information Procedure Rules

### **3.2.8 The Leader**

The Leader may delegate other functions not expressly set out herein to individual Cabinet Members provided they are executive functions and provided that due notice of the exact terms of the delegation and the name of the Executive Member is lodged with the Monitoring Officer.

Where the individual Cabinet Members general delegated authorities and the Cabinet Committee's specific Terms of Reference overlap then the executive decisions will be made by the Cabinet Committee unless the Leader determines otherwise.