

Leader Decision-Making Session

Agenda

9 July 2009

The Leader Decision Making Session will be held at the **SHIRE HALL, WARWICK** on **THURSDAY 9 July 2009 on the rising of Cabinet, which commences at 1:45 p.m. that afternoon.**

The agenda will be:

1. General

(1) Members' Disclosures of Personal and Prejudicial Interests.

Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the item (or as soon as the interest becomes apparent). If that interest is a prejudicial interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of a district or borough council is classed as a personal interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

(2) Minutes

Minutes of the meeting held on 23 June 2009

2. Appointment of Bodies and Delegation of Powers

Report of the Strategic Director of Customers, Workforce and Governance

This report sets out those bodies to which the Leader appoints members and asks the Leader to confirm the delegations of executive powers as set out in this report.

The public reports referred to are available on the Warwickshire Web
www.warwickshire.gov.uk/committee-papers

Recommendation

- (1) That the Leader appoints to the bodies listed;
- (2) That the Leader confirms the executive delegation to Portfolio Holders.

For further information please contact: David Carter, Strategic Director of Customers, Workforce and Governance Tel 01926 412564 e-mail davidcarter@warwickshire.gov.uk or Jane Pollard, Corporate Legal Services Manager Tel: 01926 412565 e-mail janepollard@warwickshire.gov.uk

3. Any Other Items

Any other items the Chair considers are urgent.

Shire Hall
Warwick
July 2009

JIM GRAHAM
Chief Executive

Councillor Alan Farnell (Leader of the Council and Chair of Cabinet)
cllrfarnell@warwickshire.gov.uk

General Enquiries: Please contact Jane Pollard, Corporate Legal Services Manager,
Tel 01926 412565 or email: janepollard@warwickshire.gov.uk

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Leader Decision Making Session 23 June 2009-06-25

Councillor Alan Farnell, Leader of the Council made the following decisions

- (1) Deputy Leader** - Councillor Bob Stevens was appointed
- (2) Appointment of Cabinet Portfolio Holders and determination of their portfolios** – as set out in Appendix 1
- (3) Confirmation of delegation of Executive Functions** – as set out in Appendix 2.
- (4) The following 3 members were appointed to the Eastern Shire Purchasing Organisation (ESPO) Management Committee:**

Cabinet Member (voting member): Martin Heatley
2 Non-voting Members: (one Liberal Democrat: John Whitehouse and one Labour: Tim Naylor)
- (5) The appointments to Joint Negotiating Bodies, Adoption Panel and Fostering Panel were deferred to a Leader decision-making session on 9 July 2009.**

Appointment of Deputy Leader and Portfolio Holders

The following shall be appointed:

Performance and Health (Deputy Leader) - Cllr Bob Stevens

Children, Young People and Families - Cllr Izzi Seccombe

Adult Social Care – Cllr Colin Hayfield

Environment – Cllr Alan Cockburn

Economic Development – Cllr Peter Fowler

Resources – Cllr Martin Heatley

Customers, Workforce and Partnerships – Cllr Heather Timms

Community Safety – Cllr Richard Hobbs

Leisure, Culture and Housing – Cllr Chris Saint

RESPONSIBILITIES OF THE LEADER, CABINET AND PORTFOLIO-HOLDERS

1. THE LEADER

The Council has delegated all executive powers to the Leader. The Leader may at any time exercise those powers his/herself. The Leader may from time to time change these delegations.

The Leader expressly reserves the following executive powers and responsibilities

- Overall responsibility for corporate policies, performance and strategic issues, budget and external relations.
- Oversight of the overall performance of the Portfolio Holders and the Chief Executive
- To Chair the Public Service Board and to make associated commitments on behalf of the Council provided those commitments fall within the budget and policy framework of the Council
- To act as the Lead Representative of the Council on sub-regional partnerships and to make associated commitments on behalf of the Council provided those commitments fall within the budget and policy framework of the Council
- The Leader may make any urgent decision in the exercise of executive powers notwithstanding the delegations below subject to the urgent decision procedure.

2. DELEGATION TO OTHERS - GENERAL

The Leader hereby delegates to the Cabinet, Portfolio Holders, other member bodies, and or officers the executive powers set out in the Constitution.

No delegation by the Leader shall prevent the Leader from exercising those functions his/herself or withdrawing delegation at anytime.

The Leader may direct any person or body prior to the exercise of any delegated power in relation to a particular matter

- that the Leader is to be consulted before a decision is made
- that the Leader requires the matter to be referred to Cabinet for decision
- that the Leader intends to take the decision

3. DELEGATION TO CABINET

Except in so far as the Leader has delegated executive powers to Portfolio Holders, other member bodies or officers the Cabinet shall have the following executive powers.

(a) **Policy Framework and Budget**

The Cabinet is responsible for implementing the agreed policy framework and budget and the development of proposals in accordance with Standing Orders in Part 3 of this Constitution

(b) **Promotion of well being and community planning**

The promotion of the economic, social or environmental well-being of the area, leading the development of the community plans and the formation of partnerships with other public private, voluntary and community organisations

(c) **Value for money**

Leading the search for value for money and considering the outcomes of value for money reviews carried out by Overview and Scrutiny Committees with a view to ensuring continuous improvement in the delivery of services

To exercise all the powers and duties of the Council which are not the responsibility of other bodies in relation to the following	
Adult Services	Economic and Industrial Development
Children's Services	Emergency Planning
Education	Information and Leisure
Fire and Rescue	Libraries and Heritage
Highways	Environment and Consumer
Planning	Effective Management of Resources
Trading Standards	Magistrates Courts and the Coroner
Weights and Measures	Registration Service
Waste Disposal	Smallholdings, forestry, land drainage
GENERAL Other powers and duties of the Council not reserved to Council or otherwise allocated to any other body by law or under this constitution	

4. LEADER DELEGATIONS TO PORTFOLIO HOLDERS

Each Portfolio Holder shall have the responsibilities set out below in respect of their portfolios except in so far as a matter has been reserved to full Council, the Leader or Cabinet or delegated to other persons (including officers) under the Constitution

Portfolio Holders are authorised to make decisions within their delegated powers provided those decisions are within the Policy Framework and budgetary allocations and the terms of reference of their portfolio.

The Leader may direct that he/she be consulted on any matter delegated prior to a decision being taken and may decide to reserve the right to make the decision or refer the matter to Cabinet.

No Portfolio Holder shall make a decision where the Portfolio Holder would have a conflict of interest under the member code of conduct. In these circumstances the matter shall be referred back to either the Leader or the Cabinet for a decision.

4.1 Portfolio Holder –General Responsibilities

- To ensure the continuous improvement of the services within their own portfolio and opportunities for partnership/shared working are maximised.
- To ensure that all services and roles are developed in accordance with the Council's overall policies.
- To liaise effectively with each other, to ensure that policies and service delivery are integrated across all services.
- To maintain effective two way dialogue with overview and scrutiny committees.
- To maintain effective two way dialogue with outside bodies.
- To ensure that services continue to be affordable and represent value for money

4.2 Portfolio Holders – Specific Responsibilities

Portfolio Holder – Children Young People and Families

All services to children and young people from 0-19 years, including Primary and Secondary Schools, pre school children, 16-19 years education, Connexions and the Learning and Skills Council. Also those responsibilities prescribed in the Children Act 2004 including child protection, family support and social care, children with specific needs, and the Youth Service.

Portfolio Holder – Adult Social Care

The development of social care services to adults including the delivery of social care to older people and people with disabilities, and community education.

Portfolio Holder – Environment

Environment and transport, including highways, public transport, waste management, environmental services, smallholdings and sustainability.

Portfolio Holder –Economic Development

Economic development including regional and sub regional matters, employment, regeneration and narrowing the gaps.

Portfolio Holder – Resources

Effective use of resources including finance, property, and information technology, facilities management and building schools for the future.

Portfolio Holder – Customers, Workforce and Partnerships

Customer service and access, information management, communications, human resources, law, probity, corporate and community governance, including school governance, risk management, development of effective partnership working, localities, shared services and relationships with the community and voluntary sectors.

Portfolio Holder – Community Safety

Community safety, including, road safety, fire and rescue, emergency planning, trading standards, crime and disorder reduction, drug and alcohol misuse, policing and criminal justice.

Portfolio Holder – Health and Performance

The development of the Council's health policy and commissioning arrangements and securing through effective partnership working with other health commissioners and providers the delivery of health care for people in Warwickshire and in particular those with social care needs. Ensuring the effective performance of the Council including performance in the Comprehensive Area Assessment.

Portfolio Holder – Leisure, Culture and Housing

Tourism, housing, countryside leisure services, planning, leisure and cultural services including libraries and heritage.

4.3 Portfolio Holder – General Powers

Each Portfolio Holder has the following powers in so far as it falls within the terms of reference of their specific portfolio

- To approve virements over £50,000 in accordance with the Scheme of Virement in Financial Standing Orders
- To approve bids for external funding.
- To approve the introduction of charges for services or changes to charges for services
- To write off irrecoverable sums in excess of £2000 and below £50,000
- To monitor performance and budgets
- To agree responses to consultation papers
- To approve proposals for statutory consultation

4.4 Portfolio Holders - Specific Powers

Portfolio Holder – Environment

School crossing patrols - consideration of outcomes of three-year reviews. Decisions on (dis)establishment when a vacancy occurs in the interim period	Section 26 Road Traffic Regulation Act 1984
The opening hours of local waste disposal sites provided no additional cost is involved	Section 51 Environmental Protection Act 1990
Approval of local environmental schemes	Section 2 Local Government Act 2000
The stopping up or diversion of highways	Section 116 Highways Act 1980
Power to make, amend or revoke a gating order.	Highways Act 1980 sections 129A-G.
Agree modifications to the Memorandum of Participation in the Parking and Traffic Regulations Outside London Adjudication Joint Committee where there are significant policy or budgetary implications	Part 6 of the Traffic Management Act 2004 (“the 2004 Act”), Sections 101(5), 102 (1) (b) and 101(5B) of the Local Government Act 1972, Section 20 of the Local Government Act 2000, the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, and the Local Authorities (Goods and Services) Act 1970.

Portfolio Holder Economic Development

Approval of local economic schemes	Section 2 Local Government Act 2000
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Portfolio Holder – Adult Social Care

Social Services Grants to voluntary organisations for local services over £1000 and below £50,000	Section 65 Health Services and Public Health Act 1968
To make payments over £1000 and below £50,000 to disabled persons	Section 2 Chronically Sick and Disabled Persons Act 1970

Portfolio Holder – Children Young People and Families

Approving changes to School Capacity and Admission Numbers	Part III School Standards and Framework Act 1998
Approving school term holiday dates	Section 32 Education Act 2002
Social Services Grants to voluntary organisations for local services over £1000 and below £50,000	Section 65 Health Services and Public Health Act 1968
To make payments over £1000 and below £50,000 to support a child in need in exceptional circumstances	Section 17 Children Act 1989
To make “exceptional needs” payments over £1000 and below £25,000 to local authority foster parents of looked after children.	Part III Children Act 1989 and any regulations thereunder

Jointly the Portfolio Holders for Resources and Customers Workforce and Partnerships

To authorise

- The addition to the Capital Programme of projects costing less than £1,500,000 that are fully funded from external grants, developer contributions or from revenue
- Proposals to procure and/or enter any executive contract or agreement on behalf of the Council with a total value not exceeding £3,000,000.
- Appropriations of County Council land for different purposes or declaring land and property as surplus to requirements where the value is over £100,000 and below £1,000,000 and authorising the disposal of such land and property.
- To grant at market value and take up leases, easements and licences over County Council property or for the benefit of the County Council where the annual rent or fee consideration is greater than £25,000 and below £250,000.

Jointly the Portfolio Holders for Children Young People and Families and Customers Workforce and Partnerships,

To approve changes to the governance arrangements of schools including

- instruments of governance for new schools
- appointment of interim executive boards

5. DELEGATIONS TO AREA COMMITTEES

Function	Type of Function	Statutory reference
To help the Council and Cabinet shape major proposals affecting the area and to advise the Council and Cabinet about the implications for the area of its objectives, plans, and policies.	Executive	Section 111 Local Government Act 1972 and any other relevant enactment
<i>To make decisions on the following matters within their areas, provided those decisions are within the Council's overall policies and budgetary allocations and do not affect other areas of the County:-</i>		
To agree on behalf of the Council the district/borough wide Sustainable Communities Strategy	Executive	Section 4 Local Government Act 2000
To nominate members to sit on the District/Borough Local Strategic Partnerships	Executive	Section 4 Local Government Act 2000
Community development grants and well being grants	Executive	Section 2 Local Government Act 2000; Section 111 Local Government Act 1972.
Road traffic management and accident prevention schemes and road traffic regulation	Executive	Road Traffic Regulation Act 1984 and any other relevant enactment
Public transport / rural transport and community transport	Executive	Road Traffic Regulation Act 1984 and any other relevant enactment

6. DELEGATIONS TO OFFICERS

That the Leader confirms the revised delegations made to officers to reflect the new officer management structure as set out in the Constitution (June 2009).

AGENDA MANAGEMENT SHEET

Name of Decision-Maker **The Leader of the Council**

Date of Committee **9 July 2009**

Report Title **Appointments to Bodies and Delegation of Powers**

Summary The enclosed report sets out those bodies to which the Leader appoints members and asks the Leader to confirm the delegations of executive powers as set out in this report.

For further information please contact: David Carter Jane Pollard
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Would the recommended decision be contrary to the Budget and Policy Framework?
No.

Background papers Council report 16 December 2008 Agenda 3 New Constitutions

Constitution June 2009

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

- Other Committees
- Local Member(s) N/A
- Other Elected Members
- Cabinet Member
- Chief Executive Jim Graham.....
- Legal Jane Pollard -
- Finance
- Other Chief Officers
- District Councils

- Health Authority
- Police
- Other Bodies/Individuals

FINAL DECISION YES

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

The Leader- 9th July 2009

Appointment to Bodies and Delegation of Powers

Report of the Strategic Director of Customers, Workforce and Governance

Recommendation

(1) That the Leader appoints to the bodies listed.

(2) That the Leader confirms the executive delegation to Portfolio Holders

1.0 Appointments to Bodies

1.1 Joint Negotiating Bodies

There are two negotiating bodies – one for staff and one for teaching staff. The bodies provide a forum for discussions with relevant trade unions in relation to conditions of service of members of staff and to recommend to the Regulatory Committee any changes or amendments to those conditions of service.

The membership of each is 2 Cabinet members and 2 non-Cabinet members.

The Cabinet is invited to appoint **2** Cabinet members to the Joint Negotiating Body and **2** Cabinet members to the Joint Negotiating Body (Teaching Staff).

1.2 Adoption Panel

The Adoption Panel is a statutorily required body and its membership is prescribed by legislation. The Leader is required to appoint one County Councillor to the Adoption Panel.

1.3 Fostering Panel

The Fostering Services Regulations 2002 section 24(3)(c) states that when the local authority is the agency at least one elected member of that authority may sit on the Panel. In Warwickshire we have determined that it would be one County Councillor.

1.4 Supporting People Commissioning Body Partnership

This is a partnership board comprising WCC, the 5 districts and boroughs, the PCT and Probation. The partnership board makes commissioning decisions on allocating a Supporting People grant (circa £10m) to vulnerable people in need of housing related support services (Councillor Colin Hayfield is current representative).

1.5 Other Organisations

- a) West Midlands Fire and Rescue Services Regional Control Centre Company (Councillor Richard Hobbs is current director). This is a company limited by guarantee for which the membership is the 5 Fire and Rescue Authorities in the West Midlands region. The company is required by law and will provide the region's fire control services once fully operational after 2011.
- b) Warwickshire Firefighters Families Fund Trust. The Firefighters Fund was established following the Atherstone-on-Stour Fire. The constitution of the Trust Fund requires that the Trustees of the Fund include a number of elected members of the Council and the Chief Fire Officer. Current appointments as Trustees are Paul Fuller, Councillors Richard Hobbs and Richard Chattaway and former Councillors Nina Knapman and John Wells.
- c) Warwickshire Careers Service company (Current appointees are Marion Davis, and former Councillors Richard Grant and John Burton). This is a company limited by guarantee for which the membership is WCC and the Coventry Chamber of Commerce. As a member of the company, the Council is able to appoint 3 directors to the company. The company allocates funding to schools and colleges in the county who are seeking specialist status. In addition, it provides a general careers related information and assistance.
- d) Warwickshire Venture Capital Limited (Council can appoint 4 directors). Current appointees are Councillors Chattaway and Barnes and former Councillor Collett. The company, which is no longer active, was established to carry on the business of an investment and property holding and dealing company. This company due to wind up shortly.
- e) Warwick Technology Park Management Company Limited and Warwick Technology Park Management Company (No 2) Limited. The companies manage the landscaping and grounds maintenance of the Warwick Technology Park site. Dave Clarke is currently a director of the first company. The Council can appoint 2 directors to both companies.
- f) University of Warwick Science Park Limited (UWSPL) and University of Warwick Science Park Innovation Centre Limited (UWSPICL). The Council can appoint two directors to UWSPL and one director to UWSPICL. Currently former Councillor Mick Jones is appointed to both companies. UWSPL was set up to manage and run the Science Park. UWSPICL was set up to provide a focus for scientific information and technology exchange between university research and the commercial sector.

2.0 Delegation of Executive Functions to Portfolio Holders

- 2.1 Further discussions between the Strategic Directors Team and Cabinet members have indicated that it would be helpful if the following powers could be delegated to Portfolio Holders

To approve variations to approved Schemes and Projects provided that the variation would not

- (i) exceed the overall parameters set for the Scheme or Project
- (ii) exceed the approved financial envelope for the Scheme or Project
- (iii) constitute a change to the approved policy objectives of the Scheme or Project
- (iv) be outside the Council's budget and policy framework

The Leader is asked to confirm the delegations of executive powers.

DAVID CARTER
Strategic Director of
Customers Workforce and
Governance
Shire Hall
Warwick
24 June 2009