

SECTION 4 – RESPONSIBILITIES OF THE LEADER, CABINET AND PORTFOLIO HOLDERS

The Leader

Reserved Matters	General Powers	Restrictions on delegations
<p>Overall responsibility for leading the work of the Council and Cabinet</p> <p>Oversight of the overall performance of the portfolio holders and the joint managing directors.</p> <p>To make commitments in partnership settings, either herself or through her nominee, provided those commitments fall within the council's governance arrangements, particularly its budget and policy framework.</p>	<p>The leader may exercise any executive power.</p> <p>No delegation by the leader shall prevent the leader exercising those functions his/herself or withdrawing delegation at any time.</p> <p>The leader may make any urgent decision in the exercise of executive powers notwithstanding the delegations below subject to the urgent decision procedure.</p>	<p>The leader may direct any person or body prior to the exercise of any delegated power in relation to a particular matter:</p> <ul style="list-style-type: none"> • 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; and • That the leader intends to take the decision.
Cabinet – General Obligations and Powers	Executive powers include e.g.	
<p>The leader delegates to the cabinet all the executive powers and duties other than those powers reserved by the leader. The powers and duties delegated may be exercised concurrently with other persons or bodies unless the leader directs otherwise. The executive powers and duties delegated include the following:</p> <p>a. Budget and Policy Framework – the cabinet is responsible for implementing the agreed budget and policy framework and the development of proposals in accordance with standing orders in part 3 of this constitution;</p> <p>b. Promotion of well-being – the promotion of the economic, social and environmental well-being of the area, and the formation of partnerships with other public,</p>	<p>Adults Children Education Fire & Rescue Highways Planning Registration Trading Standards Waste Disposal</p>	<p>Economic and Industrial Development Emergency Planning Information and Leisure Libraries and Heritage Environment and Consumers Effective Management of Resources The Coroner Smallholdings</p>

<p>private, voluntary and community organisations; and</p> <p>c. Value for money – leading the search for value for money with a view to ensuring continuous improvement in the delivery of services.</p>		
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Portfolio Holders

Portfolio holders have the general obligations and powers set out below in relation to their portfolios. 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. No portfolio holder shall make a decision where the portfolio holder would have a conflict of interest under the Members' Code of Conduct. In these circumstances the matter shall be referred back to either the leader or the cabinet for a decision.

General Obligations	General Powers
<ul style="list-style-type: none"> • To take a collective responsibility for the delivery of the council's budget and policies. • To ensure the continuous improvement of the services within their own portfolio and opportunities for partnership/share 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 ensure that services continue to be affordable and represent value for money. • To work with heads of service and strategic directors to deliver the council's budget and policies. 	<ul style="list-style-type: none"> • To approve revenue virements over £50,000 in accordance with financial regulations. • To approve capital virements in accordance with the financial procedure rules. • 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 external consultations. <p>To approve proposals for consultation.</p> <ul style="list-style-type: none"> • To approve variations to approved schemes and projects provided that the variation would not:

	<ul style="list-style-type: none"> a. exceed the overall parameters set for the scheme or project; b. exceed the approved financial envelope for the scheme or project; c. constitute a change to the approved policy objectives of the scheme or project; or d. be outside the council's budget and policy framework
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Portfolio	Terms of Reference	Specific Powers
Deputy Leader (Finance & Property)	Deputising for the leader, finance, delivery of the revenue budget and the overall capital programme (including external funding); procurement and contract management; property; smallholdings; facilities management; and oversight of infrastructure delivery.	<ul style="list-style-type: none"> • The addition to the capital programme of projects costing less than £2,000,000 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.
Adult Social Care & Health	<p>Social care services to adults including the delivery of social care and support to older people and people with disabilities; policies and services for safeguarding adults; and adult mental health services.</p> <p>Oversight of the arrangements for commissioning adult social care services.</p>	<ul style="list-style-type: none"> • Social services grants to voluntary organisations for local services over £1000 and below £50,000. • To make payments over £1000 and below £50,000 to disabled persons.

	Health, including public health; and the integration of health with adult and children's services.	
Children's Services	<p>Overall responsibility for the co-ordination of education and children's services.</p> <p>Specific responsibility for child protection and safeguarding; Looked After Children including the Children in Care Council; family support; and social care for children with specific needs (disabilities).</p> <p>Child and adolescent mental health services and the arrangements for commissioning those services.</p> <p>Youth justice service and children's centres.</p>	<ul style="list-style-type: none"> • Social services grants to voluntary organisations for local services over £1000 and below £50,000. • To make payments over £1000 and below £50,000 to support a child in need in exceptional circumstances. • To make "exceptional needs" payments over £1000 and below £25,000 to local authority foster parents of looked after children.
Customer & Transformation	Services relating to corporate planning and transformation programme; customer services; libraries; HR and organisational development; communication; performance management; ICT services; and law, governance and audit.	

Education & Learning	<p>Education and learning services for children and young people from 0 to 19 years, including early years; nurseries; primary and secondary schools; special educational needs (assessment, statementing and review); special schools; education of looked after children; 16-19 years education; and relationships with colleges.</p> <p>Responsibility for school organisation, planning and school governance.</p> <p>Responsibility for skills, apprenticeships, adult and community education and learning services.</p>	<ul style="list-style-type: none"> • Approving school term holiday dates. • Approving changes to the governance arrangements of schools, including: <ul style="list-style-type: none"> • Instruments of governance for new schools. • Proposing appointments to interim executive boards.
Environment and Heritage & Culture	<p>Services relating to waste and environment including gypsies and travellers; country parks; tourism; climate change; heritage and culture services.</p> <p>Localities and relationships with the voluntary and community sectors.</p>	
Fire & Rescue	Services relating to community safety	

and Community Safety	including Fire & Rescue services; road safety; flood risk management; trading standards; emergency planning; crime and disorder reduction; drugs and alcohol; policing; and criminal justice.	
Transport & Planning	Services relating to the provision and maintenance of transport and highways infrastructure, including Highways and Regeneration Capital Programme; the Local Transport Plan; transport strategy and the Local Transport Body; HS2; rights of way; strategic and infrastructure planning; flooding; and housing.	<ul style="list-style-type: none"> • School crossing patrols - consideration of outcomes of three-year reviews. Decisions on (dis)establishment when a vacancy occurs in the interim period. • The stopping up or diversion of highways. • Power to make, amend or revoke a gating order. • 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. • In cases where objections have been received and in consultation with local member(s) the power to determine road traffic management and accident prevention schemes and road traffic regulation. • The opening hours of local waste disposal sites provided no additional cost is involved.

**Inter Authority Agreement for the W2R Energy from Waste Programme
led by Staffordshire County Council**

1. Delegates to Staffordshire County Council the power to appoint an authority representative to take the decisions detailed in Schedule 3 of the Inter Authority Agreement on behalf of Warwickshire County Council.

2. Appoints the portfolio holder for environment as Warwickshire's elected member on the Contract Management Board and authorises any other portfolio holder to act as his/her deputy in the event the portfolio holder for environment is unavailable.

3. Appoints the joint managing director (communities), or his/her nominee, to act as Warwickshire's officer representative on the Contract Management Board and delegates to the joint managing director (communities), or his/her nominee, authority to appoint an officer to act as his/her deputy in the event the joint managing director (communities), or his/her nominee, is unavailable.

4. Delegates to the portfolio holder for environment, and any other portfolio holder who may from time to time act as his/her deputy, the joint managing director (communities) and officers appointed to the Contract Management Board the powers to take the decisions detailed in Schedule 3 of the Inter Authority Agreement on behalf of Warwickshire.

PROJECT W2R – INTER AUTHORITY AGREEMENT

SCHEDULE 3 - REQUIRED APPROVALS

Nature of action/decision required	Category
Appointment of the Authority's representative.	Staffordshire Matter
General contract management, assessment and implementation of KPIs, daily contract monitoring.	Authority's Representative
Review and commenting on/approval of Submitted Items pursuant to the Review Procedure.	Staffordshire Matter
Agreeing extensions of time, relief from obligations and/or compensation as a result of Compensation/Relief Events.	Staffordshire Matter, save that: (a) Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter; and (b) where one or more of the Partners considers that the matter in question should be referred to either the Contract Management Board or the Authorities, that Partner or those Partners shall notify the remaining Authorities within 10 business days of receipt of notification from Staffordshire and the matter shall be referred to the Contract Management Board or the Authorities (as appropriate) and the decision shall be taken as a Contract Management Board Matter or a Matter Reserved to the Authorities (as appropriate).
Issue of an Authority Change Notice.	Contract Management Board Matter

Approval of a Contractor Change Notice.	Contract Management Board Matter
Agreeing the consequences of a Qualifying Change in Law.	Contract Management Board Matter
Approval of insurers.	Staffordshire Matter
Approval of any Reinstatement Plan.	Staffordshire Matter
Un-insurability.	Staffordshire Matter
Termination for Contractor Default pursuant to clause 62 of the Project Agreement.	Matter reserved to the Authorities
Termination for Force Majeure pursuant to clause 64 of the Project Agreement.	Matter reserved to the Authorities
Termination for Corrupt Gifts and Fraud pursuant to clause 69 of the Project Agreement.	Matter reserved to the Authorities
Voluntary Termination pursuant to clause 70 of the Project Agreement.	Matter reserved to the Authorities
Termination for breach of the Refinancing Provisions pursuant to clause 72 of the Project Agreement.	Matter reserved to the Authorities
Step-in pursuant to clause 33 of the Project Agreement.	Staffordshire Matter
Consent to assignment of the Project Agreement by the Contractor.	Staffordshire Matter, save that: Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter.
Consent to sub-contract the Project Agreement by the Contractor.	Staffordshire Matter, save that: Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter.
All actions and decisions relating to the Dispute Resolution Procedure under the Project Agreement.	Staffordshire Matter
Any waiver of any breach by the Contractor of the Project Agreement.	Contract Management Board Matter