

COUNCIL

Report title	Executive Scheme of Delegation
Chief Executive or Director	The Mayor
Date	22 May 2019
Purpose of the report	The report sets out to Members, as required by the Constitution, details of the Executive Scheme of Delegation for inclusion in the Council's Scheme.
Summary of the report	The Mayor is responsible for determining his Scheme of Delegation and this covers the following five areas of delegated powers: the Executive collectively, individual Executive Members, officers, Executive Sub-Committees and joint arrangements. When he considers it appropriate however, the Mayor may still take any decision regardless of whether it has been delegated within his Scheme. The general responsibilities of the Mayor and Executive Members including their portfolios are detailed at Appendix A. The membership of the Mayor's Executive is detailed at Appendix B.
If this is a confidential report, which exemption(s) from the Schedule 12a of the Local Government Act 1972 applies?	NO
Decision(s) asked for	That the Mayor's Executive Scheme of Delegation be noted.
Impact of decision(s)	The information provided will provide members with awareness of the Executive Scheme of Delegation.

What is the purpose of this report?

1. The report sets out to Members, as required by the Constitution, details of the Executive Scheme of Delegation for inclusion in the Council's Scheme.

Why is this report necessary?

2. The report is necessary so that members are aware of the Mayor's Executive Scheme of Delegation.

What decision(s) are being asked for?

3. That the Mayor's Executive Scheme of Delegation be noted.
4. The Mayor is responsible for determining his Scheme of Delegation and this covers the following five areas of delegated powers: the Executive collectively, individual Executive Members, officers, Executive Sub-Committees and joint arrangements. When he considers it appropriate however, the Mayor may still take any decision regardless of whether it has been delegated within his Scheme. The general responsibilities of the Mayor and Executive Members including their portfolios are detailed at Appendix A. The membership of the Mayor's Executive is detailed at Appendix B.
5. The composition of the Executive is as follows:
The Mayor has made public the process that he intends to initiate to appoint to Executive positions within the portfolios listed below:
 - Deputy Mayor and Thematic Lead for Drugs
 - Adults and Public Health
 - Children's Services (including Education)
 - Finance, Governance and Support
 - Regeneration
 - Culture & Communities
 - Environment
6. Until this process is complete the Executive will be structured with the membership as indicated below:
 - The Elected Mayor
 - Deputy Mayor and Executive Member for Finance, Governance and Place-based Services
 - Executive Member for People-based Services

The Executive collectively

6. The Executive (the Mayor, Deputy Mayor & Executive Member for Finance, Governance and Place based services and Executive portfolio holders) will be responsible collectively for determining the following matters in respect of all or any functions which fall within the Executive terms of reference: -
 - The delegation of authority to take Executive decisions when there are public meetings of the Executive, convened in accordance with the relevant legislation.
 - Proposals which will be submitted to the Council as part of the annual budget and policy framework together with significant in year departures from the framework.
 - New policies and procedures and changes to existing policies and procedures likely to have a significant impact on service provision or the organisation of the Council.

- The principles and funding of significant management restructuring involving more than one department.
- Compulsory redundancies arising directly in connection with proposals falling into the 2 preceding categories.
- Broad programme allocations together with proposals and overall expenditure levels, for projects with significant corporate implications, including those for which it is proposed to let a contract.
- Any matters relating to bids for funding, which are financially or strategically significant and have not been provided for within the financial and policy framework.
- Council-wide strategic performance and financial management / monitoring together with associated action.
- Strategic and significant decisions arising from service reviews.
- Key decisions, not delegated to an Executive Committee, Executive Member, officer or joint arrangement.
- Sensitive Council-wide matters which are not key decisions.
- All reports referred to the Executive by the Overview and Scrutiny Board and its Scrutiny Panels.
- Responsibility for issues relating to Corporate Risk Management.

Individual Executive Members

7. Individual portfolio holders will normally be responsible for the following matters in relation to the functions and service areas within the scope of their own portfolio.
 - Major variations to existing policies and procedures.
 - Approval of departmental service plans.
 - Monitoring of service performance information.
 - Portfolio service reviews, including, improvement plans, external inspection, reviews and non-strategic corporate matters.
 - Policies, plans and strategies, which are not part of the financial and policy framework.
 - Key decisions which are portfolio specific.
 - Sensitive non-key decisions, which are portfolio specific.

- Matters relating to bids for funding which do not have major financial or strategic significance, or which have either been approved in principle by the Executive or as part of the financial and policy framework.

Deputy Mayor and Executive Member for Finance, Governance and Place-based Services – Delegated Authority

8. The Deputy Mayor and Executive Member for Finance, Governance and Place-based Services has delegated powers:
 - a. To appoint to outside bodies, made by the Executive or jointly with Council.
 - b. To appoint to Executive Advisory Bodies and Executive Sub Committees (Excluding membership to the Full Executive)

Executive Sub-Committee for Grants to the Voluntary Sector

9. When not referred to the Mayor, Executive or Executive Member for determination, the Executive Sub-Committee for Grants to the Voluntary Sector is delegated the following powers: -
 - To determine the criteria under which grants will be awarded from the Grants to Voluntary Sector budget.
 - That working within the existing frameworks and allocated resources, determine on an annual basis, the allocation of grant aid from the Grants to Voluntary Sector budget.
 - To determine 'in year' changes to those allocations should it become necessary.
 - To monitor and evaluate the use of grant aid once allocated.
 - Subject to available resources within the Budget, to determine 'in year' one off applications for grant aid.
 - To consider and determine all issues relating to charities, which identify the Council as being Trustee and which are not specifically delegated to another body.
 - To consider and determine policy issues in relation to Grants, Trusts and the Voluntary and Community sector not specifically delegated to another body.

(NOTE: the Members of the Sub-Committee also act as trustees of the Trusts that the Council is the corporate trustee of including the Hustler, Albert Park and of Stewart Park Trusts).

10. The Membership of the Executive Sub-Committee for Grants to the Voluntary Sector is as follows:
 - Deputy Mayor and Executive Member for Finance, Governance and Place-based Services

- Executive Member for People-based Services

Substitution Arrangements

11. Please see sections below on substitution arrangements.

Executive Sub-Committee for Property

12. When not referred to the Mayor, Executive or Executive Member to determine, the Executive Sub-Committee for Property is delegated the following powers:
 - To determine the Council's corporate property priorities.
 - To approve the allocation of resources from the Small Scheme Allocation budget.
 - To be consulted upon the capital programme.
 - To determine 'in year' changes to the new start investment programme and small scheme allocation projects should it become necessary.
 - To consider and determine the acquisition and disposal of assets (including land and buildings), other than equipment, plant and machinery for resale, in accordance with the requirements of Financial Regulations and Contract Standing Orders.
 - To be consulted upon planning brief proposals.
 - To establish effective communication channels to cascade the Council's corporate property priorities.
13. The Membership of the Executive Sub-Committee for Property is as follows:
 - The Mayor
 - Deputy Mayor and Executive Member for Finance, Governance and Place-based Services
 - Executive Member for People-based Services

Substitution

14. Please see sections below on substitution arrangements.

Appointment of Substitute Members to the Executive Sub Committees for the Voluntary Sector and Property

15. A substitute may be designated for each Member appointed to the sub-committee, by the Member(s), by notification to the Monitoring Officer at least 24 hours prior to the date of the meeting. Designation as a substitute, shall take effect immediately after notification to the Monitoring Officer, for the specific meeting or until such later time as shall be specified by the Member.

Termination of Appointment

16. A Member may, by written notification to the Monitoring Officer, terminate the appointment of a substitute with immediate effect.

Powers and Duties

17. Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

Substitution

18. At the commencement of a meeting at which a substitute is to attend as a substitute, s/he shall identify the Member for whom s/he substitutes who shall be excluded from participating in that meeting and for whom there shall be no further substitution at that meeting.

Executive Sub-Committee for Standing Orders

19. When not referred to the Mayor, the Executive or, where prejudicial interests might be involved requiring the matter to be referred to the Deputy Mayor and Executive Member for Finance, Governance and Place-based Services for determination, the Executive Sub-Committee for Standing Orders is delegated the following power:
 - To determine requests to waive standing orders, which fall within the remit of the Executive, relating to contracts. No exemptions can be used if EC procurement procedures apply.
20. In the event that the Sub-Committee for Standing Orders is unable to reach a decision on a report, it may be submitted to either the Mayor or the full Executive for determination.
21. The membership of the Executive Sub-Committee for Standing Orders is:
 - Deputy Mayor and Executive Member for Finance, Governance and Place-based Services.
 - Executive Member for People-based Services

Decision Making by Joint Bodies

22. The following body will exercise executive functions in accordance with the terms of the agreement currently in operation:
 - Joint Archives Committee.

OFFICER DELEGATED AUTHORITY

23. Officers have the power to undertake without reference to Council, the Executive, or to any of the Council's committees, matters of day-to-day management and associated activities. Subject to the provisions within the Mayor's scheme of delegation above, officers can take executive non-key decisions. Unless specifically

delegated by the Mayor and his Executive, officers do not have the delegated powers to take key decisions.

General responsibilities of the Mayor

As the town's First Citizen, the Mayor promotes Middlesbrough in the sub-region, region and nationally.

Duties and responsibilities of the Mayor include: -

1. Providing strong and visible leadership in relation to the Council, citizens, stakeholders and partners of the Council.
2. Leading on partnerships and strategic matters of significance to Middlesbrough on a local, sub-regional, regional and national basis.
3. Promoting, wherever possible, public engagement in the work of the Council.
4. Leading in promoting the core values and objectives of the Council.
5. Leading on promoting proposals in relation to the Council's Budget and Policy Framework.
6. Leading on the delivery of continuous improvement in Council services.
7. Promoting the highest standards of conduct and ethics within the Council.
8. Making appointments to the Executive, determining portfolios and chairing the Executive.
9. Determining the Executive Scheme of Delegation.

General responsibilities of the Deputy Mayor and Executive Member for Finance, Governance and Place-based Services

To support the Mayor in the development and promotion of Council activities, policies and performance and to lead on managing the business of the Council.

Duties and responsibilities of the Deputy Mayor and Executive Member for Finance, Governance and Place-based Services: -

1. Chairing meetings of the Executive in the absence of the Mayor.
2. If for any reason the Mayor is unable to act, the Executive Member for Finance, Governance and Place-based Services will act in his place until the Mayor is again able to act.
3. Co-ordination and promotion of liaison between the Mayor, Executive and non-Executive Members.
4. Leading on corporate issues in connection with the Council's performance.
5. Leading on corporate external inspection and assessments.
6. Promotion and development of Member accountability especially in relation to Members performance.
7. Ensuring that there is effective liaison and co-ordination between the Executive and Scrutiny.
8. Promotion and development of non-Executive Member involvement in Council policy at the initial stages of policy formulation.
9. To undertake such duties as may be directed by the Mayor.

General responsibilities of Executive Members

1. To be the principal spokesperson on issues relating to their portfolios.
2. To lead on the development and delivery of policies within their portfolio remit.

3. To commission scrutiny, when appropriate, to assist in policy development and attend scrutiny meetings when invited.
4. To report to Council on activities they have undertaken and to be held to account by Councillors and the Mayor.
5. To respond to appropriate questions received in the Council's public question time.
6. To represent the Council on outside bodies.
7. To monitor service performance specific to their portfolio (including the budget).
8. To participate in service reviews and inspections as appropriate.
9. To agree responses to Government and other strategic consultation documents.
10. Promote appropriate non-executive member involvement in portfolio activities
11. In accordance with agreed procedures, to take decisions as authorised under the Executive Scheme of Delegation.
12. To maintain effective working relationships with officers.
13. To attend meetings of the Executive.
14. To promote health issues specific to their portfolio.

Executive Portfolio:	The Elected Mayor of Middlesbrough
Portfolio Holder:	Andy Preston
Lead Officer:	The Chief Executive

SCOPE OF PORTFOLIO

The Mayor has overall Executive responsibility for all Policy Framework documents, although individual Executive Members take the lead for those documents which may come under their respective portfolios. The Mayor has overall responsibility for delivering the Mayor's Vision and associated initiatives.

Service areas and Functions

The Mayor has overall responsibility for executive functions together with those general responsibilities detailed above. Service responsibilities have been delegated to the Executive Councillors.

The Mayor is the Council's representative to the Combined Authority and will sit in the Tees Valley Combined Authority.

The Mayor (or whoever he decides to nominate) to exercise the Council's rights as a shareholder in BCCP Limited on behalf of the Teesside Pension Fund.

The Mayor exercises the Council's rights as shareholder in MHomes (Middlesbrough) Limited.

Executive Portfolio:	Deputy Mayor and Executive Member for Finance, Governance and Place-based Services
Portfolio Holder:	Councillor Antony High
Lead Officer:	Executive Director – Growth and Place Strategic Director – Finance, Governance and Support

SCOPE OF PORTFOLIO

The Deputy Mayor will deputise for, and assist the Mayor in the execution of his duties.

The Deputy Mayor and Executive Member for Finance, Governance and Place-based Services will provide strategic oversight for:

- Ensuring that the Council operates efficiently, openly and fairly, retaining oversight of budgeting issues and the following areas of operation.
- Strengthening our cultural sector and creating safer communities
- Ensure fair access to high-quality homes, secure well paid jobs, meaningful training and transport.
- Ensuring Middlesbrough is clean, tidy and resilient to climate change.

The Executive Member has the responsibility of ensuring that the Council operates efficiently, openly and fairly and has oversight of budgetary issues. Finance and Governance areas falling within the Executive Member portfolio are:

- Human Resources
- Legal & Democratic Services
- ICT
- Business Continuity
- Policy, Performance and Information
- Equality and Diversity
- Risk Management
- Project and Programme Management
- Financial probity
- Value for Money
- Teesside Designated Authorities Budget
- Commissioning
- Investment Programme
- Change Programme Issues
- Asset management
- Loans and Investments

Policy Framework

- Investment Prospectus
- Town Centre Strategy
- Middlehaven Strategy
- Railway Station Masterplan
- Strategic Plan

- Integrated Regional Strategy
- Sub Regional Strategy
- Council's Budget Strategy
- Capital Strategy
- Voluntary Sector
- Strategic Approach to Addressing Poverty
- Community Safety including Law and Order Issues
- Community Development
- Community Hub Development
- Human Rights Act
- Local Development Framework/Development Plan Documents
- Local Transport Plan
- Relevant Environment and Waste Policies and Strategies
- One Planet Living and Assisted Energy Strategies
- Licensing Authority Policy Statement 2003 Act
- Statement of Principle Gambling (2005 Act)

Service Functions

- Urban Policy and Implementation within the key city centre project sites
- Regeneration Programmes within the city centre
- Economic Development within key city centre sites
- Deputise when required at Sub-regional and regional activities (e.g. DTV Airport) for the Mayor
- Accountancy
- Financial planning including VFM
- Corporate Commissioning and Procurement
- Loans and Investment Performance
- Performance and Partnerships
- Legal & Democratic Services
- Human Resources
- ICT
- Combined Authority Governance
- Registrars & Coroners Services
- Community Councils
- Corporate Performance Management
- Data Quality Champion
- Information Governance
- Risk Management and Business Continuity Champion
- Health and Safety
- Registrars
- Town Twinning
- Design Champion
- Revenue, Investment and monitoring
- Risk and Insurance
- Internal and external Audit issues
- Strategic Procurement
- Housing Benefits and Council Tax
- Responsibility for Digital City Business Trading Ltd including appointment of suitable Directors to act on the Council's behalf.
- Estates and Valuations
- Stronger Families

- Myplace
- Troubled Families
- Early Help
- Community Hubs
- Community Safety
- Street Wardens
- Neighbourhood Safety
- Travellers
- Homelessness
- Advice Services
- Asylum Seekers
- Volunteering
- Regeneration programmes
- Development control
- Strategic housing
- Landscape and countryside
- Development
- Economic development
- Business support
- Strategic highways and transportation
- Industrial and commercial areas
- Bereavement Services
- Climate Change and Environmental Sustainability
- Parks Management
- Architects and Design Services
- Streetscene (Includes: waste management and refuse collection, street cleansing, public toilets, fleet management and open spaces)
- Highways Maintenance
- Allotments
- Community Learning Service

Other Plans and Strategies

- Minimum Standard for Performance Management
- Corporate Data Quality Policy
- Corporate Equality and Diversity Policy
- People Strategy
- Implementing Electronic Government
- Central Services Plan (where relevant to the portfolio)
- Corporate Risk Management Strategy
- Strategic Risk Register
- Corporate Business Continuity Plan
- Health and Safety Plan
- Annual Audit and Inspection Letter
- Internal and External Audit
- Financial Resilience Assessment
- Medium Term Financial Plan
- Treasury Management
- VFM Strategy
- Member Development Policy
- Middlesbrough Health and Wellbeing Strategy
- Homelessness Strategy

- Regeneration Strategy
- Regeneration service plan
- Policies and strategies for housing activity
- Economic development strategy
- Development briefs and master plans
- Public rights of way
- Surface water management
- Selective Landlord Licensing
- Environment Service Plan (where relevant to the portfolio)
- Carbon Reduction and Climate Adaptation (CRACA) Plan
- Waste Management Plan
- Environment Service Plan (where relevant to portfolio)
- Taxis Licensing Executive Issues

- Licensing (Inc. Taxi Licensing)

Executive Portfolio:	Executive Member for People-based Services
Portfolio Holder:	Councillor Chris Hobson
Lead Officer:	<ul style="list-style-type: none"> • Director of Adult Social Care and Health Integration • Director of Public Health and Public Protection • Director of Children's Care

SCOPE OF PORTFOLIO

Executive Member for People-based Services will take the lead on the delivery of the Mayor's Vision with regard to ensuring vulnerable adults are protected and delivery of the South Tees Public Health Strategy in Middlesbrough.

- People with disabilities (adults)
- Elderly and frail people
- People with Learning Disabilities and Mental Health conditions (adults)
- Adults with Social Care needs
- Carer Support
- Health Service Quality
- Public Protection

Policy Framework

- Think Local Act Personal, The Direction for Social Care Services
- Health and Social Care Reform.
- Health and Well Being Strategy
- NHS Commissioning and Delivery Plans – Local, Regional and National
- Civil Contingencies Act 2004
- Public Health England Plans – Local, Regional and National

Other Plans and Strategies

- Supporting People Strategy
- Better Care, Higher Standards
- Prevention Strategy
- National Health Service Plan
- Older Peoples' Strategy
- Physical Disabilities Strategy
- Social Services' Equalities Plan
- Social Services' Care Service Plan
- Mental Health Strategy
- Learning Disabilities Strategy
- No Secrets, Protection of Vulnerable Adults from Abuse
- Joint Strategic Needs Assessment
- Food Safety Service Plan
- Health Safety Service Plan
- Environmental Enforcement
- NHS Health Check programme
- Food health and safety
- Trading Standards (Inc. Metrology)

- Environmental Health
- Public health advice to NHS commissioners
- Comprehensive sexual health services
- Health protection - incidents, outbreaks, emergencies and hazards
- Tobacco control and smoking cessation services
- Alcohol and drug misuse prevention, early intervention and treatment services
- Obesity and physical activity - lifestyle and weight management services
- Workplace health
- Public mental health and suicide prevention
- Oral health promotion and dental public health
- Accidental injury prevention
- Prevention and early diagnosis of cancer and long term conditions
- Preventing seasonal mortality
- Public health intelligence – JSNA and DPH annual report
- Annual Public Health Report
- NHS Health Check programme
- Sports and Physical Activity Strategy

Service Functions

- Adult Commissioning
- Health and Social Care Integration
- STP
- BCF
- BHP
- Specialist & Lifelong services
- Older people
- Adult Social Services
- Social Services Performance and Modernisation
- Lead Authority arrangements with other Tees Valley Councils' with regard to the Metrology Service
- Social Services' Partnerships
- Older Persons' Champion
- Social Care Commissioning
- Environmental Health and Trading Standards
- Sports Development
- Leisure Services

In circumstances where it is considered that an Executive Member would have a prejudicial interest or by virtue of the fact that they are a member of the Thirteen Housing Board, that the matter will be referred to the Deputy Mayor and Executive Member for Finance, Governance and Place-based Services.

- The provision of statutory services to address the needs of all children and young people including the most disadvantaged and vulnerable and their families and carers who are in need of services to safeguard their welfare and wherever possible, seek to enable or provide a safe environment that reduces dependency on services
- Safeguarding of children and adults
- Health care of vulnerable children
- Looked after children
- Youth offending
- Access to Education
- School organisation

- Place planning
- Admissions
- Attendance
- Achievement
- Attainment
- Vulnerable learners
- Cleveland Unit
- Sensory impairment
- Complimentary Education
- Prevention
- School Readiness (including Children's Centres)
- Early Help Hub
- Work Readiness
- Family Casework
- Participation (Youth Voice)
- School partnerships
- Promote educational excellence for all children and young people
- Tackle underperformance
- Education of vulnerable children
- Special educational needs
- Strategic School place planning
- LA statutory duties for education
- School Attendance and Child Employment Licensing
- Governor Development
- Admissions
- Strategic school funding development
- Middlesbrough Achievement Partnership
- Liaison with education partners

Policy Framework

- Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services
- Corporate Parenting Strategy
- Middlesbrough Safeguarding Children Board Business Plan
- Looked After Children Strategy
- Safeguarding
- Mental Health Champion
- General principles of UN convention on the rights of the child
- Children Act 1989
- Section 19 of the Children Act 2004
- National Standards for Youth Justice Services
- MSCB Business Plan
- UN Convention on the Rights of the Child
- Children and Young People's Plan
- Youth Justice Plan
- National Curriculum
- Assessment and Accountability Framework 2016/17
- Children and Families Act 2014 – SEND Reforms
- Ofsted policy Framework
- School Finance Regulations 2013
- Education Act 2011

- Academies Act 2010
- Education and Skills Act 2008
- Education and Inspection Act 2006
- Children Act 2004 (relevant portfolio)
- Education Act 2002
- School Standards & Framework Act 1998 as amended
- Education Act 1996 as amended
- Statutory Framework for Early Years Foundation Stage
- Apprenticeships, Skills, Children and Learning Act 2009
- Early Years Foundation Statutory Framework

Other Plans and Strategies

- Healthy Child Programme (5-19) (Inc. School nursing service)
- Children's Services Partnership
- Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services
- Education and Vision Strategy
- School Effectiveness Strategy
- 14-25 Strategy
- Vulnerable Learners Strategy
- Improvement Plan
- Capital Strategy & Asset Management Plan (Schools)
- Scheme for Financing Schools
- Adult Learning Plan
- Youth Employment Strategy
- Special Educational Needs and Disability Reforms

Service Functions

Assessment & Care and Planning

- Children's assessment and care planning teams
 - Advisory Service
 - Special Educational Needs & Pupil Support
 - Parent Partnership/Choice Advice
 - Cleveland Unit nursery and child assessment centre
 - Education Psychology
 - Peripatetic Sensory Impairment Service (lead for joint arrangement)
 - Pupil Referral Units
 - Home & Hospital Education Service
 - Virtual School for Looked After Children
 - Ethnic Minority Achievement Service
 - Traveller Education Service (lead for joint arrangement)
 - Attendance & Child Employment Licensing
 - School Admissions
 - Governor Development Service
 - School Business Relationship Management
 - School Place Planning/School Organisation
 - Capital Programme management (Schools)
 - Middlesbrough Achievement Partnership support

Looked after Children

- Fostering services

- Adoption services
- Leaving care services
- South Tees Youth Offending Service

Quality and Standards

First contact

Independent review

Quality improvement

Residential and Resources

- Children's homes

Partnerships

South Tees Youth Offending Services

C & YP partnership

Troubled families

Risk and resilience

LSCB

In circumstances where it is considered that the Executive Member would have a prejudicial interest or by virtue of the fact that they are a member of the Thirteen Housing Group, the matter will be referred to the Deputy Mayor and Executive Member for Finance, Governance and Place-based Services.

APPENDIX B

Portfolio	Name	Address	Ward
Deputy Mayor and Executive Member for Finance, Governance and Place-based Services	Councillor Antony High	54 Mandale Road, Acklam, Middlesbrough, TS5 5AS	AYRESOME
Executive Member for People-based Services	Councillor Chris Hobson	16 Buxton Avenue, Marton, Middlesbrough TS7 8LP	MARTON WEST