

Report of:	The Mayor
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Submitted to:	Council
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Date:	25 May 2022
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Title:	Executive Scheme of Delegation
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Report for:	Information
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Status:	Public
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Strategic priority:	All
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Key decision:	No
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Why:	Not applicable
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Urgent:	No
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Why:	Not applicable
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Executive summary

The Mayor is required to report any changes to his Executive Scheme of Delegation to Council.

The report on the Mayor's revised Executive Scheme of Delegation is to be noted.

Purpose

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

Background and relevant information

2. The Mayor is responsible for determining his Scheme of Delegation and this covers the following areas of delegated powers: the Executive collectively, individual Executive Members, officers 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 revised portfolios are detailed at Appendix A. The membership of the Mayor's Executive is detailed at Appendix B.
3. The revised composition of the Executive is as follows:
 - The Elected Mayor
 - Deputy Mayor and Executive Member for Children's Services
 - Executive Member for Adult Social Care, Public Health, Public Protection and Digital Inclusion
 - Executive Member for Culture and Communities
 - Executive Member for Environment
 - Executive Member for Finance and Governance
 - Executive Member for Neighbourhood Safety
 - Executive Member for Regeneration
 - Executive Member for Young Adults and Political Engagement

The Executive collectively

4. The Executive collectively, and individually, will drive the Council strategically relying on relevant senior officers to deliver those priorities through any strategy, plan or policy within their relevant service portfolio.
5. The Executive (the Mayor, Deputy Mayor 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 below:
 - 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.
- To report to Council on activities they have undertaken and to be held to account by Councillors and the Mayor.
- **All issues that were previously considered by the Executive Sub Committee – Grants to Voluntary Sector (which has been disbanded) including:**
 - 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.
- **All issues previously considered by the Executive Sub Committee for Standing Orders (which has been disbanded) including:**
 - 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.

Individual Executive Members

6. 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 – Delegated Authority

7. The Deputy Mayor has delegated powers:
- a. To appoint to outside bodies, made by the Executive or jointly with Council.
 - b. To appoint to Executive Advisory Bodies (Excluding membership to the Full Executive)

Executive Sub-Committee for Property

8. 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.
9. The Membership of the Executive Sub-Committee for Property is as follows:
- All Members of the Executive

Decision Making by Joint Bodies

10. The following body will exercise executive functions in accordance with the terms of the agreement currently in operation:

Joint Archives Committee

Officer delegated authority

Decision Making by Chief Executive

11. The Chief Executive of the Council, or any officer nominated by the Chief Executive as his Deputy in this regard, will have delegated authority to make Executive decisions of a policy, financial and operational nature in response to the Covid-19 emergency.

Decisions by officers

12. 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.

What decision(s) are being recommended?

13. That the Council note the Mayor's revised Executive Scheme of Delegation

Rationale for the recommended decision(s)

14. The Constitution requires that Council be informed by the Elected Mayor about the composition and constitution of the Executive for the coming year, and the names of councillors they have chosen to be members of the Executive including the Deputy Mayor.

Other potential decision(s) and why these have not been recommended

15. Do nothing. This is not an option as the Constitution requires that the Mayor notifies full Council of the composition of his Executive and any subsequent changes to his Scheme of Delegation.

Impact(s) of the recommended decision(s)

Legal

16. Under s.9E of the Local Government Act 2000 (as amended), the Elected Mayor (as "the senior executive member") determines how and by whom executive functions are exercised.

Strategic priorities and risks

17. The relevant risks this decision would influence are cited below, with an explanation as to why they are relevant and how it would affect each risk.

Risk No	Risk Description	Impact
O8-054	Failure to adhere to Local Code of Corporate Governance and deliver governance improvements outlined in the Annual Governance Statement.	By providing the appropriate information regarding the make-up of the Executive and the Scheme of Delegation, the Mayor is complying with the requirements of the Constitution and the Council is demonstrating that good governance is in place and so this would have a positive impact on this risk.

Human Rights, Equality and Data Protection

18. The subject of this report is not a policy, strategy, function or service that is new or being revised. It is considered that an equality impact assessment is not required.

Financial

19. There are no financial implications or impact on any budgets or the Medium Term Financial Plan (MTFP) arising from the content of this report.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Note the report and make and appropriate changes to the Council's Committee Management system	Democratic Services	31 May 2022

Appendices

1	Executive Scheme of Delegation
2	Details of Executive Members

Background papers

Body	Report title	Date

Contact: Sylvia Reynolds

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APPENDIX A

Executive Scheme of Delegation

Under s.9E of the Local Government Act 2000 (as amended), the Elected Mayor (as “the senior executive member”) determines how and by whom executive functions are exercised. The Elected Mayor may either exercise any or all of the executive functions personally or may delegate the power to one or more of the following:

- the Executive (the Elected Mayor & Executive) collectively,
- an Executive member individually,
- an Executive committee,
- an area committee (N.B. there are no area committees currently in Middlesbrough),
- an officer (or officers) of the Authority,
- under joint arrangements with one or more other authorities *or*
- another local authority.

Executive Scheme of Delegation

The Executive (the Mayor and their Executive Members) will be collectively responsible for determining matters in respect of all or any functions which fall within the Executive terms of reference (below).

The Executive collectively, and individually, will drive the Council strategically relying on relevant senior officers to deliver those priorities through any strategy, plan or policy within their relevant service portfolio.

The Executive Terms of Reference (collectively)

The Executive (the Mayor, Deputy Mayor 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.
- To report to Council on activities they have undertaken and to be held to account by Councillors and the Mayor.

Executive Terms of Reference (Individual Executive Members)

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.

Decision Making by Joint Bodies

The following body will exercise executive functions in accordance with the terms of the agreement currently in operation:

Joint Archives Committee

EXECUTIVE PORTFOLIOS

THE MAYOR

ANDY PRESTON



PORTFOLIO

The Mayor has overall responsibility for delivering the Mayor's Priorities 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 Members.

The Mayor is the first citizen of the town and will promote the town as a whole and act as a focal point for the community. He will also take precedence with regard to any civic duties but these may be delegated to the Chair/Vice-Chair of the Council.

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

General responsibilities of the Mayor

Duties and responsibilities of the Mayor include: -

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

- Determining the Executive Scheme of Delegation.
- Responsibility for the Armed Forces Covenant.

Correspondence address:

c/o Democratic Services

Town Hall

Middlesbrough

TS1 9FX

Email: mayor@middlesbrough.gov.uk

DEPUTY MAYOR AND EXECUTIVE MEMBER FOR CHILDREN'S SERVICES

COUNCILLOR MIEKA SMILES



PORTFOLIO

The Deputy Mayor and Executive Member for Children's Services will Chair meetings of the Executive and act in place of the Mayor, if for some reason the Mayor is unable to act.

The Deputy Mayor and Executive Member for Children's Services will also act as the Statutory Lead Member for Children's Services in accordance with the Children Act 2004 and associated statutory guidance, ensuring that our children are protected, to safeguard their welfare and wherever possible, seek to enable or provide a safe environment that reduces dependency on services, including the most disadvantaged and vulnerable and their families and carers.

The Deputy Mayor has responsibility for:

- Children's Services
 - Early Years and Children's Centres
 - Supporting Education Services
 - Play and Youth Services
 - Children's Social Care

- Marketing and Communications.

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EXECUTIVE MEMBER FOR ADULT SOCIAL CARE, PUBLIC HEALTH, PUBLIC PROTECTION AND DIGITAL INCLUSION

COUNCILLOR DAVID COUPE



PORTFOLIO

The Executive Member for Adult Social Care and Public Health, Public Protection and Digital Inclusion in respect of part of the portfolio relating to Adult Social Care, Public Health and Public Protection has responsibility for ensuring vulnerable adults are protected, reducing health inequalities and pushing forward on the dementia-friendly agenda.

In respect of the part of the portfolio for Digital Inclusion, the Executive Member has the responsibility of ensuring that the Council operates efficiently, and promotes the use and the benefits of the internet and digital technologies.

Responsible for:

- Adults with Social Care needs
- Public Health
- Public Protection
- Welfare Reform
- Digital Inclusion

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EXECUTIVE MEMBER FOR CULTURE AND COMMUNITIES

COUNCILLOR STEPHEN HILL



PORTFOLIO

The Executive Member for Culture and Communities, has responsibility for strengthening the town's cultural sector and promoting arts and culture throughout the town, in accordance with the Mayor's Priorities

Responsible for:

- Community Development and Resilience
- Voluntary and Community Sector
- Equalities
- Arts, Culture and Heritage
- Libraries

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**EXECUTIVE MEMBER FOR ENVIRONMENT
COUNCILLOR BARRIE COOPER**



PORTFOLIO

The Executive Member for Environment has responsibility for ensuring a safer environment for Middlesbrough – ensuring Middlesbrough is cleaner and more resilient to a changing climate.

Responsible for:

- Environmental Sustainability
- Refuse, Waste Reduction and Recycling
- Roads and Highways
- Parks, Open Spaces and Cemeteries

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EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

COUNCILLOR STEFAN WALKER



PORTFOLIO

The Executive Member for Finance and Governance has the responsibility of ensuring that the Council operates efficiently, openly and fairly. The Executive Member for Finance and Governance has oversight of budgetary issues.

Finance

- Finance, Property, Revenues & Benefits and Pensions
- Performance, Contract Management and Risk Management
- Procurement

Governance

- Democratic Services, Registrars and Electoral Registration
- Human Resources
- ICT
- Information Strategy
- Legal

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EXECUTIVE MEMBER FOR NEIGHBOURHOOD SAFETY

COUNCILLOR TONY GRAINGE



PORTFOLIO

The Executive Member for Neighbourhood Safety will have responsibility for coordinating council responses to ASB and crime, spearheading work to improve the interaction with the police to support the police in their duty to prevent crime and the fear of crime, liaison with wardens and other departments. The portfolio holder will explore new ways to make residents feel safe and report incidents.

Responsible for:

- Community Cohesion
- Environmental Enforcement
- Neighbourhood Safety
- Prevention of Youth Re-offending
- Street Wardens

The portfolio holder will also take responsibility for making sure that communities maintain and grow a sense of neighbourliness and that residential and business property owners who bring an area down by neglect are appropriately challenged and pushed to improve.

The Executive Member will work in conjunction with the Deputy Mayor and Executive Member for Children's Services and will also take responsibility for making sure that the council engages with young adults and all groups, encouraging increased levels of democratic engagement.

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TS1 9FX

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EXECUTIVE MEMBER FOR REGENERATION

COUNCILLOR ERIC POLANO



PORTFOLIO

The Executive Member for Regeneration will have responsibility for delivering the Mayor's Priorities with regard to ensuring a fair access to high-quality homes, fair access to secure, well-paid jobs and meaningful training, strengthening and diversifying our local economy, and strengthening our transport links.

The Executive Member for Regeneration will be responsible for Council policy on:

- Transportation
- Inward investment
- Economic development
- Housing development
- Planning and Building Control

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EXECUTIVE MEMBER FOR YOUNG ADULTS AND DEMOCRATIC ENGAGEMENT

COUNCILLOR LUKE MASON



PORTFOLIO

The Executive Member will take responsibility for making sure Middlesbrough offers the careers, opportunities and amenities to ensure that young adults (16-25 years old) are able to thrive and to encourage other young people to relocate to the town.

Responsible for:

- Democratic Engagement and Promotion of Democracy
- Supporting Young People into Employment
- Young Adults and Community Learning
- Youth Parliament

The Executive Member will work in conjunction with the Deputy Mayor and Executive Member for Children's Services and will also take responsibility for making sure that the council engages with young adults and all groups, encouraging increased levels of democratic engagement.

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APPENDIX B

THE MAYOR'S EXECUTIVE:

Portfolio	Name	Ward
Deputy Mayor and Executive Member for Children's Services	Councillor Mieka Smiles	NUNTHORPE
Executive Member for Adult Social Care, Public Health, Public Protection and Digital Inclusion	Councillor David Coupe	STANTON AND THORNTON
Executive Member for Culture and Communities	Councillor Stephen Hill	PARK END AND BECKFIELD
Executive Member for Environment	Councillor Barrie Cooper	NEWPORT
Executive Member for Finance and Governance	Councillor Stefan Walker	COULBY NEWHAM
Executive Member for Neighbourhood Safety	Councillor T Grainge	LADGATE
Executive Member for Regeneration	Councillor Eric Polano	ACKLAM
Executive Member for Young Adults and Political Engagement	Councillor Luke Mason	COULBY NEWHAM