

Report of:	The Mayor
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Submitted to:	Council
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Date:	24 May 2023
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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 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 Mayor and Executive Member for Adult Social Care and Public Health
 - Deputy Mayor and Executive Member for Culture and Education
 - Executive Member for Children's Services
 - Executive Member for Community Safety
 - Executive Member for Environment
 - Executive Member for Finance and Governance
 - Executive Member for Regeneration

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

Decisions by officers

11. 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.

Decision Making by Chief Executive

12. The Chief Executive of the Council, or any officer nominated by the Chief Executive as his Deputy in this regard, in consultation with the Mayor, will have delegated

authority to make Executive decisions of a policy, financial and operational nature in response to an emergency.

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.

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
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Note the report and make and appropriate changes to the Council's Committee Management system	Democratic Services	31 May 2023
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Appendices

1	Executive Scheme of Delegation
2	Details of Executive Members

Background papers

Body	Report title	Date

Contact: Charlotte Benjamin

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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.
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- 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 AND EXECUTIVE MEMBER FOR ADULT SOCIAL CARE AND PUBLIC HEALTH

CHRIS COOKE



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.

As part of the Adult Social Care and Public Health element of their portfolio the Mayor will take the political leadership of shaping the Council's work in response to vulnerable adults; adults in need of care and support; Public Protection and Public Health.

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
- Public Health England Plans – Local, Regional and National
- Statement of Principle Gambling (2005 Act)
- Licensing Authority Policy Statement 2003 Act

Other Plans and Strategies

- 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
- Mental Health Champion
- Learning Disabilities Strategy
- No Secrets, Protection of Vulnerable Adults from Abuse
- Joint Strategic Needs Assessment
- NHS Health Check programme
- Middlesbrough Health and Wellbeing Strategy
- 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
- Environmental Health
- Environmental Health and Trading Standards
- Trading Standards (including Metrology)
- Licensing (Inc. Taxi Licensing)

- Homelessness Strategy
- Selective Landlord Licensing

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EXECUTIVE MEMBER FOR ENVIRONMENT

COUNCILLOR DAVID BRANSON



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.

Policy Framework

- Relevant Environment and Waste Policies and Strategies
- Green Strategy

Other Plans and Strategies

- Environment Service Plan (where relevant to the portfolio)
- Waste Management Plan
- Environment Service Plan (where relevant to portfolio)
- Highways Services Plan
- Emergency Planning.
- Asset Management Plan
- Bereavement Services Plan
- Fleet Strategy
- Flood Management Plan
- Public rights of Way.
- Environment Commercial Services
- Surface Water Management

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EXECUTIVE MEMBER FOR REGENERATION

COUNCILLOR THEO FURNESS



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.

Policy Framework

- The Local Plan
- Local Transport Plan

Other Plans and Strategies

- Investment Prospectus
- Regeneration service plan
- Policies and strategies for housing activity
- Development briefs and master plans
- Estates Strategy

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DEPUTY MAYOR AND EXECUTIVE MEMBER FOR EDUCATION AND CULTURE

COUNCILLOR PHILIPPA STOREY



PORTFOLIO

The Deputy Mayor and Executive Member for Education and Culture will Chair meetings of the Executive and act in place of the Mayor, if for some reason the Mayor is unable to act.

As part of the Education element of their portfolio the Executive Member for Education and Culture has responsibility to ensure that all children are provided with the opportunity to realise their educational attainment potential.

The Executive Member will also oversee the provision of educational statutory services to address the needs of all children and young people and adults who need services (including youth justice).

Policy Framework - Education

- National Curriculum - 2013
- Assessment & Accountability Framework 2020/21
- Children & Families Act 2014 – SEND Reforms
- Ofsted Education Inspection Framework September 2022
- School Finance Regulations 2013
- Education Act 2011
- Academies Act 2010
- Education and Skills Act 2008
- Education and Inspection Act 2006
- Children Act 2004(relevant to portfolio)
- Education Act 2002
- Crime and Disorder Act 1998
- 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 2021
- Crime and Disorder Act 1998
- Academies Act 2010
- Local Area SEND Inspection Framework Jan 2023

Other Plans and Strategies - Education

- Children and Young People's Plan
- Education and Priorities Strategy
- School Effectiveness Strategy
- 14-25 Strategy
- Children's Services Improvement Plan
- Capital Strategy & Asset Management Plan (Schools)
- Scheme for Financing Schools
- Youth Employment Strategy
- School Improvement Strategy
- Healthy Child Programme (5 – 19) (including School Nursing service)
- School Improvement Strategy
- Youth Justice Plan
- SEND Strategy
- Inclusion Strategy
- National Standards for Youth Justice
- SEND Code of practice
- SEND Sufficiency Strategy

As part of the Culture element of their portfolio, the Executive Member for Education and Culture also has responsibility for strengthening the town's cultural sector.

Policy Framework - Culture

- Cultural Strategy

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EXECUTIVE MEMBER FOR COMMUNITY SAFETY

COUNCILLOR JANET THOMPSON



PORTFOLIO

The Executive Member for Community Safety also has responsibility for strengthening the town's cultural sector and creating safer communities, in accordance with the Mayor's Priorities.

The Executive Member for Community Safety will have responsibility for:

- Community Safety Partnership
- Libraires and Hubs
- Community Cohesion
- Locality working
- Community Safety and Community Development
- Empowering communities and individuals to access opportunities
- Migration and Asylum Seekers

Policy Framework - Communities

- Voluntary Sector
- Community Safety including Law and Order Issues
- Community Development
- Community Hub Development
- Civil Contingencies Act 2004
- Crime and Policing Act 2014
- Human Rights Act

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EXECUTIVE MEMBER FOR CHILDREN'S SERVICES

COUNCILLOR ZAFAR UDDIN



PORTFOLIO

The Executive Member for Children's Services will be the Lead Member for Children's Social Care, 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.

Policy Framework

- Statutory guidance on the roles and responsibilities of the Director of Children's Services and the Lead Member for Children's Services
- 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
- Children Act 2004
- Ofsted policy Framework

Other Plans and Strategies

- Children's Services Improvement Plan
- Corporate Parenting Strategy
- Middlesbrough Safeguarding Children Board Business Plan
- Looked After Children Strategy
- MSCB Business Plan
- Children and Young People's Plan
- Children's Services Partnership
- Youth Employment Strategy??

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EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

COUNCILLOR NICKY 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.

Policy Framework

- Strategic Plan (Overview)
- Council's Budget Strategy
- Capital Strategy
- Medium Term Financial Strategy
- Pay Policy Statement
- Welfare Rights

Other Plans and Strategies

- Corporate Equality and Diversity Policy
- People Strategy
- Digital Strategy
- Corporate Risk Management Strategy
- Strategic Risk Register
- Corporate Business Continuity Plan
- Annual Audit and Inspection Letter
- Treasury Management
- Member Development Strategy
- Procurement Strategy
- Information Governance Strategy
- ICT Strategy
- Customer Strategy

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APPENDIX B

THE MAYOR'S EXECUTIVE:

Portfolio	Name	Ward
Deputy Mayor and Executive Member for Education and Culture	Councillor Philippa Storey	LINTHORPE
Executive Member for Children's Services	Councillor Zafar Uddin	CENTRAL
Executive Member for Community Safety	Councillor Janet Thompson	AYRESOME
Executive Member for Environment	Councillor David Branson	COULBY NEWHAM
Executive Member for Finance and Governance	Councillor Nicky Walker	HEMLINGTON
Executive Member for Regeneration	Councillor Theo Furness	PARK