

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services
Relevant Executive Member:	Executive Member for Finance and Governance
Submitted to:	Council
Date:	22 May 2024
Title:	Executive Scheme of Delegation
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	No
Why:	Report is for information only
Subject to call in?:	No
Why:	Not Applicable

Proposed decision(s)
That the Council note the Mayor’s Executive Scheme of Delegation.

Executive summary
<p>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 the Councillors chosen to be members of the Executive, including the Deputy Mayor.</p> <p>The report on the Mayor’s Executive Scheme of Delegation is to be noted.</p>

1. Purpose

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

2. Recommendations

- 2.1 That the Council note the Mayor's Executive Scheme of Delegation.

3. Rationale for the recommended decision(s)

- 3.1 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.

4. Background and relevant information

- 4.1 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 portfolios are detailed at Appendix A. The membership of the Mayor's Executive is detailed at Appendix B.

- 4.2 The 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

- 4.3 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.
- 4.4 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

4.5 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

4.6 The Deputy Mayor has delegated powers:

- (i) To appoint to outside bodies, made by the Executive or jointly with Council.
- (ii) To appoint to Executive Advisory Bodies (Excluding membership to the Full Executive)

Executive Sub-Committee for Property

4.7 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.

4.8 The Membership of the Executive Sub-Committee for Property is as follows:

- All Members of the Executive

Decision Making by Joint Bodies

4.9 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

4.10 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

- 4.11 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.

5. Other potential alternative(s) and why these have not been recommended

- 5.1 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.

6. Impact(s) of the recommended decision(s)

6.1 *Financial (including procurement and Social Value)*

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

6.2 *Legal*

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.

6.3 *Risk*

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.

6.4 *Human Rights, Public Sector Equality Duty and Community Cohesion*

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.

6.5 *Climate Change / Environmental*

Not applicable.

6.6 *Children and Young People Cared for by the Authority and Care Leavers*

Not applicable.

6.7 Data Protection

Not applicable.

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 2024

Appendices

1	Executive Scheme of Delegation
2	Details of Executive Members
3	

Background papers

Body	Report title	Date

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