

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	The Mayor
<b>Submitted to:</b>	Council
<b>Date:</b>	27 November 2024
<b>Title:</b>	Executive Scheme of Delegation
<b>Report for:</b>	Information
<b>Status:</b>	Public
<b>Council Plan priority:</b>	All
<b>Key decision:</b>	No
<b>Why:</b>	Report is for information only
<b>Subject to call in?:</b>	Not applicable
<b>Why:</b>	Report is for information only

<b>Executive summary</b>	
<p>The Mayor is required to report any changes to his Executive Scheme of Delegation to Council.</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 revised Executive Scheme of Delegation (Appendix A) for inclusion in the Council’s Scheme of Delegation.

**2. Recommendations**

2.1 That the Council  
 notes the Mayor’s revised 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, 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 revised portfolios are detailed at Appendix A. The membership of the Mayor's Executive is detailed at Appendix B.

- 4.2 The revised composition of the Executive is as follows:

- The Mayor
- Deputy Mayor and Executive Member for Culture and Education
- Executive Member for Adult Social Care and Public Health.
- Executive Member for Children's Services
- Executive Member for Development
- Executive Member for Environment and Sustainability
- Executive Member for Finance
- Executive Member for Neighbourhoods

#### **The Executive collectively**

- 4.3 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:

- a) To take Executive decisions when there are public meetings of the Executive, convened in accordance with the relevant legislation.
- b) Key Decisions, not delegated by the Mayor to an Executive Committee, an Executive Member, an Officer or a Joint Arrangement.
- c) Strategic and significant decisions arising from Service reviews.
- d) Proposals, which will be submitted to the Council as part of the annual Budget and Policy Framework, together with in-year departures from the Budget and Policy Framework.

- e) Save for matters reserved for Full Council, 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.
- f) Allocation of funding within the budgetary framework, together with proposals and overall expenditure levels, for projects with significant corporate implications, including those for which it is proposed to let a contract, in accordance with Financial Procedure Rule D.
- g) Council-wide strategic performance and financial management / monitoring together with associated action.
- h) Significant Council-wide matters which are not Key Decisions.
- i) All reports referred to the Executive by the Overview and Scrutiny Board and its Scrutiny Panels.
- j) Ownership of risk management and regular review of the strategic risk register.

#### **Individual Executive Members**

4.4 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.

- a) Minor variations to existing policies and procedures.
- b) Oversight of departmental service plans, having regard to the Budget and Policy Framework.
- c) Monitoring of Service performance information.
- d) Oversight of Executive Portfolio Service reviews, including, improvement plans, external inspection, reviews and non-strategic corporate matters.
- e) Oversight of plans and strategies, which are not part of the Budget and Policy Framework.
- f) Decisions which are within the Executive Portfolio Holder's remit.
- g) 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 Budget and Policy Framework.

#### **Deputy Mayor – Delegated Authority**

4.5 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**

- 4.6 When not referred to the Mayor, Executive or Executive Member to determine, the Executive Sub-Committee for Property is delegated the following powers:
- a) To determine the Council's corporate property priorities.
  - b) To approve the allocation of resources from the Small Scheme Allocation budget.
  - c) To be consulted upon the capital programme.
  - d) To determine 'in year' changes to the new start investment programme and small scheme allocation projects should it become necessary.
  - e) 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.
  - f) To be consulted upon planning brief proposals.
  - g) To establish effective communication channels to cascade the Council's corporate property priorities.

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

- All Members of the Executive

### **Decision Making by Joint Bodies**

- 4.8 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**

- 4.9 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

- 4.10 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)

Topic	Impact
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.
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.
Risk	
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.
Climate Change / Environmental	
Children and Young People Cared for by the Authority and Care Leavers	
Data Protection	

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

Action	Responsible Officer	Deadline
Note the report and make and appropriate changes to the	Democratic Services	30 November 2024

Council's Committee Management system		
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## Appendices

1	Executive Scheme of Delegation
2	
3	

## Background papers

Body	Report title	Date

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