

PART II

THE CABINET

The Council has established the Cabinet as its Executive body within the meaning of the Local Government Act 2000 and regulations made thereunder to exercise the following Functions of the Council:-

- a) To make recommendations on matters reserved for determination by the full Council as listed in Part III of the Constitution.
- b) To consider matters relating to the overall co-ordination of Council affairs and approve any action required as a consequence.
- c) To consider matters relating to the development of the Council's modernisation and improvement agenda and approve any action required as a consequence.
- d) To receive reports monitoring the overall performance of Council services, from the External Auditor or arising from external inspection or assessment and to approve action plans arising therefrom.
- e) To approve, or approve variations to, strategies and policies, operational plans, programmes and procedures which are consistent with the budget and policy framework determined by the full Council.
- f) To approve variations to overall capital or revenue programmes in respect of the costs of schemes which cannot be contained within the budgetary allocation for the service concerned.
- g) To approve the allocation of additional funding received from whatever source where that funding has not been provided for a particular purpose (i.e. is not ringfenced) and so the authority has discretion as to its application, and to vary the capital or revenue programme accordingly.
- h) To receive Petitions, references from Scrutiny Commissions and Area Forums and approve any action required in response to these.
- i) To approve matters which fall within the definition of a Key Decision.
- j) To approve matters which would otherwise require the approval of two or more Cabinet Spokespersons.
- k) To nominate or appoint Members to outside bodies, except where the approval of full Council is required.

- 1) To approve the framework and schemes of delegation for partnerships with other local public agencies, private companies, voluntary organisations and community groups for the delivery of services to local people and to report to Council, as appropriate, on the performance of services delivered through such arrangements.

Note: Where a proposal will have a significant impact on a specific Ward or Wards or a specific Parished area, in comparison with the Borough as a whole, Officers should consult the relevant Area Forum(s) and Parish / Town Council(s) on those issues prior to the submission of reports to Cabinet for approval, subject to consultation with the relevant Cabinet Spokesperson(s) in order that she/he may consult Cabinet colleagues, if appropriate.

Delegated Decision-Making by Cabinet Members

Cabinet Spokespersons shall have power to determine all such matters that, under legislation, are directly vested in the Executive of the Council and relate to their respective Portfolio of responsibility as detailed below which are not matters reserved for decision by the full Council or by the Cabinet, nor delegated to an officer as identified Executive functions. The authority conferred by these delegations to Cabinet Spokespersons shall not preclude the determination of any matter by the Cabinet on the reference of such matter by the relevant Cabinet Spokesperson.

Leader of the Council

Issues relating to: Community Planning (especially the Borough-Wide Community Plan and Barnsley Forum); Regeneration (in its broadest sense); Sub-Regional, Regional and European issues; Cabinet Support Unit.

Deputy Leader of the Council

- a) To deputise for the Leader of the Council, when necessary;
- b) Issues relating to the Borough Secretary's Department
- c) Issues relating to Mayoral and Civic Support and Town Twinning Activities.

Cabinet Spokesperson without Portfolio

- a) Issues relating to the training and development of Elected Members and the provision of the necessary facilities to perform their duties effectively;
- b) Issues relating to member representation on and attendance at Council bodies and outside organisations.

Adult Social Services & Health Spokesperson

Issues relating to: Adult Services; Supporting People; Wardens' Service, including Central Call; Homelessness and Housing Advice; Public Health, including health promotion and occupational health and relations with Barnsley PCT.

Children, Young People and Families Spokesperson

Issues relating to: LEA & School Support; Children and Families (Social) Services; Education Property; Youth Service; Youth Offending Team; School Meals; and, for the time being, responsibility for libraries and resource centres and post-19 learning pending further development of officer structures

And specifically:

- (a) To receive the quarterly monitoring report of Adoption Activity;
- (b) To authorise the commencement of the tender process for Residential Child Care external placements for Looked After Children, in consultation with the Borough Secretary and Executive Director Finance & Property.

Corporate Services Spokesperson

Issues relating to: Information Services, Systems & Technology; Human Resources; Communications; Service Performance, Improvement and Delivery; Policy & Co-ordination; Health & Safety; Emergency Planning; Organisational Development.

Customer and Neighbourhood Services Spokesperson

Issues relating to: Neighbourhood Engagement and the development of the Customer Service approach across the Council; Barnsley Connects and the Community Information Service; Grounds Maintenance & Neighbourhood Pride; Parks; Street Cleaning; Building Maintenance (non-Berneslai Homes); Environmental Health (excluding Housing Grants) and Trading Standards, including the Environmental Enforcement Unit; Licensing; Community Safety; Sport & Recreation, including Barnsley Premier Leisure Client; and, once officer structures have been developed, responsibility for libraries and resource centres.

And specifically:

- (a) to approve the allocation of resources from the Community Green Space Fund to eligible projects on the recommendation of the officer panel.

Development Spokesperson

Issues relating to: Transportation; Planning (excluding matters reserved to the Planning Regulatory Board) and Building Control; Highways & Engineering, including road safety and safe routes to schools; South Yorkshire Mining Advisory Service; Markets; Cultural Services; Rethinking / Remaking Barnsley; Tourism, including the Destination Management Partnership; Countryside; Housing Strategy (including Berneslai Homes liaison and Right-to-Buy) and private sector housing renewal; Waste Strategy and Waste Collection; Waste Disposal (operational); Fleet Services; Barnsley Development Agency; Lead role in other economic regeneration partnerships, including Barnsley Business & Innovation Centre;

And specifically:

- (a) to approve the Housing Market Renewal (HMR) Area Development Framework (ADF) and the individual HMR funded projects within it;

(b) to approve variations to the eligibility criteria for relocation loans paid under the schemes under the HMR Programme;

(c) to authorise the implementation of specific schemes within the Decent Homes Programme.

Finance and Property Spokesperson

Issues relating to: Financial Services & Advice; Internal Audit; Taxation; Council Tax & Housing Benefits; Education Awards; Benefits Agency, including Welfare Rights; Asset Management; Property & Procurement; Corporate Purchasing; Administrative Buildings; Building Cleaning and Civic Catering; Depots (corporate client); Resource Maximisation and Statistical Research; Special Financial Programmes and accountable bodies functions.

All Cabinet Spokespersons in respect of services within their Portfolio

To approve the following with regard to the invitation or acceptance of tenders and related matters subject in all cases to the financial implications of the anticipated value of the relevant contract having been approved or otherwise provided for within current approved estimates in respect of contracts with an estimated value exceeding the Financial Threshold for Key Decisions (i.e. £250,000), except where a lower value is indicated below:-

- (i) the decision to seek the inviting of offers for contracts in excess of £50,000 by way of negotiated procedure pursuant to Standing Order Number 7 of the Council's Contract Standing Orders or the selection of any person with whom to negotiate following the invitation of such offers;
- (ii) the approval of approved lists of contractors to be kept pursuant to Standing Order Number 4 of the Council's Contract Standing Orders;
- (iii) the selection of any persons to be invited to tender pursuant to Standing Order Numbers 4, 5 or 6 of the Council's Contract Standing Orders;
- (iv) acceptance of tenders invited under Standing Orders 4,5 or 6 which are the lowest acceptable tender submitted or acceptance of any such tenders which are other than the lowest acceptable tender submitted in accordance with Standing Order 18;
- (v) acceptance of any tenders invited under Standing Orders 4, 5 or 6 or any bid submitted by way of a negotiated procedure under Standing Order 7 which represents the most economically advantageous offer where this is provided for in the award criteria;

(vi) to not seek competition for the procurement of any goods, works or services in the circumstances permitted by Standing Order 10.1 (a)(proprietary or patented goods), 10.1(e)(instruction from counsel/solicitors), 10.1(f)(procurement through consortia), 10.1(g)(art or museum specimens), 10.1(i)(special education or care contracts), 10.1(j)(exercise of statutory grant aid powers) or 10.1(k)(Section 278 of the Highways Act 1980), subject to the specific restrictions applicable in each case;

(vii) to accept the lowest suitable tender for any capital or revenue project which is above 10% of the latest approved estimate for the provision of works, goods or services up to £250,000 and which can be contained within approved resources;

(viii) Approval to not seek competition for the procurement of any goods, works or services with an estimated value in excess of £50,000 in the circumstances permitted by Standing Order 10.1 (b) (works of a specialist nature) 10.1 (c) (purchases where no genuine competition can be achieved) 10.1 (d) (named product compatible with an existing installation), 10.1 (h) (work arising due to unforeseen circumstances) and 10.1 (l) (works to be carried out “in-house”);

Subject to the requirements of and specific restrictions within Standing Orders for Contracts, Financial Regulations and the Associated Codes of Practice applicable in each case.

Protocols and Processes for Delegated Decision-Making by Cabinet Members

1. Basic Principles

- 1.1 All delegated decisions will be taken on the basis of written reports, written to the same standards as those submitted for collective Cabinet consideration.
- 1.2 In agreeing to any action proposed in the report referred to at 1.1 above, the Cabinet Spokesperson concerned must be content that all considerations relevant to the matter in question are covered adequately. The Cabinet Spokesperson places themselves at risk in taking a decision in the absence of full information or advice and any such decision is likely to be invalid and runs the risk of being challenged legally.
- 1.3 Where the Cabinet Spokesperson feels that any matter falling within his/her delegated powers requires collective Cabinet consideration, the Cabinet Spokesperson concerned may refer the matter to the next available Cabinet meeting for a decision.
- 1.4 Matters which require the approval of two or more Cabinet Spokespersons are reserved for collective Cabinet approval. A decision taken by a Cabinet Spokesperson which also requires the approval of another Cabinet Spokesperson is therefore invalid. However, a matter will not require the approval of a particular Cabinet Spokesperson solely because staff from a service falling within their portfolio have provided technical or professional advice or support in bringing forward the matter in question.
- 1.5 Where the absence of the relevant Cabinet Spokesperson will lead to an unreasonable delay in taking a decision, the Cabinet Spokesperson without Portfolio, the Deputy Leader or the Leader (in that order) are authorised to determine the matter delegated to that Member. In such cases, these Members must exercise the responsibilities of the Cabinet Spokesperson set out at 1.2. These arrangements also apply where the relevant Cabinet Spokesperson has a personal interest in the matter under consideration.

- 1.6 The Chief Executive, Borough Secretary and Executive Directors are responsible for ensuring that reports emanating from their service areas for consideration under this procedure are complete. They are responsible for ensuring that all appropriate consultations have been undertaken, bearing in mind the subject of the matter, and the consultees have been given adequate time to respond.
- 1.7 Anyone consulted on a particular report is responsible for ensuring that an appropriate response is made within the consultation deadline. Anyone consulted on a particular issue will have the right to attend meetings with the Cabinet Spokesperson concerned at which the particular decision is to be taken if he/she feels this is necessary to emphasise any points of detail made in the consultation response.
- 1.8 In order to facilitate the consultation process, the Chief Executive, Borough Secretary and Executive Directors will identify particular interests which they have which are likely to give rise to the need for them or specific nominated officers within their service to be consulted. However, such “declarations of interest” should not be considered to be exhaustive and report originators should work on the basis of consulting if in doubt.
- 1.9 Completed reports will be considered at the fortnightly SMT Call-Over to verify that reports are complete prior to submission for decision.
- 1.10 Decisions taken under this procedure will only be taken at meetings formally organised for that purpose and properly notified to officers expressing an interest under paragraph 1.8 above. The meetings will be organised by the Chief Executive, Borough Secretary or Executive Directors as appropriate in consultation with the relevant Cabinet Members Secretary and may best be incorporated into the regular briefing meetings. Decisions made at meetings which have not been properly notified will be considered invalid.
- 1.11 The Chief Executive, Borough Secretary or Executive Directors, as appropriate, will be responsible for passing appropriate records of individual Cabinet Spokespersons decisions to the Assistant Director - Cabinet Support who will ensure that a formal record of the decision is made reported to Cabinet.
- 1.12 The Assistant Director - Cabinet Support will circulate the record of Delegated Decisions to all Members of Council and media contacts on weekly basis for decisions in the preceding week. Members will be able to request from the Assistant Director – Cabinet Support copies of relevant reports considered by Cabinet Members in taking decisions. This information will also be available to the public and press in accordance with the Access to Information and Freedom of Information procedures, subject to the relevant qualifications on exempt and confidential information.

- 1.13 The Scrutiny Commissions will be able to review delegated decisions on the same basis as collective Cabinet decisions. The Call-In procedure will also apply where decisions have not been implemented, although there will be no requirement to delay implementation until the deadline has expired.

2. Process

- 2.1 The report originator prepares a draft report and initiates consultation with relevant officers in line with the Report Writing Guidelines.
- 2.2 Following consultation, the report originator passes the report, together with a completed form at Annex A, to Chief Executive, Borough Secretary or Executive Directors as appropriate who will certify that the report is complete.
- 2.3 The Chief Executive, Borough Secretary or Executive Directors as appropriate will refer the report to the Assistant Director Cabinet Support for consideration at the next SMT Call-Over. Any reports received by 12 noon on the Tuesday prior to any Call-Over will be made available to SMT members for consideration.
- 2.4 Once cleared at Call-Over the Chief Executive, Borough Secretary or Executive Directors as appropriate will forward the documentation to the relevant Cabinet Members Secretary for consideration at the next available meeting with the relevant Cabinet Spokesperson.
- 2.5 The Cabinet Spokesperson considers the documentation, in the presence of the report originator and any other supporting officer who wishes to make comments on the issue, and satisfies him/herself that the action proposed in the report is appropriate. If content, the Cabinet Spokesperson signs off the form covering the report.
- 2.6 The Chief Executive, Borough Secretary or Executive Directors, as appropriate, will pass the documentation to the Assistant Director - Cabinet Support in order that a composite record can be made and included in the Council Minute Book.
- 2.7 The Assistant Director - Cabinet Support will circulate a Record of Delegated Decisions to all Members of Council and media contacts on a weekly basis each Friday for decisions in the preceding week. Members of the Council and the public and press (subject to the qualifications on exempt and confidential information, in the latter case) will be able to request copies of relevant reports considered by Cabinet Members in taking decisions.

- 2.8 Members of the Council will be able to request that Scrutiny Commissions review delegated decisions on the same basis as collective Cabinet decisions. The Call-In procedure will also apply where decisions have not been implemented, with a deadline of 4.30 p.m. on the Wednesday following the issue of the record of decisions. However, there will be no requirement to delay the implementation of a decision until the deadline has expired.

CABINET SPOKESPERSON FOR (INSERT PORTFOLIO)

Record of a decision taken on [insert date]

Subject

(Brief description of the issue)

Key Risks Associated with the Proposed Action

(Give details)

Recommendation

(As report)

Certification by (Chief Executive, Borough Secretary or Executive Director - insert as appropriate). Report cleared for consideration by Cabinet Spokesperson

.....

.....

Signed

Date

Decision / Comments of the Cabinet Spokesperson

(Space to write comments, if any)

Recommendation Approved / Not Approved * by Cabinet Spokesperson
(*delete as appropriate)

(Signed) Cabinet Spokesperson