

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Cabinet
Date:	30 September 2013
Title:	Responsibility for Executive Functions and Approval of Project Appraisals
Reference:	5233
Report From:	Chief Executive

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1. Executive Summary

- 1.1. Part 1, Chapter 15, Paragraph 15.3 of the County Council's Constitution requires that changes to the Constitution consequential upon the allocation of responsibility for Executive Functions decided by the Leader, be reported to the Cabinet and then to the County Council. The Leader has appointed elected members to Cabinet. This report identifies their portfolios and the issues around which they can make decisions.
- 1.2. The existing process for the approval of project appraisals requires amendment to reflect new Executive working practices. The proposed amendment does not adjust financial thresholds but better aligns executive decisions with the approved Capital Programme.

2. Contextual information

- 2.1. By virtue of Section 9E of the Local Government Act 2000 (as amended) ('the 2000 Act'), and by virtue of operation of a Leader and Cabinet form of Executive Arrangements, Members of Cabinet are appointed by the Leader. Allocation of Executive Functions between individual Members of Cabinet is also the responsibility of the Leader.
- 2.2. Responsibility for Executive Functions as allocated by the Leader is set out in Part 2, Chapter 3 of the Constitution. Attached at Appendix One to this report is a revised Part 2, Chapter 3 of the Constitution consequential upon the allocation of Executive Functions as determined by the Leader. Attached at Appendix Two to this report is a revised Part 2, Chapter 5A of the Constitution detailing revised responsibilities for Scrutiny Functions, consequential upon the revised allocation of Executive Functions. This amends the name of one committee. More extensive alterations of committee responsibilities requires full Council approval.

3. Project Appraisals

- 3.1. The current protocols for the preparation and approval of project appraisals are covered in the financial responsibilities of the Section 151 Officer as the Director of Corporate Resources. The existing protocol requires that a project appraisal in excess of £1 million in value requires initial approval of the full business case by the Executive Member for P&R with a subsequent approval of a design report by the relevant Executive Member.
- 3.2. The publication of the allocation of executive functions is an opportune time to modify the protocol to allow Executive Members to approve project appraisals that relate to their area of responsibility as set out in Appendix Three to this Report. Subject to the project appearing in the approved Capital Programme and it being within the approved cash limit, it is proposed that Executive Members will be fully responsible for the approval of those project appraisals. This would be consistent with the Executive Member's executive functions. Where a project, programme or funding is not specific then the Executive Member for P&R and/or Cabinet will require to approve the relevant project.
- 3.3. Where a project exceeds the approved cash limit and/or was not specifically defined within the approved Capital Programme, then it will require the agreement of the Executive Member for P&R and/or Cabinet. Any project that does not have funding allocated within the approved capital programme will need to seek separate approval for this in line with the existing process.
- 3.4. The preparation of the project appraisals is governed by financial regulations and process that requires to be reviewed from time to time by the Section 151 Officer. At the same time as this protocol is modified the Director of Corporate Resources will review the relevant arrangements for Officers relating to the preparation of project appraisals. All other financial regulations and approval and existing limits will remain in place

4. Recommendations

- 4.1. That the allocation of responsibility for Executive Functions is noted by Cabinet, and reported to the County Council at the County Council meeting on 28 November 2013.
- 4.2. That the proposed changes to the process for the approval of project appraisals and the associated amendments to Financial Procedures are approved.

CORPORATE OR LEGAL INFORMATION:

Links to the Corporate Strategy

This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision in order that the County Council's governance and decision making arrangements.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

None

IMPACT ASSESSMENTS:

1. Equalities Impact Assessment:

1.1. This decision will not result in any significant impact

2. Impact on Crime and Disorder:

2.1. This decision will not result in any significant impact

3. Climate Change:

a) How does what is being proposed impact on our carbon footprint / energy consumption?

This decision will not result in any significant impact

b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

This decision will not result in any significant impact

Part 2: Chapter 3

Executive Functions

Responsibility for Executive Functions

- 3.1 The following table sets out the allocation of responsibilities within the Executive. The portfolios are expressed in broad terms and may be varied, as provided for in the Executive Procedure Rules set out in Part 3 Chapter 2 of this Constitution.
- 3.2 The principles of responsibility are as follows:
- 3.1.1 unless a function, power or responsibility is specifically reserved to the County Council or a Committee of the County Council, the Executive is authorised to exercise the function or power.
 - 3.1.2 the Executive collectively will be responsible for those decisions falling appropriately to it.
 - 3.1.3 all decisions will be recorded.
 - 3.1.4 if a decision is made by an individual Member of the Executive, this will be stated openly and clearly.
 - 3.1.5 the Executive or individual Members of the Executive will normally be making Key Decisions, as defined at Part 3, Chapter 2, Paragraph 3 of this Constitution, or decisions which are significant (even though they may not be Key Decisions).

Responsible Person	Functions
Leader and Executive Member for Policy and Resources	<p>Leader of the County Council and Chairing and managing the Executive and its work.</p> <p>Overall strategy, policy and co-ordination 'across the board', and the direction and utilisation of resources.</p> <p>Primary departmental links – Corporate Services, and Culture, Communities and Business Services departments.</p> <p>Service area responsibilities – services within the above departmental remit areas; except where any area has been specifically allocated within the remit of another Executive Member.</p>

	<p>Functional areas – policy; strategic overview; overall performance; budget strategy; and personnel policies, including strategy for pay and remuneration, asset management, and IT services.</p> <p>Monitoring and developing the sustainability of the natural environment and heritage of rural Hampshire.</p>
<p>Executive Member for Income and Capital Receipts</p>	<p>To assist the Executive Member for Policy and Resources.</p> <p>Primary department links – Corporate Services and Culture, Communities and Business Services Departments.</p> <p>Service area responsibilities – within the remit of the above departments, and otherwise where relevant to the role.</p> <p>Functional areas – Procurement policies and outcomes; Corporate Services and Culture, Communities and Business Services business units and trading arrangements; business and trading arrangements in other departments where relevant; development of income generation policies across the board, energy related matters.</p> <p>Advisory areas – to advise the Executive Member for Policy and Resources on revenue and capital related matters, property matters, and major land policy and disposal matters and programmes; to develop with the Director of Corporate Resources relevant financial plans for approval by the Executive Member for Policy and Resources.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with minority parties.</p> <p>N.B. This Executive Member is also Chairman of the Buildings, Land and Procurement Panel. (BLAPP).</p>
<p>Assistant to the Executive Member for Policy and Resources</p>	<p>To assist the Executive Member for Policy and Resources on Business and Rural Economy matters because of the breadth of the portfolio. This position does not have any Executive decision making powers.</p>

<p>Deputy Leader and Executive Lead Member for Children's Services</p>	<p>Deputy Leader and Designated Lead Member for Children's Services pursuant to Section 19 of the Children Act 2004.</p> <p>Overall strategy and policy for all Children's matters, i.e. Education, Children and Families pursuant to the requirements of the Children Act 2004. Approval of the Children and Young People's Plan.</p> <p>Primary departmental link – Children's Services Department.</p> <p>Service area responsibilities – all services within the remit of the above department.</p> <p>Functional areas – statutory Social Services functions of the County Council relating to children, and all education functions exercisable by the County Council as Local Education Authority.</p> <p>Responsibility for building relationships with businesses in Hampshire, the Corporate Apprenticeship Programme, functions related to the Supporting Troubled Families Programme, and responsibility for the County Council's relationship with the Armed Forces.</p> <p>Corporate oversight of external and International policy and activities; acting as an ambassador with external and international/national bodies.</p> <p>Primary Department links – Corporate Services and Culture, Communities and Business Services Departments.</p> <p>Service area responsibilities – services within Corporate Services and Culture, Communities and Business Services Departments relevant to the role and relevant external and International links.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties.</p> <p>N.B. This Executive Member is also Chairman of the Health and Wellbeing Board.</p>
<p>Executive Member for Education</p>	<p>To support the Executive Lead Member for Children's Services because of the breadth of the</p>

	<p>portfolio, by providing additional capacity at Executive level to drive improvements in school standards and educational attainment and liaising with schools, academies, colleges and other representatives of the education sector.</p> <p>Primary departmental link – Children’s Services Department.</p> <p>Service area responsibilities – education and schools.</p> <p>Functional areas – working with the Executive Lead Member for Children’s Services to develop policy and strategy in relation to school improvements and educational standards; where agreed with the Executive Lead Member for Children’s Services determining infrastructure and school organisation matters, in accordance with policies and strategies agreed by the Executive Lead Member for Children’s Services, the Children and Young People’s Plan, and where relevant the Children’s Services Capital Programme.</p> <p>Determining appeals in respect of exceptions to school transport policies, other than appeals relating to the safety of walking routes.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties.</p> <p>N.B. This Executive Member is also Chairman of the Education Advisory Panel.</p>
<p>Executive Member for Culture, Recreation and Countryside</p>	<p>Overall strategy and policy for libraries, museums, archives, arts, rights of way, outdoor activities, learning and leisure.</p> <p>Primary departmental link – Culture, Communities and Business Services Department</p> <p>Service area responsibilities – Culture and Recreation services within the Culture, Communities and Business Services Department</p> <p>Functional areas – libraries, museums, archives and records, countryside and rights of way, sport and culture community support, recreation and all ancillary activities.</p>

Appendix One

	<p>Appointments to relevant outside bodies, not on a proportional basis in consultation with the minority parties.</p>
<p>Executive Member for Human Resources</p>	<p>Overall strategy for human resources matters.</p> <p>Primary departmental link – Corporate Services Department.</p> <p>Service area responsibilities – human resources services within the remit of Corporate Services, including strategic workforce development.</p> <p>Functional areas – personnel policy formulation and skills development in relation to the County Council’s directly employed workforce (excluding schools).</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties.</p> <p>N.B. This Executive Members is also Chairman of the Employment in Hampshire County Council Committee (EHCC).</p>
<p>Executive Member for Adult Social Care</p>	<p>Overall strategy and policy for all Adult Social Care matters.</p> <p>Primary departmental link – Adult Services Department.</p> <p>Service area responsibilities – all services within the remit of the above department including the duty relating to safeguarding</p> <p>Functional areas – services for adults, including older people, learning disability, physical disability, mental health and all ancillary services. Liason and relationships with health providers and commissioners relevant to functional areas.</p> <p>Appointments to relevant outside bodies – not on a proportional basis in consultation with the minority parties.</p>
<p>Executive Member for Health and Wellbeing (Public Health)</p>	<p>Overall strategy and policy for public health matters.</p> <p>Primary department link – Corporate Services Department.</p>

Appendix One

	<p>Service area responsibilities - all services within the remit of the County Council's public health responsibilities pursuant to Section 73 B of the National Health Service Act 2006.</p> <p>Functional areas – all duties relating to the County Council's responsibilities to improve public health. Liaison and relationships with health providers and commissioners relevant to functional areas.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties.</p>
<p>Executive Member for Communities and Partnerships</p>	<p>Primary departmental links – Culture, Communities and Business Services and Corporate Services Departments.</p> <p>Service area responsibilities – services within Corporate Services and Culture, Communities and Business Services Departments relevant to the role.</p> <p>Functional Areas - Co-ordinating County Council representation on District Local Strategic Partnerships (LSPs) and Crime and Disorder Reduction Partnerships (CDRP's); Functions related to Community Safety, and Equalities.</p> <p>Promoting and Monitoring the Hampshire Sustainable Community Strategy and developing and approving a community engagement strategy and coordinating the contributions from relevant service strategies.</p> <p>Corporate oversight of the County Council's Grant Management System.</p> <p>Responsibility for the County Council's relationships with the Interfaith Network, Parish and Town Councils, the Voluntary and Community Sector, and other partners.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with minority parties.</p>
<p>Executive Member for Economy, Transport and Environment</p>	<p>Overall strategy and policy for all environmental matters (including planning and transportation, and mineral and waste), but excluding regulatory matters within the remit of the Regulatory Committee, and for all economic development matters.</p>

	<p>Primary departmental link – Economy, Transport and Environment Department.</p> <p>Service area responsibilities – within the remit of the above department.</p> <p>Functional areas – monitoring and developing the County Council’s economy; co-ordinating and developing the County Council’s involvement in European projects sponsored or led by the Economy, Transport and Environment Department.</p> <p>Transport strategy; spatial planning; minerals and waste planning; waste management, re-cycling; highways and bridges; highway maintenance; winter maintenance; structural maintenance; passenger transport; traffic and road safety; highways lighting; integration of public and private transport; environmental and information services; flood and coastal erosion risk management; and all ancillary activities.</p> <p>Appointments to relevant outside bodies not on a proportional basis in consultation with the minority parties.</p>
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Part 2: Chapter 5

Scrutiny

A Select (Overview and Scrutiny) Committees

5.1 Responsibilities for Scrutiny Functions

The following table sets out the allocation of responsibilities within the Select (Overview and Scrutiny) Committees.

Committee	Scope
Policy and Resources	<p>Coordinating Scrutiny</p> <p>To ensure resources of all scrutiny functions are being effectively targeted.</p> <p>To ensure the outputs and outcomes of Scrutiny are having impact and being evaluated.</p> <p>To prioritise topics for scrutiny task and finish groups (thematic reviews).</p> <p>To create an annual work programme.</p> <p>To identify where each thematic review on the work programme should be considered.</p> <p>To provide an annual report to the County Council outlining the effectiveness, outcomes and learning of the scrutiny function (i.e. Select (Overview and Scrutiny) Committees and overall work programme).</p> <p>To monitor the operation of the provisions relating to call-in and urgency submitting a report to Cabinet if necessary.</p> <p>Scrutinising Corporate functions:</p>

Appendix Two

	<p>Reviewing how policies, services and decisions ensure effective use and management of all resources; how effectively is crosscutting/corporate policy developed, implemented and performance evaluated and improved.</p> <p>Efficiency; Human Resources; Partnership Working (internal and external) Procurement; Relevant Financial Management (e.g. budget setting and monitoring final accounts, capital programme, capital receipts); asset and estate management; information management (including records management); communications; use of IT; Health and Safety; corporate policy and performance; Business Units; Rural Affairs</p> <p>Departments covered;</p> <ul style="list-style-type: none"> - Corporate Services - Culture, Communities and Business Services - County Council as a corporate entity.
<p>Children and Young People</p>	<p>Reviewing how the needs and interests of children and young people are met by all Departments, policies, services and decisions; and how performance is evaluated and improved.</p> <p>Universal, targeted and specialist services for children and young people: prevention and management of risk; social care; children's and young people's wellbeing; Education – supporting and enabling learning for all children and young people; internal and external partnership working re Children and Young People supporting parents and families; relevant financial management.</p> <p>Departments covered:</p> <ul style="list-style-type: none"> - Children's Services - Culture, Communities and Business Services - Any other Department doing work with or impacting on children or young people.

Appendix Two

<p>Safe and Healthy People</p>	<p>Reviewing how policies, services and decisions support safe, well, independent and continuously developing people (adults and older persons); how they are implemented and how performance is evaluated and improved.</p> <p>Primary focus on how the County Council is contributing to delivering the Wellbeing agenda for adults; crime prevention; crime and disorder; adult social care; promoting independence and quality of life for older people; healthy and safe families; Regulatory Services; relevant financial management</p> <p>Departments covered:</p> <ul style="list-style-type: none"> - Adult Services - Corporate Services - Culture, Communities and Business Services - Any other relevant functions in other Departments <p>Reviewing and scrutinising decisions made, or other actions taken, in connection with the discharge of crime and disorder functions by the authorities responsible for crime and disorder strategies in relation to the County Council's area, and making reports or recommendations with respect to the discharge of those functions.</p> <p>Makings reports or recommendations to the County Council with regard to any matter which is a local crime and disorder matter in relation to a member of the County Council (i.e. a matter concerning crime and disorder which affects all or part of the electoral Division for which the Member is elected or any person who lives or works in that area).</p>
<p>Culture and Communities</p>	<p>Reviewing how policies, services and decisions support thriving culture and sustainable, inclusive communities; how they are implemented and how performance is evaluated and improved.</p>

Appendix Two

	<p>Culture and recreation; heritage; community development; developing sustainable communities; supporting diversity and inclusion; community engagement and consultation; lifelong learning for adults; relevant financial management.</p> <p>Departments covered:</p> <ul style="list-style-type: none">-Culture Communities and Business Services-Corporate Services-Adult Services-Economy, Transport and Environment-Any other relevant functions in other Departments
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Appendix Two

<p>Economy, Transport and Environment</p>	<p>Reviewing how policies, services and decisions support a positive and sustainable environment, accessibility to services for all and effective management of natural resources; how they are implemented and how performance is evaluated and improved.</p> <p>Passenger transport; transport policy; road infrastructure; access; protection of the environment; flood and coastal erosion risk management; economic development; sustainable development; climate change; land management; waste management; relevant financial management.</p> <p>Departments covered:</p> <ul style="list-style-type: none">-Economy, Transport and Environment-Culture, Communities and Business Services-Children's Services <p>Any other relevant functions in other Departments.</p>
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MAJOR PROJECTS (£250,000 or above):

