

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Cabinet
<b>Date:</b>	21 September 2015
<b>Title:</b>	Responsibility for Executive Functions
<b>Reference:</b>	6945
<b>Report From:</b>	Chief Executive

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## **1. Executive Summary**

- 1.1 Part 1, Chapter 17, Paragraph 17.3.1 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. As announced at the recent Annual General Meeting of the County Council the Leader has made changes to the Cabinet. This report identifies their portfolios and the issues around which they can make decisions.

## **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.

## **3. Recommendation**

- 3.1 That the allocation of responsibility for Executive Functions is noted by Cabinet and be reported to the County Council at its meeting on 22 October 2015.

**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 continue to be robust and fit for purpose.**

**Other Significant Links**

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<u>Date</u>
Local Government Act 2000 (as amended)	

**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.)**

<u>Document</u>	<u>Location</u>
None	

## **IMPACT ASSESSMENTS:**

### **1. Equality Duty**

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**Due regard in this context involves having due regard in particular to:**

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

### **1.2. Equalities Impact Assessment:**

The reporting of the changes to the Cabinet membership is required in the Constitution in support of good governance. The Leader of the council has the authority to change his Cabinet at any time to support the business of the County Council and the challenges it faces.

The Leader has recently made changes in this regard by expanding the remit of several of the existing Executive portfolios and dividing Adult Social Care and Health/Public Health into separate portfolios given the size and the complexity of these business areas.

In order to comply with the County Council's Constitution, it is necessary to report those changes. The decision report submitted therefore meets these requirements, with little impact in terms of equalities as the changed Cabinet will continue to focus on and discharge its responsibilities as it has been doing, and in accordance with the Constitution.

### **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</p>

	<p>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>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.</p> <p>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.</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>
Executive Member for Education	<p>To support the Executive Lead Member for Children’s Services because of the breadth of the 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</p>

	<p>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>
Executive Member for Culture, Recreation and Countryside	<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> <p>Appointments to relevant outside bodies, not on a proportional basis in consultation with the minority parties.</p>
Executive Member for Human Resources and Performance	<p>Overall strategy for human resources and corporate performance 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 and corporate performance.</p> <p>Functional areas – personnel policy formulation and skills development in relation to the County</p>

	<p>Council's directly employed workforce (excluding schools), and review of corporate performance through the Annual Performance Report.</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>
Executive Member for Adult Social Care	<p>Overall strategy and policy for all Adult Social Care matters.</p> <p>Primary departmental links – Adult Services Department.</p> <p>Service area responsibilities – all services within the remit of the above department including the duty relating to safeguarding, and 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 – services for adults, including older people, learning disability, physical disability, mental health and all ancillary services.</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>
Executive Member for Health (including Public Health)	<p>Overall strategy and policy for Health and Public Health matters.</p> <p>Primary Department links – Corporate Services Departments, Adult Services and Children's Services Departments.</p> <p>Functional areas – Development of the County Council's strategy and policy in relation to health and public health.</p> <p>All duties relating to the County Council's responsibilities to improve public health.</p>

	<p>Appointments to relevant outside bodies – not on a proportional basis in consultation with the minority parties.</p>
<p>Executive Member for Communities, Partnerships and External Affairs</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 Community Safety Partnerships (CSP'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, including liaison with District Councils.</p> <p>Corporate oversight of external and International policy and activities; championing the County Council's relationship with external and international/national bodies.</p> <p>Responsibility for the County Council's relationship with the Armed Forces.</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</p>

	<p>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>
Assistant to the Executive – Rural Affairs Champion	<p>Primary departmental links – all departments of the County Council.</p> <p>Functional area – supporting the Leader and other Executive Members in the development of rural initiatives into the formulation of major policy.</p> <p>Developing links with other agencies and other local authorities regarding the development of rural activity.</p> <p>Promoting the Hampshire rural estate and partnerships with the focus on rural initiatives, to the benefit of Hampshire.</p> <p><b>NB</b> This position does not have Executive decision making powers, but is consulted on rural matters.</p>