

APPOINTMENT OF DEPUTY LEADER AND MEMBERS OF THE CABINET

Leader:

Councillor Giles Archibald

Portfolio:

Promoting South Lakeland

Deputy Leader:

Councillor Jonathan Brook

Portfolio:

Housing and Innovation

The Portfolios and other Cabinet Members are as follows:-

Cabinet Member:

Councillor Robin Ashcroft

Portfolio:

Economy, Culture and Leisure

Councillor Dyan Jones

Climate Emergency and Localism

Councillor Andrew Jarvis

Finance and Resources

Councillor Eric Morrell

Customer and Commercial Services and People

Councillor Suzie Pye

Health, Wellbeing and Financial Resilience

4. RESPONSIBILITY FOR CABINET FUNCTIONS

The Cabinet will be responsible for all the functions and duties of the District Council which are specified in legislation, and which are not specifically reserved to the Council or any Committee elsewhere in this constitution.

The individual members of the Cabinet will have the following personal portfolios, as allocated by the Leader, and will exercise the powers and duties of the Cabinet within those areas, subject to the detailed rules on Access to Information Procedures (Part 4(2)) of this Constitution.

Any changes to the personal portfolios will be determined by the Leader. These will take effect from the date that the Proper Officer receives notification of such changes in writing. The Leader will also report any changes to the next appropriate meeting of Full Council.

A DELEGATION TO INDIVIDUAL MEMBERS OF THE CABINET

The functions of the Cabinet detailed below shall be the responsibility of the individual members of the Cabinet who hold the portfolios listed below. The individual members shall give guidance to officers regarding decisions to be made under section 5 of the delegation scheme.

Each of the Portfolios indicated will take primary responsibility in their individual areas and work with other Cabinet members, officers and partners to ensure that cross cutting themes are being communicated effectively in all policies and projects and across all services. In doing this, Cabinet Members may set up appropriate groups, but should ensure that Committee Services are aware that the group has been set up and the composition of its membership.

Leader – Promoting South Lakeland

Working with partners and stakeholders in the public, private and voluntary sector, at national, regional and sub-regional level. To act as an ambassador and advocate for the Communities of South Lakeland.

To represent the Council on local and other strategic partnerships including nominated representative on the Cumbria Local Enterprise Partnership as appropriate.

Delivery of the Council Plan objectives in collaboration with Portfolio Holders

Policies, Plans and Strategies

- Communications Strategy
- Emergency Plan
- Equality, Diversity and Inclusion Strategy
- Performance Management

Key Areas

- Community strategy/area planning/development of recovery group
- Emergency Planning
- Local and Cumbria Wide Strategic Partnerships
- Media and Communications
- Performance Management
- Relationships with Government Departments, and other relevant authorities at a sub-regional, regional and national level

Deputy Leader – Housing and Innovation Portfolio

The development and implementation of the Council Plan.

The Council Plan objectives in relation to improved customer engagement and communication

Implementing of the Local Plan housing objectives.

Working in partnership to improve the standard, availability and affordability of housing in the District to meet local needs, championing these issues at national, regional and sub-regional level.

Looking at innovative ways of working.

To support the Leader of the Council and to deputise in his/her absence.

Policies, Plans and Strategies

- Council Plan
- Local Plan (including Development Management Policies)
- Housing Strategy and Policy (including Choice Based Lettings Allocation Policy)
- IT/Information/E Government Strategy

Key Areas

- Council Planning
- Customer Connect Programme (Strategy)
- Development Management and Building Control
- Housing Options and Homelessness Prevention
- IT Services
- Strategic Housing and delivery (including Housing Enabling and Housing Grants)

Finance and Resources Portfolio

The development of strategic policy to ensure that the Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources, i.e. Value for Money.

To ensure that the Council has proper arrangements in place for securing financial resilience and the management of the Council's resources.

Policies, Plans and Strategies

- Medium Term Financial Strategy
- Budget Framework
- Procurement Strategy
- Discretionary Benefit and Rate Relief Policies
- Council Tax Reduction Scheme
- Asset Management Strategy
- Commercial Strategy

Key Areas

- Strategic Finance
- Budget monitoring
- Treasury Management
- Capital Programme
- Value for money
- Procurement
- Savings programme
- Payments and Sundry Debtors
- Insurance and risk management
- Benefits Administration
- Council Tax Collection
- Resource Management

Economy, Culture and Leisure Portfolio

The Council Plan objectives as they relate to the Portfolio area of work, and cross-cutting work developed through the Local Plan and Economic Development Strategy, promoting Culture leisure activities and the arts and developing strategy for cultural assets.

Working in partnership to ensure a thriving and prosperous District within the context of the wider sub-region, through effective economic development, regeneration and transport strategies.

Working in partnership to ensure thriving and prosperous town centres throughout the District.

Providing public realm infrastructure to promote the local economy.

Promoting small businesses in both towns and rural areas

The Council plan objectives in relation to promoting culture, leisure activities and the arts.

To work with our cultural organisations to attract investment and to promote South Lakeland as a premier area for Arts and Events.

Policies, Plans and Strategies

- Economic Development Strategy
- Arts and Events
- Grants Strategy
- Licensing and Statement of Gambling Policies

Key Areas

- Economic Inward Investment
- Business Support and Sector Development
- Visitor Economy
- Town Centre Planning, Car Parks and Transportation Strategies
- Markets
- Arts and Culture
- Grants
- Public Halls
- Use of community assets for the promotion of arts and culture
- Heritage and Events
- Heritage Listed Buildings and built environment
- Voluntary Sector Engagement in relation to Culture and Leisure
- Leisure and Recreation
- Licensing and Gambling
- Cross Authority Economic initiatives

Climate Emergency and Localism Portfolio

To lead on the Council's policies around Climate change and sustainable growth, to develop a policy on bio-diversity, raising community awareness and working collaboratively on policy objectives.

To take the lead on Strategic Waste Management/Recycling and relevant Council Plan measures under the environment objectives.

To drive our Localism agenda

Policies, Plans and Strategies

- Waste Management Strategy (environmental impacts)
- Air Quality Strategy and action plan
- Active Travel Strategy and action plan
- Council Policy on Climate Change

Key Areas

- Waste Management and Recycling Strategy
- Community micro-energy schemes
- Carbon/Greenhouse gas Reduction
- Green agenda – Low carbon reduction
- Active Travel
- Localism
- Devolution
- Water Quality
- Bio-Diversity

Health, Wellbeing and Financial Resilience Portfolio

To work with other tiers of government, community groups and other relevant partners to enhance the health and wellbeing of residents.

Alleviate the harmful effects of poverty in the District, looking at issues to address those who are disadvantaged.

Working with key partners with regards to welfare reforms.

Nominated representative on the Health and Wellbeing board as appropriate.

The relationship of the Council with its citizens; civic participation and the Council plan objectives around leisure, health and wellbeing and working with communities.

Working with key partners with regards to public health and community safety.

Polices, plans and strategies

- Community Strategy
- Health and Wellbeing Strategy
- Cumbria Joint Public Health Strategy
- Community Safety Plan

Key Areas

- Public Health
- Community Development
- Crime and Disorder Reduction Strategy
- Voluntary Sector in relation to Public Health and Wellbeing Sector
- Health and Safety
- Poverty alleviation
- Young People/ projects

Customer and Commercial Services and People Portfolio

To work with all Members, the community and organisations in developing and implementing locality working, case management, specialist services as part of the Council's Customer connect programme.

Delivery of the Council Plan objectives in relation to quality of service and high performance culture.

The organisation of the Authority relating to the Council's central services, including Employee relations.

Providing and maintaining parks infrastructure.

Policies, plans and strategies

- Parks and Open Spaces Strategy
- Customer Charter and Contact Strategy
- Member Development and Training Plan
- Workforce Plan (to be reviewed under customer connect programme)

Key Areas

- Customer services (operational)
- Car Parking (operations)
- Waste Management (operations and service optimisation)
- Streetscene
- Member Services
- Member Training and Development
- Legal and Committee Services and HR Services
- Leisure, Public Realm, (Parks and Open Spaces (Including cemeteries, trees, woodland and playground improvement)
- Corporate Health and Safety

B DELEGATION TO THE DISCRETIONARY RATE RELIEF SUB-COMMITTEE

In accordance with CEX/128 (2016/17), in exceptional circumstances officers have the authority to refer a decision to a panel consisting of three Cabinet members or as a final point of appeal if considered appropriate.

C DELEGATION TO THE HERITAGE ASSET APPEALS SUB-COMMITTEE

In accordance with CEX/159 (2014/15), a Panel of three Cabinet Members be established to determine appeals made by the owners of buildings or structures against their inclusion on the list of locally important heritage assets for South Lakeland.

5. DELEGATION TO OFFICERS FROM THE LEADER/CABINET

The delegation of executive powers to Officers is determined by the Leader/Cabinet and any changes will only take effect from the day the Proper Officer receives notification of any changes in writing.

A TO THE CHIEF EXECUTIVE AND ALL DIRECTORS

1.1 There is delegated to the Chief Executive and to the Directors (“the Officers”) all the powers and duties of the Council necessary for the discharge of the Council’s Cabinet functions carried out within the Officer’s Directorate or area of responsibility.

1.2 To the Legal, Governance and Democracy Lead Specialist

(a) The conduct of all legal and quasi-legal proceedings entered into by the Council in respect of executive functions, including the appointment of Counsel and professional witnesses as appropriate.

(b) In consultation with the relevant Director to prosecute in respect of any breach of legislation for which the Council, or an officer of the Council is the responsible enforcement authority and it is in the interest of the Council and in the public interest to do so.

(c) In consultation with the relevant Director, to issue civil proceedings in any appropriate Court or Tribunal for the recovery of a financial payment, possession or repossession of property, or to seek any other appropriate remedy.

(d) To respond to all proceedings of a legal or quasi-legal nature issued against the Council with power, in consultation with the s.151 Officer, to settle claims up to a maximum of £10,000 where there is a legal liability on the Council.

(e) The preparation and completion of all documents required to give effect to decisions of the Cabinet, its committees or officers acting under delegated authority.

(f) To serve any notices pursuant to statute or required under contract not otherwise delegated to the Chief Executive or a Director and to take appropriate enforcement action in the event of default by persons served with such notice.

(g) To approve applications for anti-social behaviour orders either by the Police or by the Council. (This delegation is also with the Chief Executive).

(h) In consultation with the Finance Portfolio Holder, to undertake internal reviews of listing decisions and compensation decisions in relation to the Council’s List of Assets of Community Value.

1.3 To the Director of Customer and Commercial Services

(a) In consultation with the Health and Wellbeing Portfolio Holder, to decide whether to reject a nomination or to recommend the approval of a nomination to the Council’s List of Assets of Community Value.

(b) In accordance with CEX/127 (2012/13), in respect of proposals for “Locally Important Projects” and “Affordable Housing”, the Director of Customer and Commercial Services be authorised to determine bids up to £50,000 by Delegated Executive Decision.

(c) In accordance with CEX/90 (2013/14), to exercise the powers and functions under the Scrap Metal Dealers Act 2013 (excluding the setting of fees).

(d) In accordance with CEX/126 (2014/15):-

(i) to negotiate Primary Authority Partnership agreements with eligible businesses;
and

(ii) set the rate for the Council’s charges, based upon cost recovery, for such agreements.

(e) Duties in connection with Community Infrastructure Levy Liability under Regulations 31 to 34 and 36 to 39 of the Community Infrastructure Levy Regulations 2010.

(f) Power to issue Apportionment of Liability Information Notices under Regulation 35 2010.

(g) Power to calculate the chargeable amount under Regulation 40 of the Community Infrastructure Levy Regulations 2010.

- (h) Duties in connection with relief from the Community Infrastructure Levy under Regulations 41 to 45, 47, 49 to 53, 54A to 54 D, 55 and 57 of the Community Infrastructure Levy Regulations 2010.
- (i) Power to publish Discretionary Charitable Relief Information under Regulation 46 of the Community Infrastructure Levy Regulations 2010.
- (j) Power to withdraw charitable relief under Regulation 48 of the Community Infrastructure Levy Regulations 2010.
- (k) Power to serve Social Housing Information Notices under Regulation 54 of the Community Infrastructure Levy Regulations 2010.
- (l) Power to Publish Exceptional Circumstances Relief Information under Regulation 56 of the Community Infrastructure Levy Regulations 2010.
- (m) Duties in connection with the application of the Community Infrastructure Levy under Regulations 59 to 62 and 62A of the Community Infrastructure Levy Regulations 2010.
- (n) Duties and powers in connection with charging and collecting of the Community Infrastructure Levy under Regulations 64 to 79 of the Community Infrastructure Levy Regulations 2010.
- (o) Duties and powers in connection with Surcharges and late payment interest under Regulations 80 to 88 of the Community Infrastructure Levy Regulations 2010.
- (p) Duties and powers in connection with CIL stop notices and related enforcement under Regulations 89 to 94 of the Community Infrastructure Levy Regulations 2010.
- (q) Duties and Powers in connection with enforcing the collection of money under Regulations 95 to 111 of the Community Infrastructure Levy Regulations 2010.
- (r) To authorise council officers whose duties require the exercise of powers of entry under Regulation 109 of the Community Infrastructure Levy Regulations 2010.
- (s) Duties and powers in respect of reviews, appeals, stop notices and costs under Regulations 112 to 121 of the Community Infrastructure Levy Regulations 2010.
- (t) In accordance with CEX/23 (2015/16) and Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 to:-
 - (i) serve Community Protection Notices;
 - (ii) make Public Spaces Protection Orders;
 - (iii) authorise Police Community Support Officers to serve Community Protection Notices and Fixed Penalty Notices in the event of a breach; and
 - (iv) authorise appropriate Register Social Landlords operating within South Lakeland to serve Community Protection Notices.
- (u) Power to designate persons pursuant to Section 53(c) of the Anti-social Behaviour, Crime and Policing Act 2014.
- (v) In accordance with CEX/45 (2017/18), to approve Empty Homes Grant applications in line with the Empty Homes Grant Management Scheme Policy.
- (w) In accordance with CEX/121 (2017/18), to consider and approve the offer of grant aid to property owners and the funding of public realm work identified within the Burton-in-Kendal Partnership Schemes in Conservation Areas.

1.4 To the Director of Strategy, Innovation and Resources

- (a) In accordance with CEX/124 (2014/15), to approve applications for the designation of Neighbourhood Areas in respect of parishes that are wholly or partly outside the Lake District National Park and the Yorkshire Dales National Park only where:
 - (i) the applications relate to the designation of single whole parishes, excluding areas of any other parishes; and
 - (ii) no substantive objections are received

1.5 To the Finance Lead Specialist

- (a) To administer, bill, collect and enforce levies arising under a Business Improvement District scheme.
- (b) To determine appeals in accordance with the Council's Discretionary Rate Relief Policy (in accordance with the Policy, the determination of applications are delegated to the Revenues Manager or other authorised officer).
- (c) The identification and determination of qualifying properties and ratepayers subject to the arrangements for appeal as set out in the guidelines for determining rate relief under the Localism Act 2011.
- (d) To determine applications for Discretionary Council Tax Reductions under Section 13A of the Local Government Finance Act 1992, as inserted by Section 76 of the Local Government Act 2003 subject to the arrangements for appeals as set out in the guidelines for rate relief under the Localism Act 2011.
- (e) In accordance with CEX/141 (2014/15), the identification and determination of qualifying properties and rate payers in respect of the Discretionary Rate Relief Scheme (Extension to Transitional Relief), subject to the arrangements for appeal as set out in the guidelines for determining applications for discretionary rate relief under the Localism Act 2011 agreed by Cabinet on 29 January 2014 (Minute CEX/123).

2. There is not delegated to the Officers:

- Any matter reserved by law or by the Constitution to the Council or to a Committee or SubCommittee of the Council; or
- Any matter which in law may not be delegated to an Officer

3. The Officers may only exercise delegated powers in accordance with:

- the Policy Framework approved by the Council;
- the Budget approved by the Council;
- the various Procedure Rules set out in Part 4 of the Constitution;
- any statutory restrictions, statutory guidance or statutory Code of Practice; and □ any professional standards or operational policies of the Council.

4. In exercising delegated powers, the Officers shall act only within the revenue and capital budgets as approved by the Council, subject to any variation thereof that is permitted by the Financial Procedure Rules.

5. There is delegated to each Lead Specialist or Operational Lead -authority to exercise any power delegated to his/her Director under this Part that relates to his/her area of responsibility. In addition each of the Officers may further delegate any function, which is delegated to that Officer under this Part, to other Officers. Every such sub-delegation shall be in writing, setting out the terms and conditions upon which that function is to be performed, and accountability for the performance of that sub-delegated function. The Officer making such sub-delegation shall copy the sub-delegation to the Monitoring Officer.

6. There are two types of decisions which may be taken by the Officers:-

- Executive Decisions; and
- Administrative Decisions

7. **Executive Decisions**

Consultation

7.1 Before taking an Executive Decision, the Officer shall prepare a report setting out:-

- The identity of the Officer proposing to take the decision under delegated authority.
- The issue to be decided.

- Any restriction upon the publication of the report as if the decision was a decision falling to be made by a Committee or Sub-Committee of the Council in accordance with Sections 100 and 100A to 100K of the Local Government Act 1972.
- Any facts upon which any decision must be based.
- Any legislative requirements.
- Any relevant Council policy.
- Any relevant national or regional guidance.
- The alternative options available to the Officer.
- Any staffing and financial implications resulting from the options.
- Any legal implications.
- Any consultations undertaken and the views of the consultees.
- Any implications for any other area of the Councils activities.
- The portfolio area within which the issue falls; and
- The Officers proposed decision and the reasons supporting that proposal.

7.2 The Officer shall send a copy of the report to:-

- The relevant Cabinet Member whose Portfolio includes the issue to be decided, or, if that person is unavailable through illness, holiday or some other reason, or has a prejudicial interest in the issue, to the Leader of the Council, or such other Cabinet Member as he/she may nominate; and
- The Chief Executive and all other Directors.

Objection

7.3 The Cabinet Member or any of the other consultees may object to the report within five working days of receiving the same, by notifying the Officer of the objection and requesting the matter be referred to the Cabinet for determination.

Determination

7.4 Where no objection has been received, the Officer may proceed to make his/her final decision as outlined in the report.

7.5 Where an objector has requested that the report be referred to the Cabinet, the Officer shall no longer have the power to take the final decision thereon. The report shall be included on the agenda for the next convenient meeting of the Cabinet and the Officer's proposed decision shall form the recommendation to the Cabinet.

7.6 In the absence of the Officer designated as the Decision Maker, the Chief Executive, Director Customer and Commercial Services or Director of Strategy, Innovation and Resources, is authorised to make the final decision on their behalf.

Urgent Decisions

7.7 Where an Officer is of the opinion that an Executive Decision for which he/she is responsible should be made urgently in order to prevent or reduce the risk of damage to persons or property, or to the interests of the Council, and that the urgency of the decision is such that it is not practicable to complete the Executive Decision-making process set out above, the Officer shall use his/her best endeavours, as far as the urgency of the matter permits, to carry out the consultation exercise set out in paragraph 7.2, but have the full power to take that Executive Decision notwithstanding that the full procedure has not been followed.

7.8 As soon as practicable after taking a decision under paragraph 7.6, the Officer shall complete a report complying with Paragraph 7.1 and include the reasons for the urgency and the final decision that has been taken, and that report shall be circulated to the Cabinet Member and other consultees and shall be included on the agenda for the next convenient meeting of the Cabinet.

Recording of Executive Decisions

7.9 Upon making an Executive Decision, the Officer shall provide the Monitoring Officer with a written statement of the decision on the day that it is made.

7.10 Each Executive Decision shall be published, as far as practicable, on the next working day after it is made. The report on which the decision was made, subject to any requirement for confidentiality, shall also be published and made available for public inspection during normal office hours. The public shall have the right to copy, or be provided with a copy, of any part of that report upon payment of a reasonable copying and administrative charge in accordance with the Council's currently policy on such matters. **Call-In Mechanism**

7.11 Any Executive Decision made by an Officer under this Part 3, Section 7 may be called-in in accordance with the provisions of Paragraph 15 of the Overview and Scrutiny Procedure Rules.

Accountability

7.12 Officers are accountable to the Council for any Executive Decision that they make and may be required, together with the relevant Cabinet Member, to report to, and attend and answer questions from, an Overview and Scrutiny Committee in respect of any such decision.

8. Administrative Decisions

8.1 Administrative Decisions are those decisions taken by Officers as part of the day-to-day management of their Directorate and the functions for which their Directorate is responsible.

8.2 Officers do not have to prepare or publish a formal written report in respect of an Administrative Decision, but are responsible for ensuring that consultation, where appropriate, is undertaken with relevant officers, and where the decision involves staffing, with the HR Lead Specialist.

8.3 There is no requirement to maintain a record of Administrative Decisions for the purpose of the Council or public access, or to report Administrative Decisions to a Committee or Sub-Committee, but Officers are responsible for retaining a record of Administrative Decisions which they take and the reasons for such decisions sufficient for audit and evidential purposes (for Judicial Review, Employment Tribunal, Ombudsman, District Audit, or other proceedings or investigation) and for ensuring that all those who need to know are promptly informed of the decision.

8.4 Officers are accountable to the Council for any Administrative Decision that they make and may be required to report to, and attend and answer questions from, an Overview and Scrutiny Committee in respect of any such decision.

B TO THE DIRECTOR OF PUBLIC HEALTH

To take action in accordance with the powers contained in:-

- (a) Section 1, National Assistance (Amendment) Act 1951; and
- (b) Section 47 National Assistance Act 1948 (removal to suitable premises of persons in need of care and attention) as he/she considers appropriate and to appoint suitable qualified medical practitioners to act on his/her behalf.

C REGULATION OF INVESTIGATORY POWERS ACT 2000

The following Officers are empowered to authorise the use of covert surveillance in accordance with the provisions of the Act and the Council's Surveillance Policy:

- Chief Executive;
- Director of Customer and Commercial Services;
- Legal, Governance and Democracy Lead Specialist; and
- Finance Lead Specialist (s.151 Officer)

D TO THE FINANCE LEAD SPECIALIST, REVENUES MANAGER AND LOCAL TAXATION TEAM LEADER

To issue complaints and represent the Council in Council Tax and Non-Domestic Rates Recovery proceedings in the Magistrates Court.