

Report to Council

26th June 2019

By the Head of Legal and Democratic Services
(Monitoring Officer)

INFORMATION REPORT

Not Exempt



Amendments to the Constitution – To note alterations to Cabinet Portfolios

Executive Summary

At the Annual Council Meeting that took place on 22nd May 2019 the Leader announced changes to Cabinet Portfolios and appointed Cabinet Members. The Leader has decided to lead on finance and assets issues as detailed in 3.3.3 in the Constitution. A new Portfolio was announced, Horsham Town, and the functions and responsibilities for this Portfolio is detailed in this report. Council is asked to note changes to the Cabinet Portfolio titles and responsibilities and to change the Constitution as necessary.

Recommendations

That Council note

- a) each Portfolio description and function;
- b) The addition of the Cabinet post of Cabinet Member for Horsham Town; and;
- c) That the Monitoring Officer will make the required changes to the Constitution, as provided within the Constitution (13.3 (b) 3) to reflect the Leaders announced appointments and amendments to Cabinet Portfolios, as of the 22 May 2019.

Reason for Recommendations

Article 7.1 (b) of the Constitution states that The Cabinet will consist of at least two but not more than 9 Councillors appointed to the Cabinet by the Leader. In order to more effectively discharge the work of the Executive, the Leader has reconfigured the Cabinet Portfolios.

Background Papers: The Council Constitution.

Wards affected: All.

Contact: Sharon Evans, Head of Legal and Democratic Services

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is note the changes to the Cabinet Portfolios and to recommend the delegation of authority to the Monitoring Officer to make the required changes to the Council's Constitution.

2 Relevant Council policy

- 2.1 Paragraph 3.3 of the Council Constitution currently states:

“Cabinet Members are responsible for the functions set out below and may make non-key decisions within their portfolio of responsibilities. Individual Cabinet Members may not make decisions reserved elsewhere by this Constitution, including, but not limited to Key Decisions (which are reserved to Cabinet collectively)”

3 Next Steps

- 3.1 The Constitution would be updated to reflect the alteration of the relevant Cabinet Portfolio posts, as at Appendix 1 of this report.

4 Outcome of Consultations

- 4.1 The proposed change had been discussed with and is supported by both political groups.

6 Financial Consequences

- 6.1 There are no financial consequences arising from this report.

7 Legal Consequences

- 7.1 None.

8 Staffing Consequences

- 8.1 There are no staffing consequences arising from this report.

9 Risk Assessment

- 9.1 There are no risks identified in relation to these proposals.

3.3.2 Functions of the Leader of the Council

- a) Community leadership.
- b) Co-ordination of strategy and policy on behalf of the Cabinet and overall responsibility for performance.
- c) Overall responsibility for the development and proper functioning of partnerships with the public, private and voluntary sectors.
- d) Overall responsibility for the development, implementation and review of the Council's Sustainable Community Strategy under the Local Government Act 2000 Part I.
- e) Overall responsibility for information management including data protection, data security, documents and records retention, environmental information, freedom of information, reuse of public sector information.
- f) Overall responsibility for the development, implementation and review of the Council's Corporate Plan.
- g) Monitoring the implementation of and compliance with the Council's Corporate Plan.
- h) Overall responsibility for the standards and methods of delivery to the public of the Council's services and their improvement.
- i) Overall responsibility for organisational development and business transformation.
- j) Overall responsibility for strategic economic development.
- k) Provision of support and training to Members of the Council.
- l) Overall responsibility for corporate health & safety.
- m) Overall responsibility for the Council's Communication, Consultations and Complaints Strategies and their development, implementation and review.
- n) Overall responsibility for the development, implementation and review of policies affecting Horsham Town and ensuring cross-Cabinet liaison on such matters.
- o) Any other executive functions not specifically delegated or foreseen under this scheme.

3.3.3 Functions of the Cabinet Member for Finance and Assets

- a) General supervision and control of the finances of the Council and the auditing of the Council's accounts.
- b) Overall responsibility for the production of the draft budget and jointly with the Cabinet, its proposal to the Council.
- c) Overall responsibility for the Council's insurances.
- d) The determination of requests for transfer of funds within budgets (virements) exceeding £100,000 but not exceeding £250,000.
- e) The writing off of debts in excess of £5,000.
- f) Overall responsibility for the administration of benefits.
- g) Overall responsibility for the development, implementation and review of policies for the procurement of services, supplies and works to the Council.

- h) Overall responsibility for the proper management of the Council's property assets including authorisation, subject to the key decision framework, of the acquisition, disposal and dealing with any property assets and the development, implementation and review of the Council's Asset Management Plan.
- i) Overall responsibility for the provision of facilities management to the Council's offices.
- j) Overall responsibility for risk management throughout the Council.
- k) The determination of applications for discretionary rate relief.
- l) Overall responsibility for the development, implementation and review of the Council's Information and Communication Technology Strategy.

3.3.4. Functions of the Cabinet Member for Community Matters and Wellbeing

- a) Overall responsibility for the development, implementation and review of the Council's Crime and Disorder Reduction Strategy.
- b) Overall responsibility for the development and championing, implementation and review of policies for social wellbeing, including those relating to people, local community needs, community transport and community development.
- c) Responsibility for securing the improvement of the health of those who live or work in the District.
- d) The determination of applications for financial and other assistance, including voluntary sector funding and arrangements, excluding applications for discretionary rate relief.
- e) Overall responsibility for working with voluntary sector organisations to promote and deliver the Council's priorities for the District's Communities.
- f) Responsibility for emergency planning and business continuity.
- g) Overall responsibility for equality and diversity.
- h) Overall responsibility for the provision, management and maintenance of the Council's housing stock.
- i) Overall responsibility for the discharge of the Council's functions relating to the allocation of housing and homeless services.
- j) Overall responsibility for the development and review of the Council's priorities for environmental health.

3.3.5 Functions of the Cabinet Member for Local Economy & Parking

- a) Overall responsibility for liaising with local businesses for the development of a strong local economy including sustaining and improving the retail experience across the District.
- b) Overall responsibility for liaising with the Chief Executive and Director of Place to retain/expand existing employment and to secure new jobs and investment: Making Horsham District more attractive for job creation and attracting new companies to come here.

- c) Overall responsibility for liaising with outside bodies (such as Gatwick Diamond and LEP) regarding the development, implementation and review of policies to develop and improve the economic dynamism of the District.
- d) Overall responsibility for liaising with outside bodies regarding the development and implementation of initiatives to improve skills and lifelong learning.
- e) Overall responsibility for the development, implementation and review of the Council's strategy for tourism.
- f) Overall responsibility for the development, implementation and review of the Council's strategy for on and off-street parking including the provision and management of the Council's car parks.

3.3.6 Functions of the Cabinet Member for Environment, Recycling and Waste

- a) Overall responsibility for the development, implementation and review of the Council's policies and procedures for waste management, collection, recycling and disposal and associated education and enforcement.
- b) Overall responsibility for the development, implementation and review of the Council's environmental and sustainability policies and procedures.
- c) Overall responsibility for securing the development, implementation and review of the Council's policies and procedures for cleansing throughout the District.

3.3.7 Functions of the Cabinet Member for Leisure & Culture

- a) Overall responsibility for the development, implementation and review of policies for the provision and promotion of leisure and recreational facilities and services.
- b) Overall responsibility for the development, implementation and review of policies for the provision and promotion of the arts, heritage and culture in the District.
- c) The determination of applications for financial and other assistance within the delegated functions of the Cabinet Member of Leisure and Culture.
- d) Overall responsibility for the development, implementation and review of policies for community facilities in the District.
- e) Overall responsibility for the development, implementation and review of policies for the burial grounds and crematoria.
- f) Overall responsibility for the development, management and maintenance of the Council's open spaces.
- g) Overall responsibility for and championing the development, implementation and review of policies for ecology, wildlife and landscape in the District.
- h) Overall responsibility for the development, implementation and review of policies for the provision and promotion of the Council's ground maintenance responsibilities.

3.3.8 Functions of the Cabinet Member for Planning and Development

- a) Overall responsibility for the development and review of policies for and included in the Local Plan and the preparation, review and alteration of the Local Plan.
- b) Overall responsibility for the development, implementation and review of the Council's strategic housing policies, including for affordable housing.
- c) Overall responsibility for the Local Development Scheme (LDS) (Local Plan preparation timetable).
- d) Overall responsibility to continue to maintain an up to date Statement of Community Involvement (SCI) and Authority Monitoring Report (AMR).
- e) Overall responsibility for the setting, review, collection and distribution of the Community Infrastructure Levy. (CIL).
- f) Overall responsibility for managing the relationship with the utilities and infrastructure providers through the Infrastructure Delivery Plan.
- g) Overall responsibility for the planning aspects of major developments not being the responsibility of the Planning Committees.
- h) Overall responsibility for development management not being the responsibility of the Planning Committees.
- i) Overall responsibility for Building Control.

3.3.9 Functions of the Cabinet Member for Horsham Town

(Limited to areas covered by Horsham Denne, Trafalgar, Forest Neighbourhood Councils and North Horsham Parish Council.)

- a) Overall responsibility for the development and review of areas and policies defined in the Horsham Town Vision.
- b) Responsibility for liaison with the Parish and Neighbourhood Councils within the defined area.
- c) Responsibility for liaison with relevant external groups specifically affecting Horsham Town.
- d) Responsibility for liaison and working with the relevant Cabinet Members and officers for:
 - 1. Planning issues for Horsham Town centre.
 - 2. Growth Board/District Deal covering major projects in the town.
 - 3. Car parking and strategy in Horsham Town.
 - 4. BID/Town Centre events.
 - 5. Community safety issues in Horsham Town including police, local wardens, and joint safety groups.
 - 6. Key amenities in Horsham Town including parks, The Capitol, leisure areas etc.
 - 7. Local transport facilities including walking, cycling, bus, rail and road providers in Horsham Town.

8. Development of a strong local economy including sustaining the retail experience in Horsham Town.
9. Development of tourism within Horsham Town.
10. Development of existing and future employment within Horsham Town.
11. Any other matters which particularly affect Horsham Town.