

PART 6

THE EXECUTIVE

6.1 LEADER WITH CABINET

6.1.1 The Leader and Cabinet Members (known as the Cabinet) will together constitute the Executive of the Council for the purposes of Part II, Local Government Act 2000.

6.1.2 Role and Function

6.1.2.1 The Cabinet will have responsibility for discharging all the functions of the Council, which are not otherwise the responsibility of any other part of the Council, whether by virtue of law or this Constitution, and it has all the powers that the Council has to discharge these functions.

6.2 THE CABINET

6.2.1 The Cabinet will consist of the Leader of the Council and between three and nine other Cabinet Members appointed by the Leader. The Leader must also appoint one of the Cabinet Members to the post of Deputy Leader. Membership of the Cabinet is set out at Appendix 19.

6.2.2 Terms of Reference

6.2.2.1 The Cabinet's roles will be:

- To consider the overall management and direction of the Council. Directed by the Leader of the Council, it will work with senior managers to ensure the policies of Herefordshire are clear and carried through effectively;
- To propose to Council a strategic policy framework and individual strategic policies;
- To identify priorities and recommend them to Council;
- To propose to Council the Council's budget and levels of Council Tax;
- To be responsible for risk management
- To give guidance in relation to: policy co-ordination; implementation of policy; management of the Council; senior employees in relation to day to day implementation issues;
- To receive reports from Cabinet Members on significant matters requiring consideration and proposals for new or amended policies and initiatives;

- To consider and determine policy issues within the policy framework covering more than one programme area and issues relating to the implementation of the outcomes of monitoring reviews.

6.2.3 Conduct of Business etc

6.2.3.1 Cabinet will conduct its business in accordance with the Cabinet Procedure Rules set out at Appendix 1.

6.2.4 Appointment of Committees of the Executive

6.2.4.1 ✓ Cabinet will have the power to establish Committees to discharge any of its functions in accordance with the Local Government Act 2000.

6.3 THE LEADER OF THE COUNCIL

6.3.1 The Leader shall be a Councillor elected to the office of Leader by the Council Meeting in accordance with Standing Order **4.3**. The Leader shall hold office until the next annual meeting of Council or if sooner until:

- He/she resigns from the office; or
- He/she is suspended from being a Councillor by virtue of action under Part III of the Local Government Act 2000; or
- He/she ceases to be a Councillor.

6.3.2 Exercise of Powers

6.3.2.1 The Leader shall assign or re-assign to the Members appointed to Cabinet their portfolio responsibilities.

6.3.2.2 The Leader and other individual Cabinet Members may exercise all the powers available to the Cabinet to discharge those functions of the Cabinet within their respective programme area responsibilities.

6.3.2.3 The Deputy Leader will deputise for the Leader (in his absence) and in the management of the administration.

6.3.2.4 The Leader (and in his absence the Deputy Leader) may make decisions in relation to any of the Cabinet portfolio areas in the absence or otherwise of any individual Cabinet Member.

6.3.3 General Terms of Reference

6.3.3.1 The Leader's roles are:

- To lead the Council and Cabinet
- To appoint the other members of Cabinet and assign portfolio responsibilities
- To appoint a Deputy Leader of the Council from the Cabinet

- To appoint Cabinet Support Members who, individually, may be allocated long-term responsibility for a particular piece of work, may be allocated time-limited pieces of work, might work jointly with a Cabinet Member in support of parts of their portfolios and/or take responsibility for cross-cutting issues.
- To act as the principal spokesman for the Cabinet
- To manage the Cabinet in accordance with the Cabinet Procedure Rules
- To be responsible for the Corporate Strategy and Finance Programme Area of the Council's operations
- Liaison between the Cabinet and Community Forums
- To convene and chair meetings of the Political Group Leaders
- Corporate policies and strategies
- The policy framework (subject to Council)
- The allocation of resources: finance (capital and revenue) including overall budget and council tax
- Council Tax, National Non-Domestic Rate (NNDR) (subject to Council approval)
- Promotion of the Council as a public authority and external liaison
- Local Government issues including functions, structure, boundaries or electoral arrangements
- European, national and regional matters
- Any initiative not specifically allocated to any other Programme Area.

6.3.4 Conduct of Business

6.3.4.1 The Leader of the Council will be responsible for the political management of the Council and, as Leader of the Cabinet, will be consulted by the Chairman of the Council on matters relating to the business of the Council. The Leader will appoint a Deputy Leader of the Council to assist with the political management role.

6.4 LEADER'S PROGRAMME AREA RESPONSIBILITIES

6.4.1 Subject to the rights of Council in relation to the Policy Framework and Budget, the Leader will be responsible for the Corporate Strategy and Finance remit including:

- 6.4.1.1** Corporate policies and strategies;
- 6.4.1.2** The policy framework (subject to Council approval);
- 6.4.1.3** The allocation of resources: finance (capital and revenue) including overall budget and council tax, property and people;
- 6.4.1.4** Council Tax, National Non-Domestic Rate (NNDR), (subject to Council approval);
- 6.4.1.5** Financial and administrative arrangements including business planning;

- 6.4.1.6 Risk Management
- 6.4.1.7 Communications Strategy, promotion of the Council and external liaison
- 6.4.1.8 Local Government issues including functions, structure, boundaries or electoral arrangements and elections and electoral registration;
- 6.4.1.9 European, national and regional matters;
- 6.4.1.10 Any initiative not specifically allocated to any other Programme Area
- 6.4.1.11 Herefordshire Partnership and the Local Area Agreement

6.5 OTHER EXECUTIVE (CABINET) MEMBERS PROGRAMME AREA RESPONSIBILITIES

- 6.5.1 The other Executive (Cabinet) Members shall be Councillors appointed by the Leader to the Cabinet. There may be no co-optees and no substitutes for Executive Members. Neither the Chairman nor Vice-Chairman of the Council may be appointed to the Executive and members of the Executive (including the Executive Leader) may not be members of a Scrutiny Committee.
- 6.5.2 These other Cabinet Members shall hold office until the next annual meeting of Council or if sooner until:-
 - 6.5.2.1 They resign from office; or
 - 6.5.2.2 They are suspended from being Councillors by virtue of action under Part III of the Local Government Act 2000; or
 - 6.5.2.3 They cease to be Councillors; or
 - 6.5.2.4 They are removed from office, either individually or collectively, by resolution of the Council Meeting, following reference by the Leader to the Council in relation to the continuance of their office.
- 6.5.3 They will exercise day-to-day oversight of the area for which they are assigned responsibility. They will be responsible to Cabinet for its management and for reports on policy development and the achievement of service objectives.

6.5.4 General Terms of Reference

- 6.5.4.1 Without prejudice to their powers in this Constitution, Cabinet Members will have regard to the following principles in the exercise of their powers:
 - Decision making in respect of their area of responsibility within the policy framework and budget
 - Expressing a view on policy implementation issues in their programme area in particular when consulted by a Director or making a recommendation to the Cabinet
 - Recommending major policy changes and referring sensitive policy matters to Cabinet
 - Responding to reports from Scrutiny Committees on service performance
 - Oversight of services within the relevant programme area
- 6.5.4.2 The receipt of information and advice on the exercise of the role from:
 - The full Council of Herefordshire

- The Cabinet
- Directors and other senior employees
- Scrutiny Committees in respect of policy implementation, monitoring and reviews

6.5.4.3 The Cabinet Member, subject to the specific terms of reference for each individual member set out below, will consider and offer advice on policy issues:

- Of a political nature in relation to their programme area;
- Of a non-strategic nature;
- In conjunction with senior employees, in relation to a management framework for services.

6.6 CABINET MEMBER CHILDREN'S SERVICES PROGRAMME AREA RESPONSIBILITIES

- Terms of Reference
- The Cabinet member Children's Services shall be responsible for:
- Providing leadership and ensure co-ordination across the range of Local Authority children's services, and through engagement with partners, in delivering the Every Child Matters outcomes with a particular focus:
- Be Healthy
- Stay Safe
- Make a Positive Contribution.
- Youth Services including Youth Offending
- Functions conferred on or exercisable by the lead Member for Children's Services under the Children Act 2004 not within the portfolio of the Cabinet Member ICT and Children & Young People's Achievement , including:
- Social Services functions conferred on the Council in relation to children formally in the Council's care under section 23C to 24D of the Children's Act 1989 and the Local Authorities Social Services Act 1970
- Functions under sections 10 – 17 of the Children's Act 2004 to establish services together with partner organisations to safeguard, promote and improve the well-being of Children in Herefordshire
- Any functions exercisable by the Council under section 31 of the Health Act 1999 on behalf of any NHS body so far as those functions relate to children
- Inter agency cooperation
- Champion the cause of effective integration and develop the strategic direction of children services together with partners in a shared vision

6.7 CABINET MEMBER CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES PROGRAMME AREA RESPONSIBILITIES

6.7.1 Terms of Reference

6.7.1.1 The Cabinet Member Corporate and Customer Services and Human Resources will be responsible for:

- Corporate Services (legal and democratic services, communications implementation and delivery, corporate programmes, research)
- Customer Services (including complaints)
- Registration Services (life events)
- Information Services (modern records and archives)
- Personnel issues other than the appointment of staff and those specifically reserved for the Cabinet Member (Children's Services)
- Emergency Planning
- Service Improvement Programme
- Performance Management & Improvement – including performance indicators
- Diversity
- Elections and electoral registration

6.8.1 CABINET MEMBER ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES PROGRAMME AREA RESPONSIBILITIES

6.8.2 Terms of Reference

6.8.2.1 The cabinet member Economic Development and Community Services will be responsible for:

- Common Land (including Council-owned Commons and determination of any complaints about the management of the Council's Commons)
- Community Safety
- Cultural Services
- Heritage Services
- Leisure
- Library Services
- Lifelong Learning
- Parks and Countryside
- Public Rights of Way
- Tourism
- Voluntary/Community Sector Support
- Edgar Street Grid Project

- Economic Development including liaison with local, regional, national and European bodies and appropriate
- Economic Policy
- Planning, provision and management of regeneration activities across the County including Rural Regeneration Zone activity
- Co-ordinating approach to rural issues – community, transport, housing, economy through the Community Strategy (Herefordshire Plan) process
- Liaison with local regional, national and European bodies as appropriate
- Farmers' Markets
- Markets (outside Hereford City)
- Hereford City markets and associated business
- Fair-trade and local produce & products

6.9 CABINET MEMBER ENVIRONMENT AND STRATEGIC HOUSING PROGRAMME AREA RESPONSIBILITIES

6.9.1 Terms of Reference

6.9.1.1 The Cabinet member Environment and Strategic Housing shall be responsible for:

- Environment promotion and protection issues
- Planning and land use including historic buildings, conservation and archaeology and the approval of supplementary planning guidance, excluding development control and other applications reserved to the Planning Committee
- Waste Management
- Regulatory matters excluding quasi-judicial and other matters reserved to the Regulatory Committee but including Animal Health and Welfare, Environmental Health and Trading Standards
- Cemeteries, crematoria and disused burial grounds
- Public conveniences
- Travellers
- Air Quality Management Strategy
- Contaminated land (where the Council is the owner of otherwise responsible as the polluter)
- The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area
- Any function under a Local Act as referred to in Appendix 22 of the Constitution
- Co-ordination of sustainable environment issues within the County with all Cabinet Members
- The authority's strategic housing responsibilities
- The Housing Investment Programme

6.10 CABINET MEMBER HIGHWAYS AND TRANSPORTATION PROGRAMME AREA RESPONSIBILITIES

6.10.1 Terms of Reference

6.10.1.1 The Cabinet member Highways and Transportation shall be responsible for:

- Highways and transport matters save for those reserved to the Regulatory Committee
- Land drainage & flood alleviation
- Rivers and waterways
- Street scene

6.11 CABINET MEMBER ICT, EDUCATION AND ACHIEVEMENT AREA RESPONSIBILITIES

6.11.1 Terms of Reference

6.11.1.1 The Cabinet member ICT, Education and Achievement shall be responsible for:

- Information Technology and e-government
- To provide leadership across the range of Local Authority services and through engagement with partners in delivering the Every Child Matters outcomes with a particular focus on:
- Enjoy & Achieve
- Achieve Economic Wellbeing
- To exercise functions conferred on or exercisable by the lead Member for Children's Services under the Children Act 2004 in relation to Education Services function as a LEA (except further, higher and adult education)
- Education matters, excluding quasi-judicial matters reserved to the SEN Tribunal and Pupil Admissions/Exclusions Appeal Panels, and also excluding responsibilities delegated to school governing bodies
- Promote the educational achievement of looked after children as set out in section 22 (3A) of the Children Act 1989 as amended
- Post-16 education and training (excluding lifelong learning)

6.12 CABINET MEMBER RESOURCES PROGRAMME AREA RESPONSIBILITIES

6.12.1 Terms of Reference

6.12.1.1 The Cabinet member Resources shall be responsible for:

- Supporting the Leader in the corporate finance area and Financial Management

- Strategic Property
- Procurement (strategic)
- Audit
- Housing Benefit
- Smallholdings Estates including selecting tenants in consultation with two non-executive members (one from the administration and one from the opposition) and maintaining the estate
- Amey Wye Valley Ltd.

6.13 CABINET MEMBER SOCIAL CARE ADULTS PROGRAMME AREA RESPONSIBILITIES

6.13.1 Terms of Reference

6.13.1.1 The Cabinet member Social Care Adults and Health shall be responsible for:

- Social Services matters excluding matters relating to children and quasi-judicial matters reserved to the Social Care Appeals Panel and other bodies
- Integrated services and partnership arrangements in social care
- Adult Social Care including Supporting People and Learning Disabilities
- Older Peoples Services Leader
- Homelessness, housing allocation and housing condition