



PORTFOLIO HOLDER DECISION NOTICE

INDIVIDUAL DECISION BY THE LEADER

TOPIC – DELEGATION BY LEADER – PORTFOLIO HOLDER DELEGATIONS AND CHANGES TO CABINET COMMITTEES ETC

PROCEDURAL INFORMATION

The Access to Information Procedure Rules – Part 4, Section 22 of the Council's Constitution provides for a decision to be made by an individual member of Cabinet.

Cabinet Procedure Rule 1.2 provides that the requirements for a draft portfolio holder decision notice do not apply to appointments or delegations by the Leader under this Rule.

Contact Officers:

Case Officer: Stephen Whetnall, Chief Operating Officer

Committee Administrator: Nancy Graham, Senior Democratic Services Officer,
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SUMMARY

Following the appointment of the Leader by Annual Council on 15 May 2013 and his appointment of Cabinet (PHD495 and PHD499 refer), this Decision Notice sets out the amended Scheme of Delegation to Portfolio Holders which reallocates existing delegations to the revised portfolios for 2013/14.

It also gives effect to the decision to incorporate the terms of reference of the former Cabinet (Housing Delivery) Committee into the Cabinet (Housing) Committee. Where there were differences in the financial limits (disposals at less than best consideration and supplementary estimates/virements) the higher limit of the former Cabinet (Housing Delivery) Committee has been used.

The changes in this notice give effect to the new Portfolios and changes to Cabinet Committees. Further changes may arise as part of the wider review of the Council's governance arrangements later in the year.

The Scheme of Delegation to Officers, and previous Cabinet decisions, also contain references which in some instances require officers to consult with particular portfolio holders before implementing decisions. It is proposed that these references be updated by the Chief Operating Officer to take account of the changes to the portfolios outlined above.

DECISION

1. That the updated Scheme of Delegation to Portfolio Holders (as set out in Part 3 of the Constitution) be approved, as set out in Appendix 1 to this Notice.
2. That the terms of reference of the new Cabinet (Housing) Committee be approved as set out in Appendix 2 of this Notice and Part 3 of the Constitution be amended accordingly.
3. That, further to the changes to Cabinet Membership agreed in PHD499, the consequential changes to Committee Membership etc be approved as set out in Appendix 3.
4. That the Scheme of Delegation to Officers (as set out in Part 3 of the Constitution) and references in previous Cabinet decisions which require officers to consult with particular portfolio holders before implementing decisions, be updated by the Chief Operating Officer to take account of the changes to the portfolios outlined above.

REASON FOR THE DECISION AND OTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

To comply with provisions of the Council and Cabinet Procedure Rules referred to above.

RESOURCE IMPLICATIONS:

None.

CONSULTATION UNDERTAKEN ON THE DECISION

None.

FURTHER ALTERNATIVE OPTIONS CONSIDERED AND REJECTED FOLLOWING PUBLICATION OF THE DRAFT PORTFOLIO HOLDER DECISION NOTICE

n/a

DECLARATION OF INTERESTS BY THE DECISION MAKER OR A MEMBER OR OFFICER CONSULTED

n/a

DISPENSATION GRANTED BY THE STANDARDS COMMITTEE

n/a

Approved by: (signature)

Date of Decision: 31.05.13

Councillor Keith Wood – Leader

SECTION 3 – THE PORTFOLIO HOLDERS

- 3.1 The following Members have been appointed with responsibility for the portfolio set out below. No individual Member of the Cabinet, or Portfolio Holder, may discharge executive functions without the authority of the Leader. The authorisations that have been given are set out in paragraph 3.2 below. The procedure for decision making by an individual Member of Cabinet is set out in paragraph 22 of the Access to Information Procedure Rules.

Councillor	Portfolio (title in Bold)
Cllr Keith Wood	Leader <i>With responsibility for Corporate Policy; Corporate Communications; Major Projects and New Homes Delivery.</i>
Cllr Rob Humby	Deputy Leader with Portfolio for Economic Development <i>With responsibility for Economy & Arts; Tourism; Museums; Community Grants; and Sport & Physical Activity.</i>
Cllr Tony Coates	Housing <i>With responsibility for Housing Services and Health & Wellbeing.</i>
Cllr Stephen Godfrey	Finance & Organisational Development <i>With responsibility for Financial Services; IMT Services; Organisational Development and Revenues & Benefits.</i>
Cllr Stephen Miller	Business Services <i>With responsibility for Legal Services; Estates; Guildhall; Business Management; and Democratic Services.</i>
Cllr Jan Warwick	Neighbourhoods & Environment <i>With responsibility for Environmental Health; Environmental Contract; Street Care & Drainage; Landscape & Open Spaces; Community Safety & Neighbourhood Wardens; Parking and Licensing.</i>
Cllr Victoria Weston	Built Environment <i>With responsibility for Development Management; Strategic Planning; Historic Environment; Building Control; and Traffic, Transport & Engineering.</i>

3.2 Scheme of Delegation to Portfolio Holders

The Leader

1. To act in the place of any portfolio holder having delegated authority under this Scheme.
2. To authorise public consultation on the possible development of Housing Revenue Account land.
3. To authorise the commitment of developers' contributions to support specific affordable housing schemes, subject to available resources.

Each Portfolio Holder

1. To incur expenditure or to make decisions in connection with the operation of services within the budget and policy framework approved by Council, other than on contract award, IT projects, or where a more specific delegation is granted in this scheme, subject to:
 - (a) in relation to individual matters where Cabinet has specifically authorised delegation to a portfolio holder up to a limit per project of £500,000 and
 - (b) in any other case up to £200,000.
2. Determination of fees and charges for services within the budget and policy framework.
3. To approve relevant Change Plans designed to deliver the Council's policy framework within the agreed budget.
4. To authorise public consultation on strategies and policies within the budget and policy framework.
5. To comment on behalf of the Council on consultation papers issued by Government or any other public body.
6. To approve Equality and Diversity Service Reviews and Action Plans.
7. To approve the response to be taken to service action plans, external inspection reports, monitoring reports, scrutiny reports and post implementation reviews.

Portfolio Holder for Business Services

1. The acquisition (within the budget and policy framework approved by Council) or the disposal of any interest in land at best consideration for a sum not exceeding £400,000.

2. To authorise any lettings, lease renewals, rent reviews or licences (at best consideration) either by the Council or to the Council, in respect of which the rent or licence payment does not exceed £150,000 per annum, in the case of lease renewals, rent and licence fee reviews the limit of £150,000 relates to the payment sum prior to the transaction.

Portfolio Holder for Economic Development

1. To authorise Community Chest grants in accordance with any policies approved by Cabinet up to a limit of £500 in any individual case.
2. To authorise any minor non-recurring or emergency grants (other than those approved under the Annual Revenue Grants Scheme) up to a limit of £10,000 in any individual case.
3. To approve community transport scheme grants up to a limit of £5,000 per project.

Portfolio Holder for Neighbourhoods and Environment

1. To agree the release of money from the Open Space Fund for individual projects, up to a limit of £100,000 per project.
2. To authorise public consultation on proposed parking orders.
3. To authorise the making of parking orders except where:
 - (a) a ward Councillor registers a request that the matter be not determined by the portfolio holder;
 - (b) a parish council submits representations contrary to the officer recommendation;
 - (c) Ten or more representations from separate addresses are received (and not withdrawn) which are contrary to the officer recommendation;

and in these cases the matter will be referred at the portfolio holder's discretion either to Cabinet, or to the Cabinet (Traffic and Parking) Committee for determination.

4. To agree Environmental Improvement grants up to a limit of £25,000 per project.

Portfolio Holder for Built Environment

1. To authorise public consultation on proposed traffic regulation orders.
2. To authorise the making of traffic regulation orders except where:

- (a) a ward Councillor registers a request that the matter be not determined by the portfolio holder;
- (b) a parish council submits representations contrary to the officer recommendation;
- (c) Ten or more representations from separate addresses are received (and not withdrawn) which are contrary to the officer recommendation;

and in these cases the matter will be referred at the portfolio holder's discretion either to Cabinet, or to the Cabinet (Traffic and Parking) Committee for determination.

- 3. To agree Historic Building Grants up to a limit of £25,000 per project
- 4. To authorise comments on the Development Plan or Local Development Framework of other local authorities.
- 5. Approval of draft Supplementary Planning Guidance and Supplementary Planning Documents for publication for public consultation, with the approval of the final Guidance/Document to be made by Cabinet or the Cabinet (Local Development Framework) Committee.

Portfolio Holder for Finance and Organisational Development

In relation to procurement contracts for works, goods, software or services up to a value of £1,000,000 or £200,000 per annum, whichever is the greater:

- (i) Approval of price/quality evaluation criteria.
- (ii) Approval of short-listing procedures, short-list selection and approved lists of contractors, including the authorisation of any departures from Contract Procedure Rules.
- (iii) Award of contract.
- (iv) Approval of schemes under Financial Procedure Rule 6.4 – authority to release expenditure for capital schemes.
- (v) Approval of final costs of capital schemes under Financial Procedure Rule 7.12.

Subject to there being appropriate budget provision within the budget and policy framework approved by Council, including appropriate virement.

Portfolio Holder for Housing

- 1. To authorise disposals of up to 10 vacant dwellings in any financial year, in accordance with approved policy and the Council's Housing Strategy.

Cabinet (Housing) Committee

1. To exercise the executive functions set out below in relation to the Housing Revenue Account.
2. To oversee the Council's affordable housing development programme and to ensure the programme achieves appropriate levels of quality and quantity of housing within the policy and budget framework approved by Council.

Referred Matters

To advise Cabinet and Council on:

1. Approving or adopting the policy and budget framework contained in the Sustainable Community Strategy, the Housing Investment Programme and Annual Housing Revenue Account budget.
2. Any application to the Secretary of State in respect of any Housing Stock Transfer.
3. To advise on any changes required to the policy and budget framework to take account of new legislation.
4. Whether to approve or modify the policy and budget framework for the 3 year Housing Development Programme for both the Council and Registered Providers and the associated funding requirements from both the Housing Revenue Account and General Fund, which will be kept under regular review.
5. Whether to make changes to the Housing Development policy and budget framework to take account of new legislation or changes to the Housing Revenue Account Business Plan.

To advise Cabinet on:

1. The detailed list of individual schemes within the 3 year Housing Development Programme for both the Council and Registered Providers, and to keep the Programme under regular review recommending the addition or deletion of schemes.
2. Whether to approve or modify the Council's New Homes Development Strategy and Council House design requirements.
3. The rental policy for properties provided under the Housing Development Programme.
4. Any proposals in which the limitations set out below in the Delegated Matters would be exceeded.

Delegated Matters

1. The implementation of approved policies and programmes in accordance with policy and budget framework approved by Cabinet and/or Council, subject to such budgetary and other constraints that Cabinet and/or Council may impose.

2. Housing Acts including the provision, allocation, improvement, repair, maintenance and management of dwellings and land.
3. To agree and authorise any matters in relation to schemes within the 3 year Housing Development Programme which are in accordance with the policy and budget framework approved by Cabinet and/or Council, subject to such budgetary and other constraints set out below or that Cabinet and/or Council may impose.
4. To agree changes to the timetable or scheduling of works within the approved 3 year Housing Development Programme or in cases of urgency substituting new schemes in place of schemes that will no longer come forward providing such schemes comply with the agreed Value for Money criteria for appraisals and the capital and revenue costs can be met within approved HRA or GF budgets, and within the Council's approved Prudential Indicators.
5. Exercising the powers of Cabinet under the Financial Procedure Rules to approve a capital or revenue virement or supplementary capital or revenue estimates up to £100,000 subject to the requirement to give The Overview and Scrutiny Committee the opportunity to call in any such approvals in excess of £50,000 (Note – virement is not appropriate where there will be savings in one Fund and additional costs incurred in another Fund e.g. between the General Fund and the Housing Revenue Account. Also, any requests for a supplementary estimate on the HRA will have implications for the HRA Business Plan and these matters will therefore need to be referred to Cabinet or Council as appropriate).
6. Exercising the powers of Cabinet under the Contract Procedure Rules in relation to procurement contracts for works, goods, software or services up to a value of £2,000,000 or £200,000 per annum, whichever is the greater:
Approval of price/quality evaluation criteria;
 - (i) Approval of short-listing procedures, short-list selection and approved lists of contractors, including the authorisation of any departures from Contract Procedure Rules;
 - (ii) Award of Contract;
 - (iii) (Approval of schemes under Financial Procedure Rule 6.4 – authority to release expenditure for capital schemes;
 - (iv) Approval of final cost for capital schemes under Financial Procedure Rule 7.12.
7. To agree any land disposals at best consideration or where the undervalue does not exceed £50,000. To agree any disposals at less than best consideration where the undervalue does not exceed £250,000 provided the matter is not called-in for review by The Overview and Scrutiny Committee.
8. To review and monitor the Council's performance and use of resources in the above areas, including but not restricted to the implementation of change plans, performance against national and local performance indicators, and identification of risks and action taken to mitigate those risks.

Cabinet Committees:

Changes in italics:

- (i) Cabinet (Traffic and Parking) Committee – Portfolio Holder for Built Environment (Councillor Weston) – Chairman, plus Councillors Humby and Warwick (Reserve: Councillor Tait)

Propose replace Councillor Tait as reserve and agree the following additional wording:

“In the event of any of the standing members not being available for a particular meeting, another member of Cabinet will be selected in alphabetical rotation by the Head of Democratic Services to substitute for the standing member”.

- (ii) Cabinet (Local Development Framework) Committee – Portfolio Holder for Built Environment (Councillor Weston) – Chairman, plus Councillors Humby, Tait and Warwick (Reserves: Godfrey and Wood).

In addition, the following standing list of Councillors be invited to attend and offer views at meetings of the Committee:

- (a) Chairman of the Planning Development Control Committee (Councillor Ruffell); and named members from the Liberal Democrat Group as follows: Councillors Evans and Hutchison (Deputy: Learney).
(b) Ward Councillors, where appropriate.
(c) Representative from the South Downs National Park Authority.

Propose replace Councillor Tait with Councillor Coates.

- (iii) Cabinet (Housing) Committee (new body) - Portfolio Holder for Housing & New Homes – Councillor Tait (Chairman), plus Councillors Godfrey and Weston (Reserve: Miller)

In the event of any of the standing members not being available for a particular meeting, another member of Cabinet will be selected in alphabetical rotation by the Head of Democratic Services to substitute for the standing member.

In addition, it was agreed that the following standing list of councillors be invited to attend and offer views at meetings of the Committee:

- (a) Councillors J Berry, Coates, Izard, Scott & Rutter
(b) Two TACT representatives plus one deputy (Names to be advised).

Propose replace Councillor Tait as Chairman with Councillor Coates (Portfolio Holder for Housing).

In list of invitees, replace Councillor Coates with Councillor McLean.

Outside Bodies

1. **Hampshire Homechoice Board** – Cllr Tait
Propose replace Councillor Tait with Councillor Coates (Portfolio Holder for Housing)
2. **Hampshire Alliance for Rural Affordable Housing (HARAH)** – Cllrs Tait and Weston
Propose replace Councillor Tait with Councillor Coates (Portfolio Holder for Housing)