

SECTION C

Responsibility for Executive Functions

The Executive are responsible for the discharge of all executive functions. As stated in Article 7 of this Constitution, the Executive consists of the Leader of the Council and a minimum of two and a maximum of nine councillors appointed to the Cabinet by the Leader.

Cabinet members each have a portfolio of responsibility which is allocated by the Leader. The Leader may also determine the extent, if any, of the decision making responsibility delegated to individual Cabinet members.

Role and Responsibilities of a Cabinet Member

The duties of a cabinet member are:

- (1) To have the responsibility for, and provide a lead on, the initiation of policy.
- (2) To decide the executive action to be taken in implementing those matters of Council policy allocated to them within their portfolio, seeking advice from the Executive Management Group and Service Directors where appropriate.
- (3) To take personal responsibility, and to be held accountable, for any decisions taken, and to share with the appropriate service managers responsibility for the performance of services within their portfolio.
- (4) To respond to or deal with any issues arising at council meetings relating to their portfolio.
- (5) To act as spokesperson within and outside the authority on those services and functions within their portfolio.
- (6) To be a member of, and attend, Cabinet Committees and to share the collective responsibility for decisions taken by the Cabinet.
- (7) To act as an advocate for the council within the Authority and outside.
- (8) To provide regular reports on progress and to undertake consultation on decisions as required.
- (9) To attend Overview and Scrutiny Committee and Scrutiny Panels to discuss decisions taken or support the policy formulation process.
- (10) To attend relevant Cabinet Committees and Executive Briefing Sub Groups

- (11) To develop partnership working with other agencies and contribute as a key player to delivering a partnership agenda through the Local Public Service Boards.
- (12) To represent the council on outside bodies.
- (13) To represent the council and contribute the Kirklees perspective on national, regional and sub-regional bodies.
- (14) To consult interested parties, ward councillors and citizens as part of the development and review of policy.
- (15) As part of the Cabinet to be involved in:
 - providing support to all councillors to help them develop constructive roles as Ward Members
 - leading the community planning process for the council
 - the consultation on, and drawing up of, the revenue and capital budgets
 - leading the search for continuous improvement
 - taking decisions on resources and priorities to deliver the strategies and budget approved by full council
 - promoting and participating in Member development

Leader - Cllr Shabir Pandor						Deputy Leader and Housing and Democracy – Cathy Scott		
<ul style="list-style-type: none"> • Strategy for the Council • Strategic Communications: eg Huddersfield and Dewsbury Masterplans and cost of living crisis • Regional Relationships and Strategy • Regional portfolio – Business, Economy and Innovation • Budget Development • Strategic Partnerships • Inclusion • Inward Investment (formerly in Environment) 						<ul style="list-style-type: none"> • Regional Working • Support to/deputising for the Leader 		
Children	Learning, Aspiration and Communities	Health and Social Care	Housing and Democracy	Culture & Greener Kirklees	Environment	Regeneration	Corporate	Transport
Cllr Viv Kendrick	Cllr Carole Pattison	Cllr Mus Khan	Cllr Cathy Scott	Cllr Will Simpson	Cllr Naheed Mather	Cllr Graham Turner	Cllr Paul Davies	Cllr Eric Firth
<ul style="list-style-type: none"> • Support for Children and Families • Children’s Safeguarding • Corporate Parenting • Early Help • Children and Young People Partnership • Statutory Responsibility for Children • Home to school transport 	<ul style="list-style-type: none"> • Strategic oversight of schools • Learning • Schools and Learning Partnership • School Facilities Management • Community Cohesion • Community Safety • Schools Traded Services – Catering, Cleaning and Caretaking 	<ul style="list-style-type: none"> • Public Health • Promoting healthy lifestyles and physical activity • Health Protection • Adult Social Care • Health & Social Care Integration 	<ul style="list-style-type: none"> • Homes & Neighbourhoods • Democracy • Place Based Working 	<ul style="list-style-type: none"> • Climate Change and Air Quality • Culture and Heritage • Events • Licensing and Regulation • Bereavement services • Waste Strategy • Venues 	<ul style="list-style-type: none"> • Refuse Collection • District heat network • Enviro-crime • Highways • PROW • Streetscene • Armed Forces • Parks and Grounds Maintenance 	<ul style="list-style-type: none"> • Employment & Skills (post 16) • Planning & building control policy • Huddersfield Town centre regeneration • Smaller town centres regeneration • Housing growth • “Business Kirklees” and Economic Development 	<ul style="list-style-type: none"> • Financial Management and Risk • Performance and Intelligence • IT • HR • Industrial Relations • Property/ Corporate Landlord • Transformation • Health and Safety • Access to Services • Libraries • Civil contingencies • Cost of living • Communications 	<ul style="list-style-type: none"> • Dewsbury Town Centre Regeneration • Transport strategy • Transport - Major scheme delivery • Markets

DELEGATIONS

The Executive may arrange for the discharge of any of their executive functions by a committee of the Executive, an individual member of the Executive or an Officer of the authority. Any arrangements made for the discharge of executive functions by a committee of the Executive, an individual member of the Executive or an Officer do not prevent the Executive from exercising those functions.

The Executive may also arrange for the discharge of any of their executive functions by a joint committee (pursuant to s.20 Local Government Act 2000 and s.101(5) Local Government Act 1972) or by the executive of another local authority (pursuant to s.19 Local Government Act 2000 and s.101(1) Local Government Act 1972).

The Executive have established the following arrangements for the exercise of executive functions:

1. Cabinet Committees

The Executive have established the committees referred to below.

Membership of the committees shall be as set out below. In addition, all members of the Executive shall constitute a **panel of substitute** members to be available to replace members of Cabinet committees at any meeting during the municipal year as and when required.

Once a Cabinet committee meeting has started with a substitute member in attendance, the member who has been substituted will be entitled to attend the meeting only as an observer.

Only members of the Executive may be members of Cabinet committees, however each committee may arrange for non-executive councillors or other individuals to attend meetings of the committee. Those people have all the same rights as to notification, attendance and speaking etc, as members of the committee other than the right to participate in a vote.

(a) Local Issues – Cabinet Committee

Membership:

Two Cabinet members with responsibility for the Place Portfolio and one Cabinet member with responsibility for the Corporate Services Portfolio.

Ward councillors will be invited to attend and make representations, as appropriate, in relation to any matters affecting their wards.

Terms of Reference:

I hereby approve the Terms of Reference for the Cabinet Committee – Local Issues, as set out below:

To consider and ultimately determine whether to uphold or overrule objections to the establishment of pedestrian crossings, the installation of road humps and other traffic calming measures, the making of speed limit orders, traffic regulation orders or on-street or off-street parking places orders;

- i. To consider all highways petitions including those referred for consideration and/or decision from Council following a Council debate;
- ii. To consider reports on disposals of Council assets, with a capital value not exceeding £500,000, that have previously been approved by officers.
- iii. To consider and determine requests for the ally gating of footpaths under section 129A to 129G of the Highways Act 1980
- iv. To consider and determine all matters relating to the use of 20mph zones and 20mph speed limits in accordance with the approved criteria.
- v. To consider and determine all matters in relation to local ward councillor objections to proposed highway improvements on the districts strategic network .

(b) Asset Committee – Cabinet Committee

Terms of Reference:

Delegated authority to consider and determine the following matters in circumstances that fall outside the current Officer Delegation Scheme¹:

- i. Disposal of land and buildings up to the value of £1 million.
- ii. All formal Councillor objections to proposals for Officers to take decisions on assets in accordance with the Officer Delegation Scheme.
- iii. Asset transfers in accordance with the Council's Asset Advancement Policy².
- iv. The future use of public buildings, including town halls and other buildings that provide services to the public.
- v. The allocation of resources in the Corporate Landlord Managed section of the Capital Plan.
- vi. Changes to the terms of leases and/or covenants.

- vii. Petitions on building issues referred for consideration and/or decision from the Council following a Council debate.

Notes:

1. 'Officer Delegation Scheme' means the scheme of decisions that can be taken by officers as described in Section F of Part 3 of the Council's Constitution and as may be delegated from time to time by Directors, the Service Director –Governance, Commissioning Support and Legal and the Director of Public Health to other Officers in the Council.
2. 'Asset Advancement Policy' means the policy which was agreed by Cabinet on 8 October 2013.

2. Delegations to Officers

Officers may discharge any executive function delegated to them by the Executive and included in the Officer Scheme of Delegation set out in Section F of this Part of the Constitution.

3. Delegations to District Committees

The terms of reference of District Committees include or may from time to time include delegated responsibility for certain executive functions.

4. (i) Delegations to Joint Committees

The Executive may establish joint committees with one or more local authorities to exercise functions which are executive functions. Any joint committee appointed in accordance with those arrangements may, subject to the terms of those arrangements, discharge those executive functions on behalf of the Executive.

The following joint committees have been established to discharge certain executive functions:

- a. West Yorkshire Joint Services Committee dealing with trading standards, archives, archaeology and grants to voluntary organisations
- b. Yorkshire Purchasing Organisation originally established under an agreement dated 3 December 1976
- c. Yorkshire and Humberside Regional Broadband Consortium established under an agreement dated 22 June 2001
- d. Leeds City Region Leaders' Board

- e. The Parking and Traffic Regulations Outside London Adjudication Joint Committee
- f. West Yorkshire Police and Crime Panel
- g. One Adoption West Yorkshire

(ii) Delegations to other local authorities

The Executive may arrange for the discharge of any of their executive functions by the executive of another local authority.

The Council has agreed the following arrangements for the exercise of certain executive functions by other local authorities:

- a Discharge by Birmingham City Council of the Council's function relating to the enforcement of Part III of the Consumer Credit Act 1974 (illegal money lending investigations and prosecutions) – approved by Cabinet on 15 October 2008).
- b Discharge by the Executive of Wakefield Metropolitan District Council of the Council's functions for making payments of loans approved under the "Breathing Space" scheme (the regional mortgage assistance loan scheme) – approved by Cabinet on 13 October 2009.
- c Delegation to Sheffield City Council of the Council's functions relating to the administration and payment of Home Appreciation Loans under the Regulatory Reform (Housing Assistance) Order 2002 – approved by Cabinet on 13 September 2006.
- d Discharge by Leeds City Council, Wakefield Council, Bradford Metropolitan Council, Calderdale Council and City of York Council of the Council's functions relating to the enforcement of Hackney and Private Hire matters under the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847

Where joint arrangements with one or more other local authorities in respect of the discharge of an executive function cease to have effect, the Leader shall have power to make new joint arrangements to discharge those functions jointly with other local authorities and/or the executives of other local authorities as appropriate.