

	THE LEADER 25 JULY 2011						
	<table> <tr> <td>Key Decision</td> <td>NO</td> </tr> <tr> <td>Cabinet Portfolio Holder</td> <td>The Leader Councillor Tom Fox</td> </tr> </table>	Key Decision	NO	Cabinet Portfolio Holder	The Leader Councillor Tom Fox		
Key Decision	NO						
Cabinet Portfolio Holder	The Leader Councillor Tom Fox						
Corporate Priority Improving the council	<table> <tr> <td>Date of Decision/ Referral to O&S</td> <td>N/A</td> </tr> <tr> <td>Deadline for call-in 5.00pm</td> <td>28 July 2011</td> </tr> <tr> <td>Implementation Date (if no call-in)</td> <td>26 July 2011</td> </tr> </table>	Date of Decision/ Referral to O&S	N/A	Deadline for call-in 5.00pm	28 July 2011	Implementation Date (if no call-in)	26 July 2011
Date of Decision/ Referral to O&S	N/A						
Deadline for call-in 5.00pm	28 July 2011						
Implementation Date (if no call-in)	26 July 2011						

REPORT OF: THE Head of Legal and Support Services – 11/367

WARDS AFFECTED: All

SUBJECT: AMENDMENTS TO THE EXECUTIVE ARRANGEMENTS

RECOMMENDATION (S):

To agree to the changes in functional areas for the portfolio holders as given in appendix A to this report

To appoint Cllr Derek Bastiman as the Deputy Leader for the Council if the Leader was not available.

REASON FOR RECOMMENDATION (S):

To improve the governance of Scarborough Borough Council by providing clarity on the roles of Members.

HIGHLIGHTED RISKS:

The good governance of Scarborough Borough Council may be affected if these recommendations are not implemented.

1. INTRODUCTION

- 1.1 Since the election of the Leader and his delegation of responsibilities to the portfolio holders there has been some confusion regarding the areas of responsibility for two of the portfolio holders and clarification has been sought. In addition certain functional areas in the portfolios of some Cabinet members has not been in line with the service areas of the council and required amending.
Further to this at a meeting held on 6 July 2011 a Member raised the question of what was the protocol if the Leader was incapacitated. This was previously explained in a report to Cabinet in October 2010. However it was felt that this should be clarified again for the new administration.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The recommendations are in line with the council's aim to improve the council.

3. BACKGROUND AND ISSUES

- 3.1 The Leader is now a strong Leader and as such has all executive powers which he can choose to keep or delegate to other members. The Leader delegated powers to eight other Members and these are as listed in Appendix 1.
- 3.2.1 The original decision by the Leader which was made on 11 May 2011 delegated responsibility for capital scheme project management, including coastal protection capital schemes to the Cabinet member for Harbours, Land and Project Management, which was given to Cllr Cockerill as his portfolio.
- 3.2.2 Cllr Backhouse's portfolio in the Leaders decision included coastal protection delivered from within the council's revenue budget but excluding project management. However the term "project management," which was part of Cllr Backhouse's portfolio in the previous Cabinet was not removed from his title.
- 3.2.3 This was rectified in June and Cllr Backhouse's portfolio no longer contains the term "Project management." It is recommended that this change is recorded as part of this Leader's decision.
- 3.2.4 As part of the clarification regarding Cllr Cockerill and Cllr Backhouse the functional areas for all other portfolio holders were reviewed. The original portfolios were produced very quickly and did not give time to consider fully what functional areas would work best for each portfolio holder. Having reviewed these functional areas there were the following inconsistencies:

3.2.5 Within the Tourism and Culture portfolio's functional areas there is responsibility for meteorological stations. These stations were handed over to the Meteorological Office during the financial year 2010/11 and therefore are no longer the responsibility of the council. There is the functional areas of customer care and training services in Tourism and Culture. Customer Care is now included in Cllr Simpson's portfolio which is Neighbourhood renewal, community involvement and partnerships, democratic services and **customer services** and safer communities. Training services are not provided by the council to the public. Any training services that are required are managed by Human Resources and therefore this functional area may be better placed within Cllr Marsden's portfolio of Human Resources, performance management and ICT.

3.2.6 The portfolio holder for Housing, property maintenance, public health and sustainability also has responsibility for Licensing matters as this falls within the service area of Environmental Services which the portfolio is aligned with. However this area has never been explicitly stated in the portfolio. It is recommended therefore that strategic licensing and the development of licensing strategies are included in the functional area for this portfolio and that the title of the portfolio be amended to Housing, property maintenance, public health, strategic licensing and sustainability.

3.2.7 These suggested changes are summarised in the table below.

Functional Area	Current Portfolio	Recommended portfolio
Meteorological stations	Tourism and Culture	Remove from all portfolios
Customer care	Tourism and Culture	Neighbourhood renewal, community involvement and partnerships, democratic services and customer services and safer communities.
Training services	Tourism and Culture	Human Resources, performance management and ICT.
strategic licensing	none	Housing, property maintenance, public health, strategic licensing and sustainability
development of licensing strategies	none	Housing, property maintenance, public health, strategic

		licensing and sustainability
--	--	------------------------------

- 3.3 A further clarification has been sought by members in regard to the situation if the Leader is away or unable to carry out his duties. It was asked who would take over his responsibilities. In the appendix to the report to Cabinet on 19 October 2010 it was stated, "If, for any reason, the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in their place. If, for any reason, the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so."
- 3.4 The Leader is therefore requested to confirm that the deputy Leader in his absence is Cllr Derek Bastiman.

4. ASSESSMENT

- 4.1 These two recommendations are very minor changes to the delegation of the Leader and will help to clarify roles and responsibilities within the council.

5 IMPLICATIONS

- 5.1 I have considered whether there are implications for; Policy, Legal, Finance, Equalities and Diversity, Staffing, Planning, Crime and Disorder, Health and Safety or the environment arise from this report and am satisfied that there is no identified implication that will arise from this decision"



Ian Anderson, Head of Legal and Support Services

Author: Gill Wilkinson

Telephone No: 01723 232303

Fax No:

E-mail address: gill.wilkinson@scarborough.gov.uk

Background Papers:

None

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO
INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT Gill
Wilkinson ON 01723 232303 e-mail gill.wilkinson@scarborough.gov.uk