

SCARBOROUGH BOROUGH COUNCIL

LEADERS PORTFOLIO

INDIVIDUAL CABINET MEMBER DECISION

Date: Monday, 25 July 2011


DECISION

- 1. AMENDMENTS TO THE REPRESENTATION OF SCARBOROUGH BOROUGH COUNCIL ON OUTSIDE BODIES** (Pages 1 - 4)
To consider a report by the Head of Legal and Support Services (Reference 11/366 attached)
- 2. AMENDMENTS TO THE EXECUTIVE ARRANGEMENTS** (Pages 5 - 16)
To consider a report by the Head of Legal and Support Services (Reference 11/367 attached)

These details are published for information only. The decision will be taken by the Cabinet Member who will receive Officer advice in private. A statement of the decision taken, with any appropriate supporting information, will be published as soon as reasonably practicable afterwards.

(N.B. If you have any questions, need further information about the meeting or require special facilities in order to attend, please contact Gill Wilkinson, Democratic and Administrative Manager, Town Hall, St. Nicholas Street, Scarborough – 01723 232303 Fax 0870 238 4159 or e-mail Gill.Wilkinson@scarborough.gov.uk)

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	<p>THE LEADER</p> <p>25 JULY 2011</p>
	<p>Key Decision NO</p> <p>Cabinet Portfolio Holder The Leader Cllr Tom Fox</p>
<p>Corporate Priority Improving the council</p>	<p>Date of Decision/ Referral to O&S 25 July 2011</p> <p>Deadline for call-in 28 July 2011 5.00pm</p> <p>Implementation Date (if no call-in) 29 July 2011</p>

REPORT OF: THE HEAD OF LEGAL AND SUPPORT SERVICES – 11/366

WARDS AFFECTED: All

SUBJECT: AMENDMENTS TO THE REPRESENTATION OF SCARBOROUGH BOROUGH COUNCIL ON OUTSIDE BODIES

RECOMMENDATION (S):

1. To amend the representation of Scarborough Borough Council on the board of Scarborough Museums Trust one member, and that:

- (a) the Portfolio Holder for Tourism and Leisure act as the Council's representative
- (b) the Strategic Director, David Archer be authorised to act as an alternate director to the Portfolio Holder.

2. To appoint Cllr Peter Walker from Ryedale District Council to be the joint representative for Ryedale and Scarborough Borough Council on the Local Authority Commission on Asylum and Migration.

REASON FOR RECOMMENDATION (S):

To improve the governance of outside bodies and the representation from Scarborough Borough Council.

HIGHLIGHTED RISKS:

There may be a lack of continuity in representation if these changes are not made.

1. INTRODUCTION

- 1.1 There are two outside bodies which require amendments to the representation from Scarborough Borough Council. The first is Scarborough Museums Trust which wishes to reduce the number of representatives from two members to one. The second is the Local Authority Commission on Asylum and Migration (LACAM) which currently has no representative from this council but can be represented by a councillor from Ryedale District Council on behalf of Scarborough Borough Council.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The recommendations are in line with the council's aim to improve working relationships with its partners and thus improve the council.

3. BACKGROUND AND ISSUES

- 3.1 In relation to the first outside body, the Scarborough Museums Trust has previously had two members as representatives of Scarborough Borough Council. They now wish to reduce that number to one but with the option for the council to nominate a second representative if it so wished. In addition the Trust wish to again formalise the Strategic Director's position as alternate director, which he has previously been. This will allow Mr Archer to be the council substitute for the elected member.
- 3.2 The trust has experienced difficulty at times in attendance by the two councillor representatives as neither councillor was named as the main representative and thus there was less pressure to attend. This meant that when other meetings clashed with the meetings of the Trust occasionally both members would give their apologies. The Trust therefore wishes to appoint one councillor who will have the sole responsibility for representing Scarborough Borough Council on the board. This should increase attendance by the councillor at meetings and give continuity to the council's representation on the board.
- 3.3 There has also been an issue of the Trust being quorate at times. Reducing the number of trustees and formalising the substitute for the council's representative should assist with attendance and reduce this problem for the Trust.
- 3.4 The strategic director, David Archer regularly attends meetings of the Trust as an observer. Making Mr Archer an alternate director will

enable the council to nominate him as a substitute to Cllr Jeffels if the member is unable to attend.

- 3.5 In relation to the second outside body, Cllr Jonathan Dixon was the representative for Scarborough Borough Council to LACAM until he stood down as a councillor at the elections in May 2011. Since then the council has chosen not to nominate a member as a representative. The council has been informed that three councils in North Yorkshire (Ryedale, Harrogate and Richmondshire) have nominated members to be representatives on LACAM and that the Council can ask one of these members to also represent Scarborough Borough Council. The member from Ryedale, Cllr Peter Walker has been asked if he will represent Scarborough Borough Council and report back to this council and he has agreed to do this. It is therefore necessary for the council to formally appoint Cllr Walker as its representative on LACAM.

4. CONSULTATION

- 4.1 The Strategic Director, David Archer, Cllr David Jeffels and the trust have all been consulted on these proposed recommendations.
- 4.2 Cllr Peter Walker has been consulted and agreement has been given to him representing both Scarborough Borough Council and Ryedale District Council on LACAM. Cllr Walker will also report back to the relevant scrutiny committee of this council.

5. ASSESSMENT

- 5.1 With regard to the amendments to the Scarborough Museums Trust the articles of Association of the trust allow for there to be up to two trustees from the council. Reducing the number to one means that the articles do not have to be amended and also lets the council retain the right to nominate another representative if they so wish in the future. As the trust is associated with tourism and culture the most appropriate representative from the council would be the portfolio holder for this area, Cllr David Jeffels.
- 5.2.1 Cllr Jeffels is unable to attend his substitute would be Mr Archer who regularly attends the meetings as an observer at present.
- 5.3 With regard to representation by Cllr Walker on LACAM this form of representation is used with regard to other outside bodies whereby a member from another authority represents their own authority and others in the region. Cllr Walker will be required to report back to scrutiny via an annual report to ensure that this council is kept informed of the work of LACAM.

6. IMPLICATIONS

- 6.1 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

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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

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

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
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- 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

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Background Papers:

None

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INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT Gill
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PART II – INDIVIDUAL CABINET MEMBER’S DECISION

LEADER’S DECISION 25 JULY 2011

THE LEADER on SCHEME OF DELEGATION TO THE EXECUTIVE

DECISION

That in accordance with the powers delegated to the Leader by virtue of Part 3, Schedule 2 (paras 1.1 and 1.4) of the Constitution of the Scarborough Borough Council the scheme of delegation within Schedule 2 para 1.4 of the Constitution is amended as follows:

Cabinet Member	Functional Areas
1. The Leader	Overall responsibility for <ul style="list-style-type: none">• Leadership and management of the Council• Co-ordination and implementation of strategic policy• Community Leadership• Implementation of the power to promote the economic, social and environmental well being of the Borough• The Community Strategy• Service Transformation
2. Cabinet Member (Finance, Procurement and Legal)	<ul style="list-style-type: none">• Corporate financial matters including management of the financial function but excluding financial services provided in support of a service falling within another functional area.• Administration of benefits• Fraud prevention and control• Local taxation• Audit plans• Corporate Risk Management Matters• Corporate legal matters including management of the legal function• Local land charges• Corporate Procurement Matters

	<p>Cabinet Member (Housing, Property Maintenance, Public Health, strategic licensing and Sustainability)</p>	<ul style="list-style-type: none"> • Housing research • Strategic housing enabling issues • Council housing management • Housing welfare and homelessness • Care services for the elderly and other vulnerable groups • Private sector housing enforcement • Housing related grants • Harassment, unlawful eviction and reinstatement of services • Home energy conservation and affordable warmth • Energy Management • Development of Sustainable Energy resources • Property maintenance and management • Management of the Council's administrative buildings • Neglected and derelict sites and buildings • Allotments • Markets • Environmental and public health protection and control • Health and safety at work enforcement • Food safety and hygiene • Home safety and health education • Animal care and dog control • Cemeteries and crematorium administration and funeral arrangements for destitute persons • Health liaison • Pest control • Strategic licensing • Development of licensing strategies
	<p>4. Cabinet Member (Technical Services, Highways and Transport, Environment, and Coastal and Flood Defences)</p>	<ul style="list-style-type: none"> • Waste collection, management and recycling • Environmental improvements • Coastal protection delivered from within the Council's capital and revenue budgets • The administration of Council car parks • On-street parking • Lighting schemes • Public conveniences • Works and improvements to private roads owned by the council • Transportation, Transport services, including bus shelters and taxi stands

<p>5. Cabinet Member (Strategic Planning and Regeneration)</p>	<ul style="list-style-type: none"> • Strategic planning • Development of regeneration strategies • All matters relating to economic development including infrastructure development and business support • Town centre management • Skills development • External funding and grants for small businesses
<p>6. Cabinet Member (Neighbourhood Renewal, Community Involvement and Partnerships, Democratic and Customer Services and Safer Communities)</p>	<ul style="list-style-type: none"> • Development of local strategic partnerships • Community Safety • Democratic Services • Customer Services • Local democracy issues (including Area Committees) • Management of Central support services
<p>7. Cabinet Member (Tourism and Culture)</p>	<ul style="list-style-type: none"> • The development, operation, marketing and management of tourism and leisure facilities and services. • Conferences, exhibitions, entertainments and events • Museums and gallery, sports centres, swimming pools, bowls centre, bowling greens, sports areas and open spaces • Civic and other catering • Visitor information, amenities and attractions • Parks and Gardens • Community and recreation centres, playcentres, play areas, community sports and arts • • Countryside Services
<p>8. Cabinet Member (Human Resources, Performance and ICT)</p>	<ul style="list-style-type: none"> • Human Resources • Information Technology • Performance Management
<p>9. Cabinet Member (Harbours, Land and Project Management)</p>	<ul style="list-style-type: none"> • Harbours, except where the Leader agrees to the delegation of this function to a Committee of the Council • Asset realisation • Purchase, sale, lease or tenancy of all land and properties belonging to the Council • The granting of property concessions and licences • Strategic Project Management delivered through the Corporate Programme Board

And with effect from midnight on 11 May 2011 the Councillors identified below are appointed to hold the identified portfolios:

Cabinet Member	Member
2. Cabinet Member (Finance, Procurement and Legal)	Councillor Jane Kenyon
3. Cabinet Member (Housing, Property Maintenance, Public Health and Sustainability)	Councillor Bill Chatt
4. Cabinet Member (Technical Services, Highways and Transport, Environment, Project Management and Coastal and Flood Defences)	Councillor Andrew Backhouse
5. Cabinet Member (Strategic Planning and Regeneration)	Councillor Derek Bastiman
6. Cabinet Member (Neighbourhood Renewal, Community Involvement and Partnerships, Democratic and Customer Services and Safer Communities)	Councillor Brian Simpson
7. Cabinet Member (Tourism and Culture)	Councillor David Jeffels
8. Cabinet Member (Human Resources, Performance and ICT)	Councillor Penny Marsden
9. Cabinet Member (Harbours, Land and Project Management)	Councillor Michael Cockerill

In addition the powers currently delegated to the Whitby Harbour Board to manage that Harbour continue to be so delegated and the Portfolio Holder with responsibility for Harbours, Councillor Michael Cockerill will as a consequence of this decision become chair of the Whitby Harbour Board.

**ANY RELEVANT INTERESTS DECLARED BY CABINET MEMBER AND ANY
DISPENSATIONS GRANTED**

NONE

DATE OF DECISION:

25 July 2011

IMPLEMENTATION DATE

26 JULY 2011

Signed



**Councillor Tom Fox
Leader of the Council**

Date of signature

25 JULY 2011

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