

LEADER'S EXECUTIVE SCHEME OF DELEGATION

Responsibility for Leader and Cabinet Functions

Remit

1. The Leader has established a Cabinet to include seven other Members of the Council, including a Deputy Leader. The Leader has allocated a portfolio of executive and leadership responsibilities for each of these Cabinet Members, whose terms of reference are described in the following pages.
2. The Leader and Cabinet are responsible for all of those functions of the Authority that are not expressly reserved to other parts of the Council under these constitutional arrangements. These are known as executive functions.
3. The Leader may discharge any of the functions that are the responsibility of the Leader and Cabinet him or herself or may arrange for the discharge of those functions by the Cabinet as a whole, by another member of the Cabinet, by a committee of the Cabinet or by an officer of the authority. These arrangements are described below.
4. More information is set out in Article 7 of the Council's Constitution

Limitations

5. Those functions that may not be executive functions and do not fall under the responsibility of the Leader or Cabinet, in whole or in some other specified way, are listed in Part 3 of the Council's Constitution.
6. In discharging responsibility for the executive functions of the authority, the decision maker must be aware of the limitations placed upon them. These limitations are that any decision in exercise of an executive function is to comply with:
 - (a) the Budget set by full Council;
 - (b) the Policy Framework set by full Council;
 - (c) the Authority's
 - Access to Information Procedure Rules (including key decision and call-in provisions);
 - Executive Procedure Rules;
 - Budget and Policy Framework Procedure Rules;

- (d) an expectation that the Authority's
- Financial Regulations;
 - Contract Procedure Rules; and
 - other applicable Articles, procedure rules or standing orders as set out elsewhere in the Council's Constitution;
- will have been complied with in all but the most exceptional circumstances (and if not then explained fully in the minuted reasons for the decision); and
- (e) any legislative requirements and all applicable rules of law.

Arrangements for Discharge of Functions

7. The following sets out how the Leader has decided to arrange for the discharge of executive functions. The Leader may amend these arrangements, but will [normally] only do so after first informing a public meeting of the Cabinet.
8. Key Decisions (defined at Article 14 of the Council's Constitution) may be taken by a relevant Cabinet Committee, by the Cabinet Member under whose portfolio the function falls or by the Chief Executive, Corporate Director, Service Director or Assistant Director under whose managerial responsibility the executive function falls.
9. Where a Cabinet Committee has been established, its terms and functions are described below.
10. Certain procurement and financial decisions will, according to the value of the transaction concerned, be reserved to the Cabinet, ~~Procurement and Commissioning~~ **Cabinet member** or grade of officer as set out in the Annex to this Scheme.
11. Each Cabinet Member's portfolio of responsibility is described below. That portfolio sets out the range of executive functions for which the Cabinet Member may be called upon to make a key decision about or to lead the debate when related matters come before a meeting of the Cabinet.
12. Under each portfolio, certain decisions that would otherwise fall within the scope of each Cabinet Member's portfolio will be reserved for consideration and decision by a meeting of the Cabinet or Cabinet Committee.
13. Under each portfolio, certain decisions that would otherwise fall within the scope of the managerial responsibility of the Corporate Director, Service Director or Assistant Director concerned may be reserved for consideration and decision of the Cabinet Member under whose portfolio the function falls.
14. Regardless of any other delegation or rule within these arrangements, the Chief Executive may take any key decision which he or she considers necessary on the grounds of urgency, efficiency, or cost.

15. All other matters that do not constitute a key decision are delegated to the Chief Executive, Corporate Director Service Director, or Assistant Director under whose managerial responsibility the executive function falls.
16. Even where the Chief Executive, Corporate Director, Service Director or Assistant Director hold delegated authority, they must consult the relevant Cabinet Member where the circumstances are particularly sensitive or if the decision in question involves changes to policy or strategy and, following consultation, they will normally report the matter to the Cabinet where the Cabinet Member indicates a preference for this.
17. The Chief Executive, Corporate Director, Service Director or Assistant Director may delegate any of their responsibilities or powers in exercise of executive functions to any other officer to whom they consider it appropriate to discharge those functions.
18. There are additional executive and non-executive functions allocated to specific statutory and non-statutory officers as set out in the Constitution.
19. The management structure of the Authority is set out in Part 7 of the Constitution.

LEADER

COUNCILLOR PETER MARLAND

Portfolio Terms of Reference

1. Council Plan
2. Communications
3. South East Midlands Local Enterprise Partnership (SEMLEP)
4. Devolution
5. Policy
6. External Relations
7. Smart Cities
8. MK Futures 2050
9. Economic Development
10. All other executive functions not otherwise listed within Cabinet portfolio terms of reference listed below
11. Any executive functions that fall to be discharged by the Leader and Cabinet that the Leader may wish from time to time to have reserved to him or herself or to be discharged in a different manner to the general delegation arrangements described below.

Matters reserved within this portfolio to the Cabinet:-

- (i) All relevant matters reserved for Cabinet level decision as detailed in Rules of Procedure.
- (ii) Policy developments of strategic significance relating to a portfolio's Terms of Reference.
- (iii) Such other matters as the Leader may from time to time reserve to Cabinet for decision

Matters reserved within this portfolio to the Cabinet Member:-

- (i) All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
- (ii) Such other matters as the Leader may from time to time reserve to him or herself for decision.
- (iii) Decisions to accept, reject, or modify expressions of interest submitted under the Council's Community Right to Challenge Policy.

DEPUTY LEADER

CABINET PORTFOLIO: HEALTHIER AND STRONGER COMMUNITIES

COUNCILLOR HANNAH O'NEILL

Portfolio Terms of Reference

1. Health Improvement
2. Public Health
3. Mental Health
4. Community Safety
5. Community Cohesion
6. Hate Crime
7. Equalities
8. Voluntary Sector
9. Regeneration (Strategic - Community Lead)

Matters reserved within this portfolio to the Cabinet:-

- (i) All relevant matters reserved for Cabinet level decision as detailed in Rules of Procedure.
- (ii) Policy developments of strategic significance relating to the portfolio's Terms of Reference.
- (iii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision

Matters reserved within this portfolio to the Cabinet Member:-

- (i) All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
- (ii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.
- (iii) Decisions to accept, reject, or modify expressions of interest submitted under the Council's Community Right to Challenge Policy.

CABINET PORTFOLIO: RESOURCES AND INNOVATION

COUNCILLOR ROBERT MIDDLETON

Portfolio Terms of Reference

1. Finance and Budget
2. Council Tax and Benefits
3. Performance
4. Corporate Service Innovation
5. Commercialism
6. Capital and Infrastructure
7. Procurement
8. Property and Facilities
9. Human Resources
10. Milton Keynes Development Partnership
11. Local Government Shared Services (LGSS)

Matters reserved within this portfolio to the Cabinet:-

- (i) All relevant matters reserved for Cabinet level decision as detailed in Rules of Procedure.
- (ii) Policy developments of strategic significance relating to the portfolio's Terms of Reference.
- (iii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.

Matters reserved within this portfolio to the Cabinet Member:-

- (i) All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
- (ii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.
- (iii) Decisions to accept, reject, or modify expressions of interest submitted under the Council's Community Right to Challenge Policy.

CABINET PORTFOLIO: PLACE

COUNCILLOR LIZ GIFFORD

Portfolio Terms of Reference

1. Strategic Planning
2. Business Growth
3. Transport
4. Culture
5. Libraries, Leisure and Community Assets
6. Skills
7. Parish Partnerships
8. Events

Matters reserved within this portfolio to the Cabinet:-

- (i) All relevant matters reserved for Cabinet level decision as detailed in Rules of Procedure.
- (ii) Policy developments of strategic significance relating to the portfolio's Terms of Reference.
- (iv) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.

Matters reserved within this portfolio to the Cabinet Member:-

- (ii) All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
- (ii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.
- (iii) Decisions to accept, reject, or modify expressions of interest submitted under the Council's Community Right to Challenge Policy.

CABINET PORTFOLIO: PUBLIC REALM

COUNCILLOR MARTIN GOWANS

Portfolio Terms of Reference

1. Waste and Recycling
2. Highway Maintenance
3. Streetscene (lighting, cleansing and signage)
4. Landscaping
5. Energy and Sustainability

Matters reserved within this portfolio to the Cabinet:-

- (i) All relevant matters reserved for Cabinet level decision as detailed in Rules of Procedure.
- (ii) Policy developments of strategic significance relating to the portfolio's Terms of Reference.
- (iii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision

Matters reserved within this portfolio to the Cabinet Member:-

- (i) All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
- (ii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.
- (iii) Decisions to accept, reject, or modify expressions of interest submitted under the Council's Community Right to Challenge Policy.

CABINET PORTFOLIO: CUSTOMER SERVICES

COUNCILLOR MICK LEGG

Portfolio Terms of Reference

1. Development Control Services
2. Licensing Policy
3. Regulatory Services
4. Bereavement Services
5. Environmental Health
6. Customer Service Improvement

Matters reserved within this portfolio to the Cabinet:-

- (i) All relevant matters reserved for Cabinet level decision as detailed in Rules of Procedure.
- (ii) Policy developments of strategic significance relating to the portfolio's Terms of Reference.
- (v) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.

Matters reserved within this portfolio to the Cabinet Member:-

- (iii) All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
- (ii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.
- (iii) Decisions to accept, reject, or modify expressions of interest submitted under the Council's Community Right to Challenge Policy.

CABINET PORTFOLIO: ADULT CARE AND HOUSING

COUNCILLOR NIGEL LONG

Portfolio Terms of Reference

1. Adult Social Care
2. Preventative Services
3. Commissioning
4. Safeguarding Adults
5. Supporting People
6. Service Innovation (Adult Health and Social Care)
7. Housing
8. Homelessness
9. Housing Revenue Account
10. Regeneration (Shared - Housing Lead)

Matters reserved within this portfolio to the Cabinet:-

- (i) All relevant matters reserved for Cabinet level decision as detailed in Rules of Procedure.
- (ii) Policy developments of strategic significance relating to the portfolio's Terms of Reference.
- (iii) To consider proposals for establishing, closing or a school.
- (iv) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision

Matters reserved within this portfolio to the Cabinet Member:-

- (i) All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
- (ii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.
- (iii) Decisions to accept, reject, or modify expressions of interest submitted under the Council's Community Right to Challenge Policy.

CABINET PORTFOLIO: CHILDREN AND FAMILIES

COUNCILLOR ZOE NOLAN

Portfolio Terms of Reference

1. Safeguarding
2. Children's Social Care
3. Corporate Parenting
4. Fostering and Adoption
5. Schools and Partnerships
6. Youth Services
7. Children's Centres
8. Service Innovation (Children and Young People Services)

Matters reserved within this portfolio to the Cabinet:-

- (i) All relevant matters reserved for Cabinet level decision as detailed in Rules of Procedure.
- (ii) Policy developments of strategic significance relating to the portfolio's Terms of Reference.
- (iii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision

Matters reserved within this portfolio to the Cabinet Member:-

- (i) All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
- (ii) Such other matters as the Leader directs or the Cabinet may from time to time reserve to itself for decision.
- (iii) Decisions to accept, reject, or modify expressions of interest submitted under the Council's Community Right to Challenge Policy.

~~PROCUREMENT AND COMMISSIONING~~

~~TERMS OF REFERENCE~~

~~1 Terms of Reference~~

~~To exercise the functions of the Cabinet in respect of all Procurement and Commissioning decisions not otherwise delegated or reserved to the Cabinet.~~

~~2 Membership~~

~~(a) **Membership:** Procurement and Commissioning will consist of a minimum of three members of the Cabinet. There is no power to co-opt.~~

~~(b) **Chair:** The Leader or Deputy Leader, will take the role of Chair and Vice Chair of the Committee, in the absence of the Leader or Deputy Leader, the Committee will be chaired by the Cabinet member responsible for Resources and Innovation.~~

~~(c) **Quorum:** Except where decisions are to be made by the Leader as advised by the Committee, business shall not be transacted at a meeting of the Committee unless at least three members of the Cabinet are present.~~

~~3 Functions~~

~~Procurement and Commissioning will exercise the following functions and those matters which flow from them, which are executive functions.~~

~~(a) To undertake initial consideration of large procurement related projects, defined as non property related projects between the value of £100,000 and £20,000,000, including the consideration of initiation documents, full business cases and specification and the consideration of procurement projects where there is a TUPE transfer by the Council.~~

~~(b) To authorise officers to issue specification and invitations to tender and, where within budget, to make an award of contract to the tenderer assessed as providing the highest score against the agreed MEAT (most economically advantageous tender) criteria in respect of large procurement projects~~

~~(c) To oversee and monitor procurement, commissioning and contract activity, including:~~

~~on a quarterly basis:~~

~~(i) reviewing the S151 Officers decisions to waive Contract Procedure Rules;~~

~~(ii) review of tenders and award of contracts on behalf of Cabinet in accordance with the Scheme of Delegation;~~

~~when required:~~

~~(iii) approval of contract variations, extensions and novations;~~

~~(iv) benefit realisation (post implementation) reviews;~~

~~(v) contract performance management; and~~

~~(vi) the commissioning cycle.~~

~~(d) To review, approve or make recommendations to Cabinet concerning the Procurement Strategic Plan and the Procurement Forward Plan;~~

~~(e) To review the Contract Procedure Rules from time to time and make recommendations for change to Council; and~~

~~(f) To advise the Cabinet on all matters concerned with procurement generally and to make recommendations on any of the above matters to (as appropriate) the Cabinet or Council.~~

~~In acting under the Committee's Terms of Reference and in exercising responsibility for those functions listed above, the Authority's Procedure Rules, any limitations on authority and all legislative requirements and applicable rules of law must be complied with.~~

ANNEX

Procurement and Financial Scheme of Delegation

These delegations should be read in conjunction with Council's Contract Procedure Rules and the Council's procurement guidance as appropriate, along with the linked Financial Procedure Rule (FPR).

Note that the Chief Financial Officer may delegate authority from time to time as he / she sees fit.

	Function	FPR	Cabinet/ Cabinet member	Procurement and Commissioning	Chief Executive	Corporate Director	Service Director/ Assistant Director	Head of Service	Budget Manager
1.	Virements	5	All non-technical virements	N/A	N/A	Technical virements – Chief Financial Officer	None	None	None
2.	Raising customer invoices (excluding grants) and credit notes.	10	N/A	N/A	Unlimited (Chief Financial Officer to deputise)	Unlimited	Up to £100,000	Up to £50,000	Up to £10,000
3.	Recommend write-off of debts to Chief Financial Officer	11	N/A	N/A	Unlimited	Up to £500,000	Up to £100,000	Up to £50,000	Up to £10,000
4.	Write-off authority	11	Any amount over £20,000	N/A	N/A	Any amount up to £20,000 approved by Chief Financial Officer			

	Function	FPR	Cabinet/ Cabinet member	Procurement and Commissioning	Chief Executive	Corporate Director	Service Director/ Assistant Director	Head of Service	Budget Manager
5.	Write-off due to insolvency/court order	11	Any amount over £20,000 reported	N/A	N/A	All – Chief Financial Officer			
6	To agree grants and benefits to external bodies and other non-procurement commitments	14	If proposed expenditure will cause pressure in future years.	N/A	Up to £100,000	Up to £100,000	Up to £100,000	Up to £50,000	Up to £10,000
7.	Signing grant agreements for grants and benefits paid by the Council to external bodies	14	N/A	N/A	N/A	Above £20,000 Must be recorded in the grants payable register	Up to £20,000	None	None
8.	Authorisation of official orders for grants and benefits to external bodies	14	N/A	N/A	Unlimited (Chief Financial Officer to deputise)	Up to £1m	Up to £500,000	Up to £50,000	Up to £10,000
9.	Applying for new external funding (including European bids). (All are subject to Chief Financial Officer certification)	15	N/A	N/A	N/A	Unlimited	Up to £100,000	None	None

	Function	FPR	Cabinet/ Cabinet member	Procurement and Commissioning	Chief Executive	Corporate Director	Service Director/ Assistant Director	Head of Service	Budget Manager
10.	Sign off of grant claims (Government Departments, EU)	15	N/A	N/A	N/A	Chief Financial Officer	N/A	N/A	N/A
11.	Assets and stocks – maintain register of assets over £10,000	16- 20	N/A	N/A	N/A	N/A	Yes	Yes	N/A
12.	To agree specification, invite tenders and approve delegated authority to award contract for supplies and services	21	Over £20m £500k	£100,000 to £20m	Up to £100,000 £500k	Up to £100,000 £500k	Up to £100,000 £500k	Up to £50,000	Up to £10,000
13.	Award of contract	21	Over £20m £500k	£100,000 to £20m	As above, subject to the award being made to the tenderer who has submitted the most economically advantageous bid (the highest score against the valuation criteria) and the resulting contract being within budget.				
14.	Termination of contract	21	Over £20m £500k	£100,000 to £20m	Up to £100,000 £500k	Up to £100,000 £500k	Up to £100,000 £500k	None	None
15.	Authorisation of official orders for procurement (This follows formal approval through appropriate decision making as above)	21	N/A	N/A	Unlimited (Chief Financial Officer to deputise)	Up to £1m	Up to £500,000	Up to £50,000	Up to £10,000
16.	Petty cash limit for a single item	22	N/A	N/A	Unlimited	Up to £250	Up to £100	Up to £50	Up to £25

	Function	FPR	Cabinet/ Cabinet member	Procurement and Commissioning	Chief Executive	Corporate Director	Service Director/ Assistant Director	Head of Service	Budget Manager
17.	To agree any other form of financial commitment not covered above		If proposed expenditure will cause pressure of over £500k in future years.	N/A	Up to £100,000 £500k	Up to £100,000 £500k	Up to £100,000 £500k	Up to £50,000	Up to £10,000

If proposed expenditure will cause pressure K in future years.