

## **Executive Arrangements 14 May 2018**

### **Report of the Leader**

#### **PURPOSE OF REPORT**

To report to Council on the delegation of executive functions, in accordance with Rule 1.2 of the Cabinet Procedure Rules

**This report is public**

#### **RECOMMENDATIONS**

(1) That the report be noted

##### **1.0 Introduction**

1.1 Rule 1.2 of the Cabinet Procedure Rules provides as follows:

“Delegation by the Leader

(a) At the annual meeting of the Council, the Leader will present to the Council the names of the people appointed to the Cabinet by the Leader (including the name of the Deputy Leader), and their portfolios.

(b) At the annual meeting of the Council or as soon as practicable thereafter, the Leader will present to the Council a written record of :

(i) The detailed remits of the portfolios of the Cabinet Members.

(ii) Any delegations made by the Leader in respect of the discharge of the Council’s executive functions. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- The extent of authority of the Cabinet as a whole
- The extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet Members appointed to them;
- the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet

Members appointed to any joint committee for the coming year; and

- the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

and these shall then be included in the Council's Constitution."

1.2 This report fulfils the requirement of Rule 1.2(b).

## **2.0 Proposal Details**

2.1 The names of the members appointed to Cabinet and their respective portfolios will be reported at the meeting.

2.2 In accordance with the Council's current Constitution (Article 7.09), Cabinet members will have delegated authority to take non-key decisions within their portfolio areas. Key decisions will be taken by Cabinet collectively.

2.3 No Cabinet Committees or Area Committees have been appointed.

2.4 The revenues and benefits functions of the Council will continue to be carried out by a Joint Committee with Preston City Council. The two Cabinet members appointed to serve on that Joint Committee will be Councillor Blamire and the portfolio holder for Revenues and Benefits. All other Cabinet Members are substitute Members of the Joint Committee.

2.5 Delegations of executive functions to officers are set out in Part 3, Section 14 of the Council's Constitution. A copy is attached at **Appendix A** to this report.

2.6 It should be noted that the Chief Officer (Regeneration and Planning) post is currently vacant and delegations to that role now sit with the Planning Manager, the Regeneration Manager and the Economic Development Manager. The Chief Officer (Legal and Governance) post is also currently vacant and delegations to this post rest with the Chief Executive.

## **3.0 New Delegation to Chief Officer (Health and Housing)**

3.1 The Housing and Planning Act 2016 came into force on 1<sup>st</sup> April 2017 and introduced measures designed specifically to improve safety in private rented homes and to tackle poor and rogue landlords.

3.2 As well as introducing new powers for local authorities to tackle rogue landlords, it also introduces new options to apply for Banning Orders to prevent the worst landlords operating in the market. In addition, there is now the opportunity for authorities to consider applying civil penalties as an alternative to prosecution in certain circumstances. The legislation is to be enforced by local authorities and specific guidance is provided by Government.

3.3 The amount of a financial penalty that can be imposed is to be determined by the authority imposing it, but must not be more than £30,000. Officers are expected to determine appropriate levels and although this income can be retained by the local authority it is also subject to appeal so must be

proportionate and reasonable. A local housing authority may apply any financial penalty recovered to meet the costs and expenses (whether administrative or legal) incurred in, or associated with, carrying out any of its enforcement functions in relation to the private rented sector.

- 3.4 Amendments to the Scheme of Delegation relating to executive functions may be made by the Leader in accordance with Paragraph 1.4(b) of Section 4 of Part 4 of the Constitution. Any amendments that are made by the Leader are reported to Council.
- 3.5 The Leader has made an amendment to the Scheme of Delegation relating to executive functions to allow the Chief Officer (Health and Housing) and officers she has designated in writing to act on behalf of the Council under the Housing and Planning Act 2016. The main aim of these new regulations is to raise basic safety standards in homes within the private rented sector.

#### **4.0 Conclusion**

- 4.1 The report is submitted in accordance with Rule 1.2 of the Cabinet Procedure Rules and is for noting.