

## CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

20 MAY 2010

REPORT OF  
CORPORATE  
MANAGEMENT TEAM

### CABINET DECISION/

Leader of the Council - Councillor Lupton  
Corporate Management and Finance - Cabinet Member - Councillor Laing

### EXECUTIVE FUNCTIONS AND DELEGATED POWERS

1. Summary  
This report asks Cabinet to confirm the executive functions and delegated powers detailed in Part 3 of the Council's Constitution.
2. Recommendations  
It is recommended that the executive functions and delegated powers detailed in Part 3 of the Council's Constitution be confirmed.
3. Reasons for the Recommendations  
  
To confirm the Cabinet's executive functions and delegated powers.
4. Members Interests  
  
Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.  
  
Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).  
  
A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -
  - in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;

- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

**AGENDA ITEM**

**REPORT TO CABINET**

**20 MAY 2010**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

**CABINET DECISION**

**Leader of the Council - Councillor Lupton  
Corporate Management and Finance – Lead Cabinet Member – Councillor Laing**

**EXECUTIVE FUNCTIONS AND DELEGATED POWERS**

**SUMMARY**

This report asks Cabinet to confirm the executive functions and delegated powers detailed in Part 3 of the Council's Constitution.

**RECOMMENDATIONS**

It is recommended that the executive functions and delegated powers detailed in Part 3 of the Council's Constitution be confirmed.

**DETAIL**

1. At the Annual Meeting on 7 April, Council agreed the Scheme of Delegation as set out in Part 3 of the published Constitution.
2. Cabinet is asked to confirm agreement to the functions and powers for which it is responsible ie the executive functions and delegated powers detailed within Part 3.
3. The Constitution is accessible on the Authority's website via a link on the first page.

**FINANCIAL AND LEGAL IMPLICATIONS**

**Financial**

- 4.. There are no financial implications arising directly from this report.

**Legal**

5. Cabinet's decision confirms the Authority's executive functions and delegated powers for the forthcoming municipal year. .

## **RISK ASSESSMENT**

6. The risks involved are classed as low. Cabinet's decision confirms the Council's executive decision-making framework for 2010/11.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

7. The functions and delegated powers involved are relevant to all of the key improvement priorities.

## **EQUALITIES IMPACT ASSESSMENT**

8. It is not considered that this report gives rise to any requirement for an assessment to be undertaken.

## **CONSULTATION INCLUDING WARD COUNCILLORS**

9. The current version of the Constitution, which includes the executive functions and delegated powers at Part 3, is available via the website, via a link on the front page.

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Background Papers:

The published Constitution

(<http://sbcinternet/yourcouncil/constitution/>)

Ward(s) and Ward Councillors:

Not ward specific

Property Implications:

None