

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**PORTFOLIO HOLDER DECISION BY THE LEADER  
May 2018**

**REPORT AUTHOR:** Head of Democratic Services

**SUBJECT:** Delegation of Highways Functions as from 17<sup>th</sup> May, 2018

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**REPORT FOR:** Decision

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**1. Summary**

The County Council on 25<sup>th</sup> January, 2018 decided to cease the operation of the Area (Shire) Committees as from the Annual Meeting of Council on 17<sup>th</sup> May, 2018. Some Highways Functions are currently delegated to Area (Shire) Committees by the Cabinet, and as such alternative arrangements for those functions will need to be established to take effect from 17<sup>th</sup> May, 2018.

**2. Proposal.**

- 2.1 Even though the Council has decided to cease the operation of the Area (Shire) Committees, the Leader is responsible for delegating any functions. Therefore the Leader will need to review the delegation of the current functions to the Area (Shire) Committees otherwise those functions will revert to the Leader upon the removal of the Area (Shire) Committees.
- 2.2 The functions currently delegated to the Area (Shire) Committees are set out in the Appendix 1 to the report.
- 2.3 The Leader can retain the function set out in appendix 2 or delegate those functions to a Portfolio Holder, officer or other committee. It is suggested that the Leader delegates those Highways Functions coloured yellow in Appendix 2 to the Portfolio Holder for Highways, Recycling and Assets and those Highways functions coloured Green in Appendix 2 to the Portfolio Holder Finance, Countryside and Transport as from 17<sup>th</sup> May, 2018.
- 2.4 In making that delegation to the Portfolio Holder, the Leader would require that the relevant Portfolio Holder consult with the local Member within whose electoral division the decision fell regarding the proposal. However the relevant Portfolio Holder solely will make the final determination in all cases.
- 2.5 The Constitution will also require amendment to take account of these changes as set out in appendix 2 to the report.
- 2.6 The Highways Service has also requested that the level of delegation (currently £50,000 for the Shire Committees) be increased to £100,000 for Portfolio Holders.

- 2.7 The Council's virement rules (set out in Rules 16.87 to 16.100 of the Constitution), states that there is delegation to a Head of Service to exercise virement for budgets within their control for amounts within £25,001 and £100,000, and that any sums over £100,001 require approval of the Cabinet.
- 2.8 Portfolio Holders are able to take any decision on a matter which falls within their portfolio areas. However, other than where a budget virement is required, there is no financial restriction on the delegated authority of a Portfolio Holder. Therefore setting an upper limit is un-necessary in this instance. Portfolio Holders are also required to comply with the provisions of Rule 13.107 of the Constitution which includes compliance with the Council's Financial Procedure Rules, Contracts Procedure Rules and the Policy and Budget framework set by the Council in taking any decisions.

### **3. Other Front Line Services**

Does the recommendation impact on other services run by the Council or on behalf of the Council?                      Yes

If so please provide their comments:

Interim Director – Environment:      No comment.

Head of Leisure and Recreation:      No comment.

### **4. Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

#### 4.1 Legal

The recommendations can be supported from a legal point of view.

#### 4.2 Finance

The Finance Business Partner for Resources confirms that the scheme of virement is in place as described in section 2.7 and 2.8.

#### 4.3 Corporate Property (if appropriate)

#### 4.4 HR (if appropriate)

#### 4.5 ICT (if appropriate)

### **5. Scrutiny**

Has this report been scrutinised?                      No

### **6. Statutory Officers**

6.1 The Section 151 Officer's view is

The Head of Financial Services Deputy Section 151 Officer notes and confirms the comment of the Finance Business Partner.

6.2 The Monitoring Officer's view is:

I note the legal comment and have nothing to add to the report.

## 7. Members' Interests

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Member has an interest she should declare it , complete the relevant notification form and refer the matter to cabinet for decision

Recommendation:	Reason for Recommendation:
<p>(a) <b>That the Leader as from 17<sup>th</sup> May, 2018:</b></p> <p>(i) <b>Delegates those Highways Functions coloured yellow in Appendix 2 to the Portfolio Holder for Highways, Recycling and Assets and those Highways functions coloured Green in Appendix 2 to the Portfolio Holder Finance, Countryside and Transport); and</b></p> <p>(ii) <b>In making the delegations in (ii) above the Portfolio Holders are required to consult with the Local Member in relation to any proposal, with the relevant Portfolio Holder making the final determination in all cases.</b></p> <p>(b) <b>That that Council's Constitution be amended to take account of this change in delegation as set out in Appendix 2 to the report.</b></p>	<p><b>To make alternative arrangements for the delegation of functions following the decision of the County Council on 25<sup>th</sup> January, 2018.</b></p>

Relevant Policy (ies):	The Constitution		
Within Policy:	Y	Within Budget:	Y

<b>All Members</b>	<b>N/A</b>
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<b>Person(s) To Implement Decision:</b>	<b>Clive Pinney, Solicitor to the Council</b>
<b>Date By When Decision To Be Implemented:</b>	<b>17.05.2018</b>

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services
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**Background Papers used to prepare Report:**

**APPENDIX 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>J Area (Shire) Committees</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Sub-Delegation</b>	<b>Conditions and / or Limitations on Delegation and Sub-Delegation</b>
<b>Miscellaneous functions relating to Highways</b>				
Within a framework agreed by the Executive, and within an annual budget to be allocated by the Executive, and subject to an individual project limit of £50,000 :		Cabinet	the relevant Area (Shire) Committee	
1. All decisions in relation to highway maintenance within the overall plans determined by the Executive relating to :  (a) Local Improvement Programmes; (b) The general Highway Maintenance Programme; (c) Non-structural Bridge Maintenance.		Cabinet	the relevant Area (Shire) Committee	
2A. The making of Permanent Traffic Regulation Orders		Cabinet	the relevant Area (Shire) Committee save for those Traffic Regulation Orders numbered (i) to (ii) specified in column 5 which must be made by Cabinet and to Traffic Regulation Order numbered (iii) in column 5 which are delegated to the relevant Portfolio Holder.	Traffic Regulation Orders relating to: (i) Water Break It's Neck (ii) Moelfre City (iii) car parks and car park charging.  N.B. Temporary Traffic Regulation Orders are the

				responsibility of the Cabinet (but subject to delegation) in accordance with 2B(1) above.
3. Promoting and developing local road safety initiatives.		Cabinet	the relevant Area (Shire) Committee	

**APPENDIX 2.**

Column 1	Column 2	Column 3	Column 4	Column 5
<b>J Portfolio Holder Decisions</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Sub-Delegation</b>	<b>Conditions and / or Limitations on Delegation and Sub-Delegation</b>
<b>Miscellaneous functions relating to Highways</b>				
:				
1. All decisions in relation to highway maintenance within the overall plans determined by the Executive relating to :  (a) Local Improvement Programmes; (b) The general Highway Maintenance Programme; (c) Non-structural Bridge Maintenance.		Cabinet Leader	the Portfolio Holder for Highways, Recycling and Assets	
2A. The making of Permanent Traffic Regulation Orders with the exception of those items listed in Column 5.		Cabinet Leader	The Portfolio Holder for Highways, Recycling and Assets	EXCEPTION - The delegation does not include any matters relating to cycle tracks, footpaths, bridleways, restricted byways and byways open to all traffic.
2B. The making of Permanent Traffic Regulation Orders in relation to cycle tracks, footpaths, bridleways, restricted byways and byways open to all traffic.		Cabinet Leader	The Portfolio Holder for Finance, Countryside and Transport	

3. Promoting and developing local road safety initiatives.		Cabinet Leader	The Portfolio Holder for Highways, Recycling and Assets	
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