



**REPORT OF:** THE LEADER OF THE COUNCIL  
**TO:** COUNCIL FORUM  
**ON:** 30<sup>TH</sup> August 2012

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**SUBJECT: CHANGES TO EXECUTIVE MEMBER PORTFOLIO RESPONSIBILITIES**

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**1. PURPOSE OF THE REPORT**

To advise of changes to executive member portfolios, in particular the Housing, Children's Services and Schools and Education portfolio holders.

**2. OPTIONS**

A formal resolution of the Council on the 3<sup>rd</sup> December 2009 to adopt the Leader and Cabinet Executive strong leader model, was implemented at the Annual Council Meeting in May 2010.

Under Article 7 of the Constitution, all the authority's functions which are not the responsibility of any other part of the authority in law or under that Constitution, vest in the Leader who may exercise those functions personally or make arrangements for discharge by the Executive Board, individual Executive Members, Committee or officers.

The leader will maintain a list in Part 3 of the Constitution setting out which person or body he/she has delegated for the exercise of those particular Executive functions.

**3. RECOMMENDATIONS**

1] That the Council note the Leader has revised the Executive portfolio responsibilities with effect from 1<sup>st</sup> August 2012.

2] That the Council note consequential updates to the constitution will be undertaken by the Chief Executive and Monitoring Officer, in consultation with the Leader.

**4. BACKGROUND**

The responsibility of delivering Children's Services has increased dramatically in light of issues including the growth of safeguarding responsibilities, the Family Justice Review, the National promotion of adoption services and widening of the schools and learning agenda. Overall, there has been a notable rise in the demand for services and the

Leader has decided to create two portfolios and spread the workload and responsibility accordingly.

In recognition of the significant widening of this executive portfolio, with additional specialist areas and government guidance outlined below, the Leader has reviewed and updated all executive portfolio areas, as a matter of good practice. As part of this review the Leader recognised there had been a significant reduction in the activity of the Housing portfolio due to major reductions in government funding. This means the capacity of the Executive Member for Housing was becoming underutilised. A copy of the Executive Summary of new Portfolio Responsibilities for inclusion in the Constitution is attached at Appendix 1.

Members will note that information regarding these portfolio changes was posted onto the website in mid-July well in advance of the implementation date of 1<sup>st</sup> August 2012.

## **5. RATIONALE**

Revised Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services ['LMCS'] was published in September 2011, by the Department for Education. The guidance covers the legislative basis of the 2 aforementioned appointments, roles and responsibilities of the post holders and how this relates to Government expectations about local authorities' role in education and children and young people's services.

Changes are required in particular to the Children's Services executive portfolio in order to meet government directives and avoid legal challenge.

It is important that the authority is pro active in raising awareness of the changes to the work programme amongst all relevant parties including officers and partners, when carrying out a robust review of the responsibilities of the relevant executive portfolio holder[s].

Failure to comply with the guidance could result in adverse comments from Ofsted, which could have serious financial and reputational implications for the Council.

The Children and Health Overview and Scrutiny Committee, Corporate Parenting Committee and the Local Safeguarding Children's Board will be updated on these changes, at future meetings.

The Children Act 2004 requires that the Council appoint a lead member role for the range of Children Services (LMCS). The Leader has determined that this statutory LMCS role will be attached to the Executive Member for Children's Services.

With the continuing reduction in financial resources available for 'Housing' the retention of a singular Portfolio responsibility has been reviewed and the Leader has determined that this reduced function now be incorporated into the revised Neighbourhoods, Housing and Customer Services portfolio responsibilities.

The Portfolio for Adult and Social Care has also been revised to include health as the joint agenda in these 2 priority service areas continues to grow.

## **6. POLICY IMPLICATIONS**

The Children's Services and Schools and Education portfolio holders will be required to work in consultation with one another respecting the LMCS responsibilities as set out in statutory guidance. This would encourage a review of the wider service implications of any proposed changes across both executive portfolios.

## **7. FINANCIAL IMPLICATIONS**

There are no financial implications from the changes.

## **8. LEGAL IMPLICATIONS**

Section 19 of the Children Act 2004 requires every top tier local authority to designate one of its members as Lead Member for Children's Services, to mirror the functions of the Director of Children's Services, as an elected member. Further legal background is outlined in the guidance document referred to in the background papers.

The Council's Constitution will be updated with these executive portfolio changes.

## **9. RESOURCE IMPLICATIONS**

None.

## **10. EQUALITY IMPLICATIONS**

The Equalities Act 2010 provides that the authority has to have due regard to meeting the needs of our community and for example, treating the education of children in care and that of universal children, with parity.

## **11. CONSULTATIONS**

Elected members affected by these changes and relevant officers, including the Director of Children's Services were consulted on this review post this year's election in May.

### **Chief Officer/Member**

Contact Officer:	Sian Roxborough, Council Solicitor
Date:	9 <sup>th</sup> August 2012
Background Papers:	1] Statutory Guidance on the Roles and Responsibilities of the Director of Children's Services and the Lead Member for Children's Services. 2] Council Constitution

## The Executive: Summary of Portfolio Responsibilities JULY 2012

LEADER	HEALTH & ADULT SOCIAL CARE	CHILDREN'S SERVICES	SCHOOLS & EDUCATION	LEISURE, CULTURE & YOUNG PEOPLE	NEIGHBOURHOODS, HOUSING & CUSTOMER SERVICES	ENVIRONMENT	REGENERATION	RESOURCES
Improving public health and wellbeing	Improving public health and wellbeing	Improving public health and wellbeing	Improving public health and wellbeing	Improving public health and wellbeing	Improving public health and wellbeing	Improving public health and wellbeing	Improving public health & wellbeing	Improving public health and wellbeing
Improving your neighbourhood	Improving your neighbourhood	Improving your neighbourhood	Improving your neighbourhood	Improving your neighbourhood	Improving your neighbourhood	Improving your neighbourhood	Improving your neighbourhood	Improving your neighbourhood
Improving the economy	Improving the economy	Improving the economy	Improving the economy	Improving the economy	Improving the economy	Improving the economy	Improving the economy	Improving the economy
Overall policy strategy	Strategic commissioning lead for adult social care	Achievement of the Every Child Matters 5 Outcomes	Achievement of the Every Child Matters 5 Outcomes	Sports and Leisure Facilities	Community engagement and capacity building	Waste management & strategy including refuse collection, recycling and household waste centres, and waste disposal	Regeneration and economic development of the Borough	Budget monitoring and financial management
Performance management	Quality Assurance and Performance management of Care services	Safeguarding Children and LSCB	Services to schools	Public Halls and Civic Catering	Community Centre Buildings	Street Cleansing	Highways and Transport	Council tax Policy
Corporate communication	Management of Care services	Children's social care – commissioning	Relationships with nurseries, schools & academies	Festivals and events	Community safety/crime and disorder matters	Ground maintenance on Council maintained land, drainage	- Local Transport Plan - Public passenger transport	Audit, fraud, insurance and risk management
Cohesion & Equality	Safeguarding Adults	Health relationships - children and families	Special educational needs including statutory assessment, education psychology and access to progression	Young People's Services – Strategy, co-ordination and management	Customer Services and Bdirect	Corporate Complaints/ Ombudsman	Securing inward investment and assistance to business	Treasury management
Corporate research, census, ward profiles	Care network & Carers services	Special educational needs including statutory assessment, education psychology and access to progression	School places planning	Libraries	Advice services and welfare rights	Cemeteries and crematorium	Planning & development	Procurement
Member support & development	Adult Social Care provision	Special educational needs including statutory assessment, education psychology and access to progression	School places planning	Museums and art facilities	Corporate Complaints/ Ombudsman	Community action and environmental enhancement	Building control	Corporate governance
The Mayorality, civic, ceremonial and town twinning	- Older People - Adults with physical disabilities - Adults with learning disabilities	Leading on inter agency co-operation for children	Education welfare	Parks and Countryside services	Area based community and voluntary groups and organisations	Carbon management and sustainability	Town centres and markets	Legal services
Democratic services	- Adults with mental health needs - Community care	Leading on inter agency co-operation for children	Admissions and exclusions	Archive services	Lifelong learning and adult workforce development	Licensing policy issues	Tourism marketing strategy; tourist information centres	Registration Services
Third sector compact	- Independent Living	Youth offending	School improvement	Cultural services	Trading standards and consumer advice	Housing strategy, management of need and demand	Building cleaning, highway and building maintenance,	Corporate HR
Local Strategic Partnership				Sports strategy	Housing strategy, management of need and demand	Liaison with registered	Organisational Development	Land Charges
				BSF Community use of facilities			Health and	

LEADER	HEALTH & ADULT SOCIAL CARE	CHILDREN'S SERVICES	SCHOOLS & EDUCATION	LEISURE, CULTURE & YOUNG PEOPLE	NEIGHBOURHOODS, HOUSING & CUSTOMER SERVICES	ENVIRONMENT	REGENERATION	RESOURCES
Local Public Service Board Regional and European relationships Pennine Lancashire/PL ACE/LEP Joint arrangements e.g. Fire, Police, Probation, Coroner	<ul style="list-style-type: none"> <li>- Hospital Discharge</li> <li>- Sensory Impairment Service</li> <li>- Supporting people</li> <li>- Adult protection</li> <li>- Transition to adulthood</li> <li>- Drug and Alcohol</li> <li>- Emergency Duty service</li> <li>- Disabled facilities grants</li> </ul> <p>Health &amp; Well Being Board and Strategy</p> <p>Public Health prevention spend</p> <p>Interface with Clinical Commissioning Board</p> <p>Health promotion and positive lifestyles</p> <p>Reduce health inequalities</p> <p>Joint planning with health and other agencies including lead for Joint</p>	<p>team</p> <p>Children's Social care provision</p> <p>Advice and guidance to vulnerable young people</p> <ul style="list-style-type: none"> <li>- CAMHS</li> <li>- Teenage Pregnancy</li> <li>- Residential care</li> </ul> <p>Children in our care</p> <p>Children with complex needs</p> <p>Fostering &amp; Adoption</p> <p>Early Years</p> <p>Family support</p> <p>Think Family</p>	<p>Governor support services</p> <p>Extended schools curriculum</p> <p>Building schools for the future</p>		<p>social landlords or other providers</p> <p>Home improvement and private sector renewal</p> <p>Private sector landlord liaison and licensing</p> <p>Homelessness, Caravan dwellers and transient communities</p> <p>Asylum seeker policies and support services</p>	<p>health issues, health and safety at work animal welfare and food safety</p>	<p>transport</p> <p>Car Parks &amp; parking enforcement</p>	<p>safety</p> <p>Payroll and pensions</p> <p>Information technology management and governance</p> <p>Business transformation</p> <p>Property, corporate accommodation, land and buildings management</p> <p>Tenanted property (other than markets)</p> <p>Emergency planning /civil contingencies</p> <p>Management of the public private partnership</p> <p>Revenues &amp; Benefits Administration</p>

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	Strategic Needs Analysis (JSNA) Link with Health Providers, East Lancs Hospital Trust & Lancashire Care Trust HealthWatch							