

Item No. 3.2	Classification: Open	Date: 16 September 2020	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Executive Functions 2020-21	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly receives a report from the leader on the following executive issues for the coming municipal year 2020-21:
 - Notes the appointment by the leader of cabinet members
 - Notes the appointment of any deputy cabinet members
 - Notes the establishment and appointment of any cabinet committees
 - Notes the leader's report on the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, multi-ward forums, chief officers and any other delegations.

Appointment of the cabinet

2. That the leader reports to council assembly on the appointment of members of the cabinet and determination of their executive functions.

- Note:
1. The leader will report on appointments to the cabinet and on individual portfolios.
 2. The leader can appoint between two and nine members to form a cabinet.
 3. The leader must appoint a deputy leader.

Appointment of deputy cabinet members

3. That the leader reports to council assembly on the appointment of deputy cabinet members, if any, and determination of their duties and responsibilities.

- Note: The leader will report on any changes to deputy cabinet members and on individual responsibility for specific tasks designated by the leader, following consultation with the monitoring officer.

Establishment and appointment of cabinet committees

4. That the leader reports on the establishment of any cabinet committees.

- Note:
1. The leader to establish any cabinet committees, set terms of reference and nominate cabinet members to serve on the committees, including appointing a chair and vice-chair.
 2. There are currently three cabinet committees: Cabinet (Livesey Trust) Committee, Better Placed Joint Committee and Joint IT Committee (Brent, Lewisham and Southwark).

Multi-ward forums

5. That the leader delegates executive functions for Neighbourhoods Fund, Cleaner Greener Safer (CGS) and Devolved Highways programmes to multi-ward forums. This will be limited to one round of multi-ward forum meetings per municipal year except in exceptional circumstances, whereby a decision can be taken at an additional meeting.

Delegation of executive functions

6. That the leader reports on the delegation of executive functions between full cabinet, individual decision makers, multi-ward forums, chief officers and any other delegations.
7. That council assembly notes the leader's report on any changes to the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and any other delegations.
8. That council assembly notes that as a consequence of recommendation 6, the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

BACKGROUND INFORMATION

9. The constitution is updated as and when changes are required. The recommendations in this report are based on the current constitution.

KEY ISSUES FOR CONSIDERATION

Leader and cabinet

10. The Local Government and Public Involvement in Health Act 2007 required the council to make changes to its governance and decision making arrangements. At an extraordinary meeting of council assembly on 4 November 2009, the council agreed that the current executive leader and cabinet model be adopted. The new arrangements commenced immediately after the elections in May 2010.
11. Under the executive "leader and cabinet" model, there is a leader of the council and a cabinet of at least two but no more than nine other councillors. The leader is responsible for all executive functions, and decides which of these functions are going to be delegated to other cabinet members, local committees or council officers. The leader appoints the cabinet.
12. On 18 May 2019, council assembly appointed Councillor Peter John as leader of the council and his term of office commenced from that date and shall end at the start of the first annual meeting of the council following the next ordinary election or he resigns from the office by giving notice in writing to the monitoring officer¹. The leader has informed the monitoring officer that he will be stepping down as leader at this meeting, a new leader therefore will be appointed.

Report of the leader of the council and delegation of executive functions

13. Each year the elected leader must appoint their cabinet. In accordance with the constitution, this can consist of a minimum of two and up to a maximum of nine

¹ Article 6.3 of the Constitution

nominated members, whose portfolios are determined and allocated by the leader. The leader must appoint a deputy leader.

14. The leader will be invited to report on the delegation of executive functions, appoint a deputy leader and appoint other cabinet members and determine their portfolios.
15. The leader will report on any further delegations including:
 - The extent of any authority delegated to cabinet members individually, including details of the limitation on their authority
 - The terms of reference and membership of any cabinet committees
 - The nature and extent of any delegation of executive functions, any other authority or joint arrangement
 - The nature and extent of any delegation to officers with details of any limitation on that delegation.
16. The leader may also decide to delegate executive functions to the health and wellbeing board. During the year the leader may vary the executive scheme of delegation by giving notice to the monitoring officer. A variation may be permanent or relate to a particular decision.

Deputy cabinet members

17. The leader will report on the appointment of any deputy cabinet members and determine their roles. Deputy cabinet members may hold responsibility for specific tasks designated by the leader, in consultation with the monitoring officer. Deputy cabinet members cannot take part in any formal decision making.
18. Whilst a deputy cabinet member may be a member of a committee, scrutiny committee or scrutiny sub-committee, he or she will not be permitted to take decisions or scrutinise any of their own deputy cabinet member tasks or duties. Deputy cabinet members shall not be the chair or vice-chair of a committee or sub-committee which takes decisions or scrutinises matters relating to their tasks or duties. The chairs of the licensing and planning committees shall not be deputies.
19. The duties and responsibilities of deputy cabinet members will be:
 - To assist cabinet members with specific aspects of their portfolio
 - To contribute to the process of setting policy direction, development and review by assisting cabinet members to develop specific aspects of their individual portfolio
 - To represent the relevant cabinet member at non-decision making meetings
 - To assist cabinet members in the drafting and preparation of reports, responses to questions and other work related to the cabinet deputy's duties
 - To promote the core values, corporate priorities and objectives of the council.

Multi-ward forums

20. In January 2020, the Council's constitution was amended to allow each of the five multi-ward forums to act as an area committee, allowing each area to have decision-making powers over devolved budgets.

Role of council assembly

21. Following receipt of the leader's report, council assembly will note as a consequence that the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

Appointments to panels, boards and forums

22. The cabinet will consider appointments to panels, boards and forums where the function falls within the responsibility of the executive (e.g. housing, education, social services, regeneration, etc.).

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive Functions 2019-20 Council Assembly 18 May 2019 report.	160 Tooley Street, London, SE1 2QH	Virginia Wynn-Jones 020 7525 7055
The Council's Constitution (link below)		
http://moderngov.southwark.gov.uk/ieListMeetings.aspx?CommitteId=425&Info=1&bcr=1		

APPENDICES

Appendix	Title
None	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Chidilim Agada, Head of Constitutional Services	
Version	Final	
Dated	7 September 2020	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	7 September 2020	