
EXECUTIVE STRUCTURE – CABINET AND CABINET PORTFOLIOS

To: **Cabinet – 12th February 2009**
Constitutional Working Party – 23 February 2009
Council – 26 February 2009

Main Portfolio Area: **Corporate**

By: **Miles Smith**
Interim Head of Legal & Democratic Services as Monitoring Officer

Classification: **Unrestricted**

Summary: To note changes to the Constitution following the Leader of the Council's decision to amend Cabinet portfolios and appoint an additional Cabinet Member.

For Decision

1.0 Introduction

1.1 On 2 February 2009 the Leader of the Council gave notice to the Monitoring Officer of his decision to increase the number of Cabinet members, and introduce revised portfolios, with effect from that date. The new arrangements align with the new Directorate structure.

2.0 Constitutional Implications

2.1 The Constitutional position is as follows:

2.2 Article 7.02 provides for a Cabinet comprising the Leader and at least two, but not more than nine, other members. The Article provides for the number of other members and their precise portfolios to be determined by the Leader.

2.3 Following a decision taken by Council in February 2008, any changes in the number or portfolios of cabinet Members automatically leads to similar changes for the Shadow Cabinet.

2.4 Following a decision by the Leader it is the responsibility of the Monitoring Officer under Article 15.02 to make and publish the necessary consequential changes to the Constitution. This report is presented to Council in pursuance of that duty.

3.1 Cabinet portfolios

3.1.1 The Leader has decided that, in addition to the Leader and Deputy Leader, the Cabinet should include six other members and that their Cabinet portfolios should be as set out in Annex1. This approach secures an alignment between

Cabinet portfolios and the responsibilities of Directors. The portfolios of the Leader and Deputy Leader remain unchanged.

- 3.1.2 Following the Council decision referred to above, the Leader's decision will lead to an increase in, and restructuring of, the Shadow Cabinet in similar terms.

3.3 Members' Allowances

- 3.3.1 The current Members' Allowances Scheme provides for the payment of Special Responsibility Allowances to the Leader, Deputy Leader, five Cabinet Portfolio Holders, the Opposition Group Leader and six Shadow Cabinet Members

3.3.2. The Scheme requires amendment to allow payment of special responsibility allowances to all members of the new Cabinet and Shadow Cabinet. Recommended revisions to the Scheme in respect of these posts are set out at Annex 2.

4.0 Corporate Implications

- 4.1 Financial

- 4.1.1 See Annex 2

- 4.2 Legal

- 4.2.1 These arrangements are in accordance with S.11 and Sch.1 Local Government Act 2000

- 4.3 Corporate

- 4.3.1 The revised Cabinet portfolios reflect the new Directorate structures.

- 4.4 Equity and Equalities

- 4.4.1 There are no equalities issues arising from this report.

5.0. Decisions required

- 5.1 The report of the Monitoring Officer be received
- 5.2 The proposed amendments to the Members' Allowances Scheme for 2008/9, set out in Annex 2, be adopted.

6.0 Decision Making Process

- 6.1 Approval of, and changes to, the Members' Allowances Scheme are decisions reserved to Council.

Contact Officer:	Miles Smith, Interim Head of Legal & Democratic Services
Reporting to:	Richard Samuel, CEO

Annexes

	Title
Annex 1	Structure of new Cabinet Portfolios
Annex 2	Allowances' Scheme

Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	Sue McGonigal, Director of Finance
Legal	Miles Smith, Interim Head of Legal & Democratic Services

Annex 1

New Cabinet Portfolios

Constitution for Governance of Thanet District Council

Part 3 - Responsibility for Functions

Section 3 – Responsibility for Executive Functions

New Paragraphs A to I Replacing Paragraphs A to H

A. Introduction

In accordance with the Secretary of State's guidance, Cabinet Members should amongst other things:

- (i) Ensure that they have sufficient time to focus on broad strategic issues (para 4.21 of the Guidance); and
- (ii) Seek advice from relevant officers before taking a decision within his or her own delegated authority; where appropriate this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is a doubt about legal powers (para 4.44 of the Guidance).

Any matter within a Cabinet Member's delegated powers may be referred by him or her to Cabinet for decision.

In addition to acting collectively in the Cabinet, each Cabinet Member will have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which he or she is accountable and the promoting and improving the Council's profile and public perception.

B. General Delegations

Within their portfolio responsibility areas and in accordance with the Council's Core Policy Framework, Contract Procedure Rules, Budget and Capital Programme:

To regularly review the effectiveness of policies and the performance of services and make recommendations for continuous improvement to the Cabinet.

To advise Cabinet on resourcing and to monitor and review capital and revenue budgets to ensure expenditure and income is consistent with the Council's agreed budget.

To liaise and work with other portfolio holders on cross cutting areas of responsibility and make recommendations to Cabinet as appropriate. [Note: Any matter relating to more than one portfolio area must be referred by the portfolio holders to Cabinet for decision.]

To annually review fees and charges and recommend changes in line with the Council's agreed budget strategy.

To make or agree recommendations to Cabinet in relation to new policy areas.

To consider and agree service plans for services and regularly review these with appropriate officers to ensure agreed actions are taken.

To be accountable to the Cabinet for the implementation of agreed priorities and final recommendations from the Corporate Plan, Service Plans and reviews and to consider and act on reports received from officers monitoring progress.

To authorise the making of applications for planning permission for proposed development.

To approve bids for additional funding, expenditure, variations to expenditure and the letting of contracts for works, goods and services

In any case where, on the recommendation of the Chief Executive, a matter is urgent and a decision cannot reasonably await the next meeting of the Cabinet and the relevant portfolio holder does not have a general or specific delegated power, the relevant portfolio holder may nevertheless make a decision on behalf of the Cabinet subject (except in the case of the Leader) to prior consultation with the Leader and subject to the decision being reported to Cabinet as soon as practicable. [Note: in the case of a key decision the Access to Information Procedure Rules must still be complied with.]

To approve partnership arrangements through the development of annual Service Level Agreements

To approve the use of Council premises and land for promotional, occasional or operational use

C. Leader of the Council

Scope of Portfolio

To lead and co-ordinate the Cabinet on all major

- Policy developments
- Projects
- Resourcing issues and
- Community development initiatives

Specific Delegated Powers:

1. To deal with matters relating to official, courtesy, foreign or general hospitality and related activities of Members within an approved budget.
2. To approve and lead arrangements for external partnerships
3. To act as the Council's lead Member on the development of the Thanet Local Strategic Partnership.
4. To approve the appointment of Council Members to sit on external

Partnership Boards related to regeneration and to monitor their performance in accordance with approved guidance.

5. To take any necessary executive decisions in respect of the Offshore Windfarm Development, Pleasurama, Margate Renewal Board and the Development of Port of Ramsgate Governance.
6. To nominate a Cabinet Member to act on his or her behalf on a specific project.
7. To appoint Members to fill vacancies on the approved list of outside bodies and consider and approve additional appointments to the list.
8. To exercise any specific delegated power of any Cabinet Member

D. Deputy Leader of the Council

To act on behalf of the Leader when he or she is absent or unable to act. To work under the Leader's direction on Cabinet Co-ordination and ensure resolution of any inter portfolio issues.

Portfolio – Regeneration and Economic Development

Portfolio Holder – Cllr Roger Latchford

Scope of Portfolio:

To lead policy development and advise the Cabinet on

- Strategic planning policy
- Regeneration, and economic development
- Asset management
- Port of Ramsgate
- Margate Renewal Partnership

Specific Delegated Powers:

1. To receive and to agree a quarterly financial overview on the use of external and Council funding in respect of regeneration projects championed by the Council, and by partners, provided such financial statements shall indicate expenditure in line with available secured funding.
2. To keep under review the Council's land and property requirements through chairing the Asset Management Strategy Group.
3. To approve detailed terms for the acquisition, disposal or management of property and interests therein within the context of the Council's Asset Management Strategy and the current Asset Management Plan
4. To agree such actions as necessary to take full advantage of Assisted Area Status.
5. To foster and develop relationships with inward investors, representatives of the business community and organised labour.

6. To approve initiatives for the promotion of all forms of business and commercial investment in the district.
7. To form, maintain and review annually a business strategy for Ramsgate Harbour and any other harbours which at any time come within the Council's control, with a view to ensuring the efficient and effective operation and marketing of the harbours.
8. To represent the Council in sub-regional and regional areas in respect of the development of planning policy.

E. Finance and Corporate Services

Portfolio Holder – Cllr Martin Wise

Scope

To lead policy development and advise the Cabinet on:

- Finance including revenue and capital for general fund and HRA budgets preparation and monitoring
- Human resources and organisational development
- Health and safety
- Corporate governance and risk management
- Service planning and best value performance planning
- Performance management
- in conjunction with service portfolio holders

Specific Delegated Powers:

1. To approve the write off of debts over £10,000

F. Customer Services and Business Transformation

Portfolio Holder – Cllr Jo Gideon

Scope

To lead policy development and advise the Cabinet on:

- Service improvement and transformation
- Information and communications technology
- E-government
- Information, records and data management and strategy
- Housing and Council tax benefits
- The Corporate Plan theme *MODERN COUNCIL*

Specific Delegated Powers

1. To decide on matters brought forward by officers for decision in relation to the following matters:
 - Information and Records Management
 - ICT
 - To oversee improvements to and integration of customer response including customer service standards and learning from complaints.

G. Community Services

Portfolio Holder – Cllr Zita Wiltshire

Scope

To lead policy development and advise the Cabinet on

- Landlord services
- Homelessness and housing needs
- Private sector housing
- Housing strategy
- Environmental health
- Neighbourhood renewal
- Community safety and CCTV
- Community development
- The Corporate Plan Themes SAFER NEIGHBOURHOODS, DECENT QUALITY HOUSING and HEALTHY COMMUNITIES

Specific Delegated Powers

1. To approve financial contributions to the development of new affordable housing from the Section 106 reserves
2. To approve proposals for new social housing developments delivered through the planning system.
3. To make decisions regarding in all aspects concerning the administration of the Right to Buy including agreeing to waivers of repayment of discount in Right to Buy cases where the property is re-sold within 3 years of purchase.
4. To approve the purchase or sale of additional shares or equity in shared ownership properties.
5. To approve the declaration surplus to requirements of property held within the Housing Revenue Account.

6. To approve proposals on the arrangements for the management and supervision of all Council owned housing stocks, including repairs, maintenance, improvements, transfers and arrangements for tenant involvement, following appropriate consultation with residents as required by the Housing Acts.
7. To approve the making of demolition and prohibition orders
8. To approve the making of CPOs and other measures to deal with empty properties in private ownership.
9. To determine appeals in respect of applications for re-housing, the allocation of housing or matters arising from the enforcement of the Council's conditions of tenancy including the termination of probationary tenancies.

H. Environmental Services

Portfolio Holder – Cllr Shirley Tomlinson

Scope of Portfolio

To lead policy development and advise the Cabinet on

- Environmental management and cleaning
- Waste collection and recycling
- Cemeteries and crematoria, parks and open spaces and public toilets
- Leisure and recreation including theatres
- Management of the partnership with Thanet Leisureforce Limited
- Children's' play areas and spaces
- Foreshore and coastal management
- Tourism
- Cultural development
- Parking and residual highway matters
- The Corporate Plan theme *KEEPING THANET BEAUTIFUL*

Specific Delegated Powers:

1. To approve following public consultation, all parking orders, taxi rank locations, street management schemes and resident parking schemes.
2. To confirm any action in respect of temporary road closures authorised by the Town Police Clauses Act 1847.
3. To consider recommendations from Scrutiny and the Joint Transportation Board on traffic management and transportation matters and make decisions thereon.
4. Approving bids for programme funding and the provision of support to partner organisations in their bids for funding within the scope of the portfolio.
5. Approving partnership arrangements for the delivery of services within the scope of the portfolio through the development of Service Level Agreements

and making such corrections to relationships as are necessary to ensure that the Council maximises opportunities.

I. Regulatory Services and Ramsgate Marina

Portfolio Holder – Cllr John Kirby

Scope of Portfolio:

To lead policy development and advise the Cabinet on

- Building control
- Estate management
- Development control
- Planning enforcement
- Conservation of historic built environment
- Licensing and land charges
- Ramsgate Marina

Specific Delegated Powers:

1. Approving bids for programme level funding and the provision of support to partner organisations in their bids for funding.
2. To authorise detailed terms for the acquisition, sale, letting and granting of licences and leases in connection with Council land and property.
3. To authorise the granting of easements, release of covenants, surrenders of leases, assignments or amendments of any terms of approved leases.
4. To approve strategies and proposals to take full advantage of Assisted Area Status.
5. To receive, liaise and foster relationships with inward investors, representatives of the business community and organised labour.
6. To approve strategies and initiatives in which the Council can promote and encourage all forms of business and commercial investment in the District.
7. On the recommendation of the Director and the Director of Finance and Corporate Services to authorise leisure boating rates and discounts to the published tariffs
8. To be responsible for the valuation, maintenance, repair and operation of all Council property in accordance with the Asset Management Strategy
9. To authorise the granting of easements, release of covenants, surrenders of leases, assignments or amendments of any terms of approved leases
10. In the absence or unavailability of the Deputy Leader represent the Council in sub-regional or regional areas in respect of planning policy.

Members' Allowances (Cabinet and shadow Cabinet only)

ANNEX 2

Position	Current Scheme			Proposed Scheme		
	Number	Allowance £	Possible maximum expenditure £	Number	Allowance £	Possible maximum expenditure £
Executive						
Leader	1	18,082	18,082	1	18,082	18,082
Deputy Leader	1	10,776	10,776	1	10,776	10,776
Cabinet Portfolio Holder	5	7,990	39,950	6	7,990	47,940
Non-Executive						
Opposition Group Leader	1	5,204	5,204	1	5,204	5,204
Opposition Deputy Group Leader	1	2,304	2,304	1	2,304	2,304
Shadow Cabinet	5	2,304	11520	6	2,304	13824
			87836			98130