
EXECUTIVE STRUCTURE – LEAD MEMBERS

To: **Constitutional Review Working Party - 23 February 2009**
Joint CMT/Cabinet - 05 March 2009
Council - 21 May 2009

Main Portfolio Area: **Corporate**

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

Classification: **Unrestricted**

Summary: To consider recommendations from the Leader of the Council that the Council's Constitution should be amended by the inclusion of provisions for the appointment of Lead Members to support Cabinet members.

For Decision

1.0 Introduction

- 1.1 Following consideration of Thanet's executive arrangements, the Leader of the Council has, working with senior members of the Executive and officers, developed proposals for the creation of Lead Members as a new feature in Thanet District Council's Constitution.
- 1.2. Each of the five portfolio holders (but not the Leader or deputy Leader) would be supported by two Lead members. Each Lead member would 'work to' their Cabinet member and, amongst other matters, would lead on specific areas of policy development and deputise for the Cabinet Member in their representative and community engagement roles.

2.0 Constitutional Background

- 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 On 3 February 2009 the Leader gave notice of his decision to increase the size of the Cabinet to five members (in addition to the Leader and deputy Leader) and to make changes to the existing portfolios. This was reported to Cabinet at their meeting on 12 February 2009 and will be reported to Council on 26 February 2009. At that meeting the Council will also consider a

recommendation that the Scheme of Members Allowances should be amended to accommodate the additional appointments.

3.1 Lead Members – Other Authorities

- 3.2.1 A number of authorities have introduced the role of Lead members or Cabinet Advisors. Typically, these roles do not acquire any of the formal decision-making powers of the corresponding Cabinet member. Instead, they allow another designated member to substitute for the Cabinet Member in a representative role at meetings and visits and to sponsor specific policy areas or issues.
- 3.2.2 In some authorities Lead members attend Cabinet meetings in others they do not. In some they attend in the absence of the Cabinet member. In either event they cannot vote.
- 3.2.3 An important issue is whether holding that role of Lead member precludes the member from serving on the Overview and Scrutiny Panel or one of its working parties.
- 3.2.4 Kent County Council Lead Members can serve on overview and scrutiny meetings and their constitution prohibits a Lead Member from serving on any scrutiny body “dealing with issues that are within their own areas of responsibility”. On this basis a Lead member appointed to the Overview and Scrutiny Panel would need to keep under review whether serving on a particular working party is likely to break such a restriction.
- 3.2.5 A number of authorities including Worcestershire and West Sussex do not allow Lead members to serve on their Overview and Scrutiny Panel or its working parties.
- 3.2.6 Another element of the Constitution that needs to be considered is the degree to which Lead Cabinet Members will acquire similar rights to Cabinet Members. The Working Protocol on Member Briefings, Enquiries, Contact and Correspondence within the constitution defines the rights of Cabinet Members to receive documents, be copied into correspondence and so on.

3.3 Lead Members – The Leader’s Proposal for Thanet.

- 3.4 Each Lead Member will have a defined sub-portfolio within the Cabinet Member’s portfolio.
- 3.5 Within their sub-portfolio they will under the direction of the Cabinet Member
- Lead on policy development
 - Advise the cabinet member
 - Substitute for the cabinet member at Council, Cabinet and Committee meetings (but not exercise the cabinet members vote)
 - Substitute for the cabinet member at other internal meetings
 - Represent the Council on executive matters in the absence of the cabinet member at external meetings

- Chair advisory and consultative meetings
 - Respond to media interviews and enquiries on behalf of the Council in the absence of the cabinet member
- 3.6 They would not:
- Exercise any delegated power
 - Serve on any scrutiny body dealing with issues that are within their Cabinet Member's portfolio
 - Acquire the rights of cabinet members under the Working Protocol on Members' briefings, Enquiries, Contact and Correspondence
- 3.7 These arrangements would not be mirrored by similar arrangements within the Opposition Group.

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 At their meeting on 26 February, and following the Leader's decision of 3 February, the Council will consider recommendations to extend the Scheme to allow payment of special responsibility allowances to all members of the new Cabinet and Shadow Cabinet.
- 3.3.3 The regulations allow special responsibility allowances to be paid for lead member roles. It is the recommendation of the Leader that these should be paid at £500 per annum and provision at this level is included in the Scheme elsewhere on this agenda.

4.0 Corporate Implications

4.1 Financial

- 4.1.1 The costs of the special responsibility allowance for lead member roles will be contained within existing budgets.'

4.2 Legal

- 4.2.1 There is no specific statutory authority for the creation of Lead member roles. However none is required as the role will not exercise delegated responsibilities. The role is now well established in many authorities.

4.3 Corporate

4.3.1

4.4 Equity and Equalities

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

5.0. Decisions required

- 5.1 Approval of the amendment to the Constitution set out in Annex 1.
- 5.2 The proposed amendments to the Members' Allowances Scheme for 2008/9,

6.0 Decision Making Process

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

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Annexes

	Title
Annex 1	Lead Members – Amendment to the Constitution

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 - LEAD MEMBERS - AMENDMENT TO THE CONSTITUTION

Constitution for Governance of Thanet District Council

Part 3 - Responsibility for Functions

Section 3 – Responsibility for Executive Functions

New Paragraph J

- 1 The Leader may appoint other Members of the Council to act as Lead Members for such issues or service areas as he may determine. A Lead Member shall not be a member of the Cabinet and may not take decisions on behalf of the Cabinet Member nor vote at a Cabinet meeting. Lead Members may not serve on any Scrutiny and Overview body dealing with issues that are within their Cabinet Member's portfolio
- 2 Lead Members may, under the direction of the Cabinet Member:
 - (a) Lead on the development of policy
 - (b) Substitute for the Cabinet Member at Council, Cabinet and Committee meetings (but not exercise the Cabinet Members vote)
 - (c) Substitute for the Cabinet Member at other internal meetings
 - (c) Advise their cabinet Member on decisions to be taken by them
 - (d) Represent the Council and Cabinet Member at external and partnership meetings
 - (e) Chair advisory and consultative meetings
 - (f) Respond to media interviews and enquiries on behalf of the Council in the absence of the Cabinet Member