

# Responsibility for Functions - Executive Delegated Functions Report

<b>Annual Council</b>	12 May 2022
<b>Report Author</b>	Committee Service Manager
<b>Portfolio Holder</b>	Leader of Council
<b>Status</b>	For Information
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Ward:</b>	Thanet Wide

## Executive Summary:

This report allows the Leader to inform Council of the Executive portfolios and notes the appointments to them, and to the opposition spokespeople.

## Recommendation(s):

1. Members are being asked to note the report as this report is for information only.

## Corporate Implications

### Financial and Value for Money

There are no relevant financial implications arising from this report.

### Legal

The Leader must approve a scheme of Executive delegations. It is for each Group to nominate the holders of Cabinet portfolio and shadow portfolio posts.

### Corporate

Cabinet and shadow portfolios are generally aligned in a way which mirrors themes (or combinations of themes) within the Council's Corporate Plan, to aid in the delivery of that Plan.

### Equality Act 2010 & Public Sector Equality Duty

*Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and*

*(iii) foster good relations between people who share a protected characteristic and people who do not share it.*

*Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.*

This report relates to the following aim of the equality duty: -  
(Delete as appropriate)

- *To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.*
- *To advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- *To foster good relations between people who share a protected characteristic and people who do not share it.*

There are no equity and equalities implications arising from this report. However it is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities

## **1.0 Introduction and Background**

1.1 In accordance with the Council's constitution:

"In each Council Year the Leader will allocate a range of functional responsibilities (called 'a portfolio') to the members of the Cabinet and will at the Annual Meeting also notify Council of such allocation and will cause that to be recorded in the Constitution of the Council."

1.2 The Leader of Council is responsible for any functions which are not specifically required to be carried out by the Council under regulations. All of the functions of the Council are executive functions except for:

- a. Those listed in Schedule 1 of the Local Authority's (Functions and Responsibilities) (England) Regulations 2000 (as amended); and
- b. Those set out in the Council's Constitution as being the responsibility of the Council or a body established by the Council.

1.3 The range of functions that are the responsibility of the executive that the Leader has assigned to the Leader, Cabinet or individual Cabinet Members will be announced at the meeting. The Scheme of executive functions which the Leader has delegated to officers will also be announced at the meeting.

- 1.4 It is worth noting that all key decisions must be collectively agreed by Cabinet, unless Cabinet makes a specific decision to delegate that decision to a Cabinet member, committee or officer.

## **2.0 The Current Situation**

- 2.1 The Cabinet must consist of the Leader of the Council, the Deputy Leader and at least one but not more than eight other Councillors also appointed by the Leader.
- 2.2 Details of the Cabinet portfolios and functions covered for the 2022/23 municipal year will be announced at the meeting.
- 2.3 The Leader will appoint Cabinet Members to the portfolios that are announced at the meeting.
- 2.4 The names of the opposition spokespeople will be announced at the meeting. The opposition spokespeople must exactly mirror the Cabinet Portfolios.

## **3.0 Options**

- 3.1 As this report highlights the executive functions as determined by the Leader, it is for information only.

## **4.0 Decision Making**

- 4.1 The Leader determines the portfolios, the scheme of delegations and the Cabinet Members. The Opposition Leader confirms the opposition spokespeople.

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### **Annex List**

Annex 1: Part 3 Scheme of Delegations Section D

Annex 2: Part 3 Scheme of Delegations Section E

Annex 3: Portfolio Holders List

### **Background Papers**

None

### **Corporate Consultation**

**Finance:** Chris Blundell, Director of Financial Services

**Legal:** Estelle Culligan, Director of Law and Democracy