

RESPONSIBILITY FOR FUNCTIONS - EXECUTIVE DECISIONS

Annual Council	09 May 2024
By	Ingrid Brown, Head of Legal and Democracy & Monitoring Officer
Cabinet Portfolio Member	Councillor Everitt, Leader of Council
Key Decision	No
Decision classification	Unrestricted
Call in status	No
Ward:	Thanet Wide

Purpose of the Report

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):

As this is an executive function and the prerogative of the Leader of Council to decide on the matter, Full Council is being asked to note the report.

1. Summary of Reasons

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. Background

2.1 Introduction and Background

- 2.2 At each Annual Council meeting, the Leader is expected to inform Council on the structure of the Executive portfolios and the appointment to those posts. The Leader of Council is also required to inform Council of the scheme of delegations for the Cabinet and Officers, as per the Council's Constitution (Part 4-Rules of Procedure (para 2.2 (viii-ix)).
- 2.3 The Officer Schemes of Delegations are also detailed on the Council's website and as set out in Annexes 3 to 6 to the report.
- 2.4 This report is therefore for information only.

3. Current Situation

- 3.1 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.
- 3.2 Details of the Cabinet portfolios and functions covered for the 2024/25 municipal year will be announced at the meeting.
- 3.3 The Leader will appoint Cabinet Members to the portfolios that are announced at the meeting.
- 3.4 The names of the opposition spokespeople will be circulated at the Meeting. The opposition spokespeople must exactly mirror the Cabinet Portfolios.

4. Alternative Options

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

5. Consultation

- 5.1 There was no public consultation undertaken for this issue as this matter is dived on through the internal corporate decision making process and does not require public consultation to be undertaken.

6. Corporate Implications

6.1 Finance and Resources

6.1.1 There are no financial or resourcing implications directly arising from this report.

6.2 Legal and Constitutional

6.2.1 The Leader must approve a scheme of Executive delegations. It is for the Leader of Council to appoint holders of Cabinet posts and for each of the other Groups to nominate the holders of shadow portfolio posts. 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.

6.3 Council Policies and Priorities

6.3.1 This report relates to the following corporate priorities: -

- To work efficiently for you

6.4 Risk

6.4.1 There are no risk implications arising directly from this report.

6.5 Climate Change and Biodiversity

6.5.1 There are no climate change and biodiversity implications arising directly from this report.

7. Equality, Equity and Diversity Implications

7.1 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 has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

8. Crime and Disorder Implications and Community impact

8.1 There are no crime and disorder and community impact implications arising directly from this report.

9. Subject History

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

Appendices

Annex 1 - Part 3 Scheme of Delegations Section D

Annex 2 - Part 3 Scheme of Delegations Section E

Annex 3 - Chief Executive delegations

Annex 4 - Director of Corporate Services and Section 151 delegations

Annex 5 - Director of Environment delegations

Annex 6 - Director of Place Delegations

Background Papers

None

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Report Sign Off / Signed off by / Date sent / Date signed off / Initials

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