

## Sandwell Metropolitan Borough Council

22 May 2018

<b>Subject:</b>	Executive Arrangements Update
<b>Director:</b>	Director - Monitoring Officer - Surjit Tour
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	<p>Suky Suthi-Nagra Democratic Services Manager 0121 569 3479 suky_suthinagra@sandwell.gov.uk</p>

### **DECISION RECOMMENDATIONS**

**That Council:-**

- (1) receive the names of persons appointed by the Leader of the Council to the position of Deputy Leader (Statutory) and as a Cabinet Member (Appendix A).
- (2) receive the Executive Portfolios as determined by the Leader of the Council and their assignment to the Deputy Leader and each Cabinet Member (Appendix B).
- (3) approve the revisions to the executive function of Scheme of Delegation to Officers as set out at Appendix C.
- (4) approve the appointments made to Executive bodies (Appendix D).

## 1 **PURPOSE OF THE REPORT**

- 1.1 This report provides the opportunity for the Leader to announce his appointment of Cabinet Members, including the portfolio responsibilities they will hold on his behalf.

## 2 **IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 The Council's decision making structures are designed to support the delivery of Sandwell's Vision 2030.

## 3 **BACKGROUND AND MAIN CONSIDERATIONS**

### **The Executive**

#### **Leader and Deputy Leader of the Council**

- 3.1 Article 7.03 of the Constitution provides that the Leader of the Council will be a councillor elected to that position by the Council and that he/she will hold office for up to four years or until he/she resigns, is suspended, ceases to be a councillor or is removed by resolution of the Council either directly or indirectly by virtue of the election of a new leader.

Councillor Eling was confirmed as Leader at the Annual Meeting of the Council in May 2016 for a four-year term of office expiring with the Annual Meeting of the Council in 2020.

- 3.2 In accordance with Schedule 1 of the Local Government Act 2000, the Leader of the Council is required to appoint a statutory Deputy Leader who, if for any reason the executive leader is unable to act or the office is vacant, must act in his/her place in respect of the Leader's statutory duties:

- determining the size of the Cabinet;
- appointing, removing and replacing members of the Cabinet;
- allocating portfolios to Cabinet Members;
- exercising or delegating executive functions to Cabinet Members and officers as appropriate.

- 3.3 The Council's executive structure allows for the appointment of a Deputy Leader of the Council for a term of office concurrent with that of the Leader, expiring with the Annual Meeting of the Council in 2020. This appointment is determined by the Leader of the Council and is currently held by Councillor Khatun.

## **Cabinet Members**

- 3.4 Article 7.06 of the Constitution provides that Cabinet Members are appointed by the Leader of the Council and will hold that office until he/she is removed by the Leader or resigns, is suspended, or ceases to be a councillor. The Leader of the Council will advise the Council at the meeting of any appointments he intends to make.
- 3.5 Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) details the information relating to each Cabinet Member that must be submitted to the Annual Meeting of the Council (ie name, address and ward).
- 3.6 Article 7.08 of the Constitution requires the Leader of the Council to maintain a list of which member of the Cabinet is responsible for the exercise of a particular executive function.

Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) requires the executive leader to submit a written record of the delegations to Cabinet Members to the Annual Meeting of the Council, i.e. the Executive Portfolios. The allocation of portfolio responsibilities is the sole responsibility of the Leader of the Council.

## **Delegation of Executive Functions to Officers**

- 3.7 Article 7.08 of the Constitution requires the Leader of the Council to maintain a list of any executive functions delegated to officers. Paragraph 1.2 of Part 4 of the Constitution (Executive Procedure Rules) requires the executive leader to submit a written record of the nature and extent of any delegation to officers or other persons to the Annual Meeting of the Council.
- 3.8 The revisions to Scheme of Delegation to Officers is set out at Appendix C.
- 3.9 The list of delegations supplements any functions or duties that may be undertaken by the officers listed:-
- a) in pursuance of their statutory obligations;
  - b) as otherwise authorised by resolution of the Council, decision of a Cabinet Member or Committee, or in accordance with Standing Orders, policies and procedures that may be adopted by the Council from time to time.

## **4 STRATEGIC RESOURCE IMPLICATIONS**

- 4.1 There are no direct resource implications arising from the approval of the decision-making structures for 2018/2019 or the appointment of members to positions within the structure.

## **5 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 5.1 The Council's Constitution came into full effect from 1<sup>st</sup> September, 2002 and has been amended periodically to keep pace with the drive for change and improvement and in response to Government regulations, statute and custom and practice. The most significant change has been brought about by the Local Government and Public Involvement in Health Act 2007 which required the Council to amend its executive arrangements and, as a result, the Council decided to adopt the Leader and Cabinet Executive (England) model form of executive, as set out in Section 11 (2A) of the Local Government Act 2000 (the 'Strong Leader' model).
- 5.2 Schedule 2 to the Localism Act 2011 sets out the permitted forms of governance for local authorities in England and requires that a local authority must operate executive arrangements, or a committee system or prescribed arrangements. Sandwell has adopted executive arrangements since the inception of the Local Government Act 2000 and, as referred to in 5.2 above, has elected to adopt the Leader and Cabinet Executive (England) model form of executive, as set out in Section 11 (2A) of the Local Government Act 2000. The Council's Executive model is fully compliant with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Openness of Local Government Bodies Regulations 2014.

## **APPENDICES**

Appendix A - Constitution of the Cabinet

Appendix B - Executive Portfolios

Appendix C - Revision to Delegation to Officers of Executive functions

Appendix D – Appointment to Executive bodies

**Surjit Tour**

**Director – Monitoring Officer**