

Item No. 3.1	Classification: Open	Date: 21 May 2022	Meeting Name: Council Assembly (Annual Meeting)
Report title:		Appointment of Leader and Executive Functions – 2022-2023	
Ward(s) or groups affected:		All	
From:		Proper Constitutional Officer	

RECOMMENDATIONS

1. That council assembly consider the following executive issues for the coming municipal year 2022-2023:
 - Appoint a leader of the council
 - Notes the appointment by the leader of cabinet members
 - Notes the appointment of any deputy cabinet members
 - Notes the establishment and appointment of any cabinet committees
 - Notes the leader's report on the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and multi-ward forums
 - Notes that as a consequence, the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

Appointment of leader of the council

2. That council assembly appoint a leader of the council.
3. That council assembly notes that the leader's term of office shall commence from 21 May 2022, and end at the start of the first annual meeting of the council following the next ordinary election¹, unless otherwise specified by a resolution of council assembly (see paragraphs 14 - 17).

Appointment of the cabinet

4. That the leader reports to council assembly on the appointment of members of the cabinet and determination of their executive functions.

- Note:
1. The leader will report on appointments to the cabinet and on individual portfolios.
 2. The leader can appoint between two and nine members to form a cabinet.

¹ Article 6.3 of the Constitution

3. The leader must appoint a deputy leader.

Appointment of deputy cabinet members

5. That the leader reports to council assembly on the appointment of deputy cabinet members and determination of their duties and responsibilities.

Note: The leader will report on any changes to deputy cabinet members and on individual responsibility for specific tasks designated by the leader, following consultation with the monitoring officer.

Establishment and appointment of cabinet committees

6. That the leader reports on the establishment of any cabinet committees.

Note:

1. The leader to establish any cabinet committees, set terms of reference and nominate cabinet members to serve on the committees, including appointing a chair and vice-chair.
2. There are three cabinet committees: Cabinet (Livesey Trust) Committee, Better Placed Joint Committee and Joint IT Committee (Brent, Lewisham and Southwark).

Delegation of executive functions

7. The leader will report on the delegation of executive functions between full cabinet, individual decision makers, chief officers and multi-ward forums (see paragraphs 18 - 21)
8. That council assembly notes the leader's report on any changes to the delegation of executive functions to the full cabinet, cabinet committees, individual cabinet members, chief officers and multi-ward forums.
9. That council assembly notes that as a consequence of recommendation 6 the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

BACKGROUND INFORMATION

10. The constitution is updated as and when changes are required. The recommendations in this report are based on the current constitution.

KEY ISSUES FOR CONSIDERATION

Leader and cabinet

11. The Local Government and Public Involvement in Health Act 2007 required the council to make changes to its governance and decision making arrangements. At an extraordinary meeting of council assembly on 4 November 2009 the council agreed that the current executive leader and

cabinet model be adopted. The new arrangements commenced immediately after the elections in May 2010.

12. Under the executive “leader and cabinet” model there is a leader of the council and a cabinet of at least two but no more than nine other councillors. The leader is responsible for all executive functions, and decides which of these functions are going to be delegated to other cabinet members, local committees or council officers. The cabinet is appointed by the leader.
13. On 16 September 2020, council assembly appointed Councillor Kieron Williams as leader of the council and his term of office commenced from that date and shall end at the start of the first annual meeting of the council following the next ordinary election², which is on 21 May 2022.

Appointment of leader of the council

14. The Local Government Act 2000 provisions on executive arrangements were updated by the Localism Act 2011 and the new provision for electing a leader and agreeing the term of office is less prescriptive. It states that a council operating leader and cabinet executive arrangements must make provision for the election of a leader, but it may make provision with respect to their term of office. So, the council no longer has to make provision for a four year term, or indeed any defined term. Under the new provisions, the constitution will retain the clause that allows for the leader to be removed by a resolution of the council assembly.
15. The new provisions apply at this annual meeting (constitutional). The meeting will appoint a leader of the council and at the same time have the opportunity of setting a different term of office and/or end point of the leader’s term of office; otherwise the status quo would prevail. Currently the constitution states that the leader is appointed for four years and the term ends at the annual meeting following borough-wide elections, at which the new leader is to be appointed.
16. In a report to the constitutional steering panel (CSP) on 5 March 2014, it was reported that in officers’ view the current term of office arrangements in the constitution should be maintained. There is some merit in maintaining stable leadership and stability to the council’s constitutional and executive arrangements over the four year period between elections. This enhances transparency and accountability for executive decision making. It should be noted by way of balance, the constitution includes a number of measures to hold the executive to account including scrutiny committees, call-in of executive decisions, urgent implementation procedures requiring involvement of the chair of the overview and scrutiny committee and a means of removing the leader from office if a resolution is approved by council assembly.
17. Some of the alternatives reported to CSP for the annual meeting (constitutional) included reducing the length of the term, appointing the

² Article 6.3 of the Constitution

leader annually or changing the end point of the leader's term of office to the fourth day after the next borough wide elections.

Report of the leader of the council and delegation of executive functions

18. Each year the elected leader must appoint their cabinet. In accordance with the constitution this can consist of a minimum of two and up to a maximum of nine nominated members, whose portfolios are determined and allocated by the leader. The leader must appoint a deputy leader.
19. The leader will be invited to report on the delegation of executive functions, appoint a deputy leader and appoint other cabinet members and determine their portfolios.
20. The leader will report on any further delegations including:
 - The extent of any authority delegated to cabinet members individually, including details of the limitation on their authority
 - The terms of reference and membership of any cabinet committees
 - The nature and extent of any delegation of executive functions to multi-ward forums, any other authority or joint arrangement
 - The nature and extent of any delegation to officers with details of any limitation on that delegation.
21. The leader may also decide to delegate executive functions to the health and wellbeing board. During the year the leader may vary the executive scheme of delegation by giving notice to the monitoring officer. A variation may be permanent or relate to a particular decision.

Deputy cabinet members

22. The leader will also report on the appointment of any deputy cabinet members and determine their roles. Deputy cabinet members may hold responsibility for specific tasks designated by the leader, in consultation with the monitoring officer. Deputy cabinet members cannot take part in any formal decision making.
23. Whilst a deputy cabinet member may be a member of a committee, scrutiny committee or scrutiny sub-committee, he or she will not be permitted to take decisions or scrutinise any of their own deputy cabinet member tasks or duties. Deputy cabinet members shall not be the chair or vice-chair of a committee or sub-committee which takes decisions or scrutinises matters relating to their tasks or duties. The chairs of the licensing and planning committees shall not be deputies.
24. The duties and responsibilities of deputy cabinet members will be:
 - To assist cabinet members with specific aspects of their portfolio

- To contribute to the process of setting policy direction, development and review by assisting cabinet members to develop specific aspects of their individual portfolio
- To represent the relevant cabinet member at non-decision making meetings
- To assist cabinet members in the drafting and preparation of reports, responses to questions and other work related to the cabinet deputy's duties
- To promote the core values, corporate priorities and objectives of the council.

Role of council assembly

25. Following receipt of the leader's report, council assembly will note as a consequence that the proper constitutional officer will update Part 3 of the constitution in accordance with the leader's report on the delegation of executive functions.

Appointments to panels, boards and forums

26. The cabinet will consider appointments to panels, boards and forums where the function falls within the responsibility of the executive (e.g. housing, education, social services, regeneration, etc).

Policy framework implications

12. This report is not considered to have direct policy implications.

Community, equalities (including socio-economic) and health impacts

13. There are no specific impacts on the community from this process.

Climate change implications

14. There are no direct climate change implications arising from this report.

Legal implications

15. There are no specific legal implications.

Financial implications

16. There are no direct resource implications in the context of this report.

Consultation

17. Consultation is being undertaken with the Mayor, Group whips and finance officers.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly May 2021 - Appointment of Executive Functions 2021-22 report. The Council's Constitutional.	160 Tooley Street, London, SE1 2TZ	Virginia Wynn-Jones Constitutional.team@southwark.gov.uk

APPENDICES

Appendix	Title
None.	

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional Services	
Report Author	Virginia Wynn-Jones, Principal Constitutional Officer	
Version	Final	
Dated	12 May 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Governance	Yes	Yes (included in body of report)
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	12 May 2022	