

Meeting Name:	Council Assembly (Annual Meeting)
Date:	22 May 2024
Report title:	Executive Functions 2024-25
Ward(s) or groups affected:	All
Classification:	Open
Reason for lateness (if applicable):	Not Applicable
From:	Proper Constitutional Officer

RECOMMENDATIONS

1. That council assembly receives a report from the leader on the following executive issues for the coming municipal year 2024-25:
 - 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 any other delegations.

Appointment of the cabinet

2. 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.
 3. The leader must appoint a deputy leader.

Appointment of deputy cabinet members

3. 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

4. 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

5. That the leader reports on the delegation of executive functions between full cabinet, individual decision makers, chief officers and any other delegations.
6. 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 any other delegations.
7. 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

8. 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

9. 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.
10. 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.
11. Councillor Kieron Williams was first elected as leader of the council by council assembly on 16 September 2020. On 21 May 2022, council assembly re-elected Councillor 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 election¹.

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

12. 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.
13. 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.
14. 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, any other authority or joint arrangement
 - The nature and extent of any delegation to officers with details of any limitation on that delegation.
15. 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

16. 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.
17. The role description and parameters of deputy cabinet members is attached as Appendix 1.

Role of council assembly

18. 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.

¹ Article 6.3 of the Constitution

Appointments to panels, boards and forums

19. 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

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

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

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

Climate change implications

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

Legal implications

23. There are no specific legal implications.

Financial implications

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

Consultation

25. There are no specific consultation requirements arising from this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Appointment of Leader and Executive Functions 2023-24 Council Assembly 20 May 2023 report.	Online: Report (southwark.gov.uk)	Virginia Wynn-Jones 020 7525 7055
The Council's Constitution: http://moderngov.southwark.gov.uk/ieListMeetings.aspx?CommitteeId=425&Info=1&bcr=1		

APPENDICES

Appendix	Title
Appendix 1	Deputy cabinet members role description

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional and Member Services	
Report Author	Chidilim Agada, Head of Constitutional and Member Services	
Version	Final	
Dated	9 May 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive, Governance and Assurance	Yes	Yes (included in body of report)
Strategic Director, Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	9 May 2024	

Deputy Cabinet Member Role Description

Deputy Cabinet Members (DCMs) will be appointed by the Leader and assigned specific portfolio areas that they will drive forward on behalf of the Leader and Cabinet.

For matters within their portfolio Deputy Cabinet Members will be responsible for providing political oversight to ensure that:

- Council Delivery Plan Commitments are being delivered
- Council services are working well for our residents
- That the council is effectively identifying the innovative things we should do next to improve our work and outcomes for residents
- That the council is working well with our community to develop our polices and design and deliver our services
- That the council has strong relationships with key stakeholders and partners
- The Cabinet Member who hold responsibility for matters within the DCM's portfolio is fully briefed on the above, and that where appropriate the Leader and full Cabinet are also briefed.

In order to meet these responsibilities Deputy Cabinet Members will:

- Hold regular briefings with departments
- Oversee the drafting of Cabinet reports and Individual Decision Maker (IDM) Reports by relevant officers
- Attend and present reports to Cabinet meetings as required
- Answer questions relating to their portfolio at Council Assembly
- Attend and report to relevant meetings of Scrutiny where their portfolio is under discussion
- Be the council's spokesperson on issues related to their brief and ensure good public-facing communication of the activities and achievements within the portfolio
- Represent the council at external meetings and meetings with residents

Key parameters of DCMs:

- DCMs **are not decision-makers**. They will be responsible for the drafting of Cabinet and IDM reports and will present to Cabinet meetings as required, however, the formal decision maker will be listed as a full member of Cabinet and each report will require their final sign-off before publication.
- Whilst a DCM may be a member of a committee, scrutiny committee or scrutiny commission, they will not be permitted to take decisions or scrutinise anything that falls within their own portfolio.
- DCMs shall not be the chair or vice-chair of a committee or sub-committee which takes decisions or scrutinises matters relating to their portfolio.

The chairs of the licensing and planning committees shall not be DCMs. For audit, governance and standards committee, no more than one member of the cabinet or deputy may be a member of the committee.