

ANNUAL MEETING OF MEDWAY COUNCIL

18 MAY 2022

EXECUTIVE RESPONSIBILITIES AND SCHEME OF DELEGATIONS (EXECUTIVE AND NON-EXECUTIVE)

Report from: Neil Davies, Chief Executive
Author: Wayne Hemingway, Head of Democratic Services

Summary

This report advises the Council of the Members of the Cabinet for 2022/2023, as appointed by the Leader of the Council, and their portfolios, as set out in Appendix A (to follow).

It also sets out appointments and nominations made by the Leader to Executive outside bodies, as set out in Section F of Appendix C to Agenda item 7, and the delegation of executive functions to officers agreed by the Leader as set out in Appendix B, which also incorporates the scheme of officer delegations for matters which are not the responsibility of the Cabinet and have to be agreed by the Council.

1. Budget and policy framework

- 1.1. The election of a Leader of the Council is a matter for the first Annual Meeting of the Council following on from the ordinary election of all Councillors. In May 2019 the Council appointed Councillor Alan Jarrett as Leader of the Council for a four year term.
- 1.2. In May 2019, the Leader appointed Councillor Howard Doe to be his deputy.
- 1.3. The Leader may make arrangements to delegate some matters to the Cabinet, a Cabinet Committee, individual Cabinet Members or to employees.
- 1.4. The Cabinet will consist of the Leader together with not less than two but not more than nine other Members of the Council appointed by the Leader, including the Deputy Leader.

2. Background

2.1. The current composition of the Council is as follows:

Group	Number of councillors	Proportionality %
Conservative Group	32	58.182
Labour & Co-operative Group	21	38.182
Independent Members	2	3.636

2.2. The Council has adopted the Leader and Cabinet form of executive, the key features of which are set out below:

- The Leader will be elected by the Council at its Annual Meeting following on from the ordinary election of Councillors. The Leader will hold office for a four-year term unless he or she resigns or ceases to be a Councillor.
- The Leader will be responsible for appointing the Deputy Leader. Unless he or she resigns or ceases to be a Councillor the Deputy Leader will hold this office for the term of the Leader.
- The Leader may, if he or she thinks fit, remove the Deputy Leader from office.
- The Leader will be responsible for appointing the other Cabinet Members, subject to the statutory maximum of nine (including the Deputy Leader), and for determining their Portfolios.
- The Council may, by resolution, remove the Leader during his or her four- year term of office.
- The allocation of local choice functions between the Executive and the Council are as approved by the Council and as set out in the current Constitution.

2.3. Each year at the Annual Meeting of the Council, the Leader is required to present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation as Chapter 3 to the constitution. This must include the details of Councillors appointed to the Cabinet and their portfolios and the names of any Cabinet Members to be appointed to any joint committee exercising executive functions for the forthcoming year.

2.4. The Members appointed by the Leader to the Cabinet for 2022/2023 and their portfolios are set out in Appendix A to this report (to follow). Currently, the Cabinet makes decisions collectively. The Council's scheme of delegation of executive functions to officers is also determined by the Leader. However, the Council has to agree the delegation of any decisions to officers for functions which are not the responsibility of the Cabinet (otherwise known as non-executive functions). The Council's overall scheme of delegation to officers is set out at appendix B to this report and clearly delineates between decisions delegated to officers by the Leader and Cabinet and those relating to

functions which are not the responsibility of the Cabinet and therefore have to be agreed by the Council.

3. Financial implications

3.1. There are no financial implications arising from this report.

4. Legal implications

4.1. The Localism Act 2011 requires local authorities to operate one of three forms of governance. This Council has resolved to operate executive arrangements with a Leader and Cabinet with a four year term of office for the Leader.

5. Risk management

5.1. There are no risk management implications arising from this report.

6. Recommendations

6.1. The Council is asked:

6.1.1. To note the details of those appointed by the Leader to serve as Deputy Leader and Members of the Cabinet and the extent of their individual portfolios as set out in Appendix A to the report (to follow);

6.1.2. To note the appointments and nominations to executive bodies as set out in section F of Appendix C to agenda item 7 (Establishment of Committees, Appointments and Schedule of Meetings 2022/2023);

6.1.3. To note the delegations to officers agreed by the Leader in relation to executive functions, as set out in Appendix B to the report;

6.1.4. To agree to the delegation of non-executive functions to officers as set out in Appendix B to the report.

Lead officer contact

Wayne Hemingway, Head of Democratic Services, T: 01634 332509,
E: wayne.hemingway@medway.gov.uk

Appendices

Appendix A – Cabinet Portfolios (to follow)

Appendix B – Employee Delegation Scheme

Background papers

None