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| Non-Executive Report of the: COUNCIL Wednesday 18 May 2016 |  |
| Report of: Melanie Clay, Corporate Director, Law, Probity and Governance | Classification: Unrestricted |
| Mayor's Cabinet and Executive Arrangements | |

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| Originating Officer(s) | Peter Robbins, Head of the Mayor's Office |
| Wards affected | All wards |

SUMMARY

As set out in the Council's Constitution Council Procedure Rules at Part 4.1, the Council's Annual General Meeting will receive a report noting the Executive Mayor's Cabinet Appointments and other arrangements in respect of Executive Decision Making.

The Executive Procedure Rules at Part 4.4 of the Council's Constitution provide for the Mayor to delegate specific executive functions to:-

- the Executive as a whole (the Cabinet);
- a committee of the Executive or an individual member of the Executive;
- an officer;
- an area committee;
- a ward councillor (only in accordance with s.236 of the Local Government and Public Involvement in Health Act 2007);
- joint arrangements; or
- another local authority.

The Mayor may amend or revoke any delegation of an executive function at any time.

The Executive Scheme of Delegation must contain the following information in so far as it relates to executive functions:

- (a) The extent of any authority delegated to any individual Executive Member or ward councillor including details of the limitation on their authority;
- (b) The terms of reference and constitution of such Executive Committees as the Mayor appoints and the names of Executive Members appointed to them;

- (c) The nature and extent of any delegation of executive functions to area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year; and
- (d) The nature and extent of any delegation of executive functions to officers not already specified in Part 3 of the Constitution, with details of any limitation on that delegation and the title of the officer to whom the delegation is made.

In accordance with the above requirements the Executive Scheme of Delegation agreed by the Mayor to apply with effect from 19th May 2016 is set out below.

Recommendations:

That Council agrees:

- a) To note the Mayor's Executive Decision Making Scheme

1. REASONS FOR THE DECISIONS

- 1.1 The Mayor is required to present his Executive Decision Making Scheme to Council at each Annual General Meeting.

2. ALTERNATIVE OPTIONS

- 2.1 None.

3. DETAILS OF THE REPORT

- 3.1 The details of the Executive Decision Making Structure is set out in the Appendix to this report.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1 There are no direct financial considerations arising from this report.

6. LEGAL COMMENTS

- 6.1 The legal position is set out in the main body of the report.

Appendices

Appendix 1 – Executive Scheme of Delegation (Parts A and B)

PART A - EXECUTIVE SCHEME OF DELEGATION

1. PURPOSE

- 1.1 The purpose of this Executive Scheme of Delegation is to:-
- be clear about who can make which executive decisions including Key Decisions;
 - facilitate the smooth running of Council business;
 - ensure that the Mayor is able to provide effective strategic leadership for the overall policy direction of the Council and to promote partnership working with other agencies; and that officers take responsibility for operational matters and policy implementation

2. THE CONSTITUTION

- 2.1 Once presented by the Mayor to the Annual Council Meeting or to the Monitoring Officer, this Executive Scheme of Delegation will form part of the Council's Constitution and will be appended to it. Its provisions apply alongside the Rules of Procedure and Access to Information provisions included in the Constitution.

3. AMENDMENTS TO THE EXECUTIVE SCHEME OF DELEGATION

- 3.1 This Scheme of Delegation remains in force for the term of office of the Mayor unless and until it is amended or revoked by the Mayor in accordance with Part 4.4 of the Constitution.

4. NON-EXECUTIVE DECISIONS

- 4.1 No delegated power in this Executive Scheme of Delegation applies to any decision that relates to a matter that is not an Executive function either by law or by the allocation of local choice functions under the Council's Constitution.

5. THE COMPOSITION OF THE EXECUTIVE

5.1 The Executive shall consist of ten people, namely the Mayor and nine Councillors as set out below:-

| Name | Portfolio |
|--|--|
| Mayor John Biggs | Executive Mayor Specific responsibility for Partnerships, Policy, Strategy & Performance |
| Cllr Sirajul Islam, Statutory Deputy Mayor | Cabinet Member for Housing Management & Performance Deputy Mayor Responsible also for - Work with Faith Communities - Welfare Reform Response |
| Cllr Rachael Saunders Deputy Mayor for Education & Children's Services & the Third Sector | Cabinet Member for Education and Children's Services Deputy Mayor Responsible also for - Grants & Third Sector |
| Cllr Shiria Khatun Deputy Mayor for Community Affairs | Cabinet Member for Community Safety Deputy Mayor Responsible also for - Community Cohesion. - Tackling Radicalisation. |
| Cllr Rachel Blake | Cabinet Member for Strategic Development |
| Cllr Joshua Peck | Cabinet Member for Work & Economic Growth |
| Cllr Amy Whitelock Gibbs | Cabinet Member for Health and Adult Services |
| Cllr Asma Begum | Cabinet Member for Culture |
| Cllr Ayas Miah | Cabinet Member for Environment |
| Cllr David Edgar | Cabinet Member for Resources |

- 5.2 The Mayor may also appoint Councillors as Mayoral Advisors. These roles are not formally part of the executive and carry no decision making powers but are an opportunity for the Mayor to increase Councillor support to key priority areas. At any one time there will be no more than three Mayoral Advisors.

Nominated Mayoral Advisors and their areas of focus will be confirmed at the meeting.

6. DELEGATIONS TO THE EXECUTIVE

- 6.1 The Mayor has not delegated any decision-making powers to the Executive acting collectively.
- 6.2 The Mayor may, in accordance with Part 4.4 of the Council's Constitution, appoint such committees of the Executive as he considers appropriate from time to time, but he does not appoint any such committees at this time.
- 6.3 Subject to the Mayor's prerogative to make decisions on all matters relating to all his statutory powers, the Mayor delegates to each Cabinet Member individually the power to make decisions on matters within their portfolio after consultation with the Mayor and subject to the Mayor raising no objection to the proposed decision. Any such decision by a cabinet member will be subject to a written report and the same procedure as applies to mayoral executive decisions.
- 6.4 In accordance with section 14 (6) of the Local Government Act 2000 (as amended) any arrangements made by the Mayor for the discharge of an executive function by an executive member, committee or officer are not to prevent the Mayor from exercising that function.

7. DELEGATIONS TO OFFICERS

- 7.1 The Mayor has delegated to officers decision making powers in relation to Executive functions as set out at Parts 3 and 8 of the Council's Constitution.

8. OTHER DELEGATIONS

- 8.1 The Mayor has not delegated any powers to any area committee, or to any ward Councillor in accordance with s.236 of the Local Government and Public Involvement in Health Act 2007.
- 8.2 The Mayor has delegated powers to joint arrangements with other local authorities as set out in Article 11 of the Council's Constitution
- 8.3 Subject to 8.2 above, the Mayor has not delegated any powers to any other local authority.

PART B - PROCESS FOR EXECUTIVE DECISION MAKING BY THE MAYOR OR A CABINET MEMBER

1. Where an Executive decision, including a Key Decision, falls to be made and either:-
 - (i) authority to make that decision has not been delegated by the Mayor under this Executive Scheme of Delegation; or
 - (ii) authority has been delegated but the person or body with delegated powers declines to exercise those powers; or
 - (iii) authority has been delegated but the Mayor nevertheless decides to take the decision himself,

the decision shall be made by the Mayor individually, after consultation with the Monitoring Officer, the Chief Finance Officer and such other Corporate Director(s), the Head of Paid Service or Cabinet Member(s) as required.
2. Executive decisions (including Key Decisions) to be taken by the Mayor in accordance with paragraph 1 above shall either be taken:-
 - (a) at a formal meeting of the Executive, notice of which has been given in accordance with Part 4.4 of the Constitution and to which the Access to Information Rules at Part 4.2 of the Constitution shall apply; or
 - (b) in accordance with the procedure at 5 below.
3. In the case of a decision taken at a formal meeting of the Executive, the Mayor will take the decision having received written and oral advice from appropriate officers and consulted those members of the Executive present. In the event that a meeting of the Executive is not quorate, the Mayor may still take any necessary decisions having consulted any Executive members present. All Mayoral decisions taken at a formal meeting of the Executive shall be recorded in the minutes of the meeting.
4. The Cabinet Meeting is not authorised to exercise the Mayor's powers in the absence of the Mayor. If the Mayor is unable to act for any reason, and only in those circumstances, the Deputy Mayor is authorised to exercise the Mayor's powers.
5. The Mayor may at his discretion make a decision in relation to an Executive function, including a Key Decision, alone and outside the context of a meeting of the Executive. In relation to any decision made by the Mayor under this provision:-
 - (i) The decision may only be made following consideration by the Mayor of a full report by the relevant officer(s) containing all relevant information, options and recommendations in the same format as would be required if the decision were to be taken at a meeting of the Executive;

- (ii) The provisions of the Overview and Scrutiny Procedure Rules in relation to call-in, including the rules regarding urgent decisions, shall apply;
- (iii) In the case of a Key Decision as defined in Article 13 of the Constitution, the provisions of the Access to Information Procedure Rules in relation to prior publication on the Forthcoming Decisions Plan (Forward Plan) shall apply; and
- (iv) The decision shall not be made until the Mayor has confirmed his agreement by signing a Mayoral Decision Proforma (example attached) which has first been completed with all relevant information and signed by the relevant Chief Officers.

6. All Mayoral decisions taken in accordance with paragraph 5 above shall be:-

- (i) Recorded in a log held by the Service Head, Democratic Services and available for public inspection; and
- (ii) Published on the Council's website;

save that no information that in the opinion of the Corporate Director of Law, Probity and Governance is 'exempt' or 'confidential' as defined in the Council's Access to Information Procedure Rules shall be published, included in the decision notice or available for public inspection.

7. Any decision taken by an individual Cabinet Member in relation to any matter delegated to him/her in accordance with section 6 of the Mayor's Executive Scheme of Delegation shall:-

- (i) be subject to the same process and rules as a Mayoral decision in accordance with paragraphs 5 and 6 above; and
- (ii) not be made until the Mayor has confirmed in writing that he has no objection to the decision.