

<b>CABINET</b>	<b>Agenda Item 20</b>
	Brighton & Hove City Council

<b>Subject:</b>	<b>Cabinet Portfolios and Ways of Working</b>
<b>Date of Meeting:</b>	<b>9 June 2011</b>
<b>Report of:</b>	<b>Strategic Director, Resources</b>
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<b>Key Decision:</b>	<b>No</b>
<b>Wards Affected:</b>	<b>All</b>

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report confirms the Cabinet portfolios agreed by the Leader of the Council on 19<sup>th</sup> May 2011 and proposes arrangements for the Cabinet Member Meetings that will support the new portfolios.
- 1.2 The report also informs Cabinet of proposals to review aspects of the arrangements and that any proposed changes will be reported to a future Cabinet following consideration by the Governance Committee.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet:
  - (1) Notes the Cabinet portfolios approved by the Leader on 19<sup>th</sup> May 2011 as set out at Appendix One and the explanatory note as set out in appendix 2;
  - (2) Agrees the proposals in paragraph 4 of the report regarding the arrangements for Cabinet Member Meetings;
  - (3) Notes that the new Cabinet arrangements and any further modification to ways of working will be considered by the Governance Committee and any changes reported to Cabinet for approval.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Under the Local Government Act 2000, the Council must appoint a Leader at the Annual Council following local elections. The Leader has the power to appoint Members to serve as Members of the Cabinet and to change the portfolios.

- 3.2 On 19<sup>th</sup> May 2011, the new Leader of the Council designated revised Cabinet portfolios and made appointments to those positions. The Cabinet appointments, and consequential changes to the Scheme of Delegations, took effect immediately. A copy of the amended Scheme of Delegations is attached as Appendix One.
- 3.3 Under the Council's constitution, any Cabinet appointments and any consequential amendments to the scheme of delegations have to be reported to Council for information. This was done as part of the addendum to the Council agenda at annual Council. The documents included an explanatory memorandum, which is attached as appendix 2 for information.

#### **4. ARRANGEMENTS FOR CABINET MEMBER MEETINGS**

- 4.1 The creation of the new portfolios requires a re-examination of the arrangements for Cabinet Member meetings. This is, in particular, the case in relation to functions previously comprised in the delegations to the Cabinet Member for Environment. The intention is to reflect the revised portfolios as much as possible whilst, at the same time, keeping the number of meetings to a minimum. In doing so, regard has been had to the statutory guidance on constitutions which requires arrangements to be efficient, transparent and accountable.
- 4.2 Having regard to the above principles and the Council's wish to see Cabinet Member decisions taken in public, it is proposed that the following arrangements for Cabinet Member meetings apply:
- (a) That the arrangements for Cabinet Member meetings for Housing, Children and Young People, Adult Social Care & Health, Culture Recreation & Tourism continue unchanged;
  - (b) That there be no Cabinet Member meetings for Finance & Central Services, as now;
  - (c) That, given the wide range of functions comprised within the portfolio, there be a separate Cabinet Member meeting for Planning, Employment, Economy and Regeneration. It is proposed that these take place on days currently scheduled for the Environment CMM.
  - (d) That there be joint Cabinet Member meetings for Transport & Public Realm and Environment & Sustainability. These will operate not as a joint committee, but as two separate decision-making meetings that may be held concurrently or consecutively as the Members may decide. It is proposed to use dates currently scheduled for the Sustainability Cabinet Committee with additional dates to be confirmed.
  - (e) Given the nature of functions comprised in the delegations for the Cabinet Member for Communities, Equalities and Public Protection, any decisions are likely to be taken at Officer level (for example environmental health and trading standards) or need to be taken by Cabinet given their cross-cutting nature (for example equalities) or are matters referred to the Community Safety Forum which is chaired by the Cabinet Member. It is therefore not

proposed to have formal scheduled meetings. Should the need arise for formal meetings, they can be called by the Cabinet Member after consulting opposition spokespersons.

- (f) That there be a review of the arrangements in the light of experience as part of the next review of the constitution. In the meanwhile, as part of the normal arrangements, the relevant Cabinet Member has the power to vary the meeting days if, following comments, the proposed dates prove inconvenient.

- 4.3 The Cabinet Procedure Rules and Council Procedure Rules as they apply to the running of Cabinet and CMM meetings remain in place and it is not proposed to change them at this stage.

## **5. CABINET COMMITTEES**

- 5.1 There is one Cabinet Committee meeting in existence at the moment (the Sustainability Cabinet Committee.) However, in the light of the desire to mainstream sustainability, and given concerns about the effectiveness of the current role of the committee, it is proposed that the future of the committee be considered as part of the next review of the constitution. In the meanwhile, it is proposed not to hold meetings of the committee unless there are pressing reasons and the matter cannot be dealt with conveniently by the Cabinet, in which case the Chair of the Committee may call a special meeting.

- 5.2 Another option open to the Cabinet would be the establishment of a Cabinet Committee for Environment. However, it is proposed that the arrangements outlined in paragraph 4 should be put in place and the option of an Environment Cabinet Committee considered in the light of experience as part of the next review of the constitution.

## **6. FURTHER REVIEW OF EXECUTIVE AND OTHER ARRANGEMENTS**

- 6.1 In view of the time constraints, the revised portfolios and the CMM arrangements have not been referred to the Governance Committee in advance of a decision. It is however proposed to refer these changes to the Committee together with any other proposals and the recommendations of the Committee, if any, will be reported to Cabinet for a decision in so far as they relate to executive arrangements.

- 6.2 Cabinet Members also need to be aware that there are planned reviews regarding the overview & scrutiny arrangements which are likely to result in significant changes to the current ways of working. In addition, there will be opportunities to look at all parts of the constitution, including webcasting, the operation of council procedures and the proposals in the Localism Bill. This will be led by the Governance Committee with the relevant recommendations reported to Cabinet.

## **7. CONSULTATION**

- 7.1 Democratic Services will consult with affected Members in relation to proposed Cabinet Member meeting dates and times.

7.2 There will be consultation with Members and other affected parties in relation to the wider review of the Constitution referred to in the report

## **8. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

8.1 There are no direct financial implications arising from the proposals in this report.

*Finance Officer Consulted: Anne Silley Date: 27/05/11*

### Legal Implications:

8.2 The appointment to Cabinet portfolios is governed by the Local Government Act 2000 and is a function of the Leader of the Council. This report does not therefore require approval of the new portfolios or the immediate changes necessary to meetings to support those portfolios. However, as changes to the Constitution are normally required to go through the Governance Committee, the report proposes to take a full review of the Constitution to the Governance Committee.

*Lawyer Consulted: Elizabeth Culbert Date: 26/05/11*

### Equalities Implications:

8.3 There will be a focus on ensuring accessibility to all council meetings, including facilities for wheelchairs users, including lifts and toilets as well as the operation of induction loops and other assistance which can be arranged through the meeting venue.

### Sustainability Implications:

8.4 Proposals to increase the prominence of sustainability issues are addressed in the body of the report.

### Crime & Disorder Implications:

8.5 None

### Risk and Opportunity Management Implications:

8.6 None

### Corporate / Citywide Implications:

8.7 The proposals in the report reflect the focus and aspirations of the administration for the City.

## **9. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

9.1 Cabinet Member Meetings could be arranged differently but the proposals in the report best support the Cabinet appointments made by the Leader of the Council on 19<sup>th</sup> May 2011.

## **10. REASONS FOR REPORT RECOMMENDATIONS**

10.1 The report aims to ensure transparency and facilitate discussion in relation to new Cabinet portfolios. It further seeks to inform Members of proposals for full consultation in relation to any future changes to the constitution.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Amended scheme of delegations for executive functions.
2. Explanatory note to proposed amendments

#### **Documents In Members' Rooms**

None

#### **Background Documents**

None

