

**Forward Plan reference number:** Not applicable

<b>Report title:</b> Change of Cabinet Member Title	
<b>Report to:</b> Councillor David Finch - Leader of the Council	
<b>Report author:</b> Paul Turner – Director, Legal and Assurance	
<b>Date:</b> 8 October 2019	<b>For:</b> Decision
<b>Enquiries to:</b> Paul Turner – Monitoring Officer, email: paul.turner@essex.gov.uk	
<b>County Divisions affected:</b> All Essex	

## **1. Purpose of Report**

- 1.1 Under the Local Government Act 2000 the Executive Leader has to appoint members of the Cabinet and decide how Executive Functions are to be discharged.
- 1.2 The arrangements made by the Leader need to be formally recorded. The purpose of this report is to record a change.

## **2. Recommendations**

- 2.1 That the title of the Cabinet Member for Environment and Waste be changed to Cabinet Member for Environment and Climate Change Action with immediate effect and that the same change be made to the title of Deputies to that Cabinet Member.
- 2.4 That subject to the changes in post titles, the constitution and scheme of delegation for executive functions be as set out in the constitution as in force after the Council meeting on 14 May 2019.

## **3. Summary of issue**

- 3.1 The Local Government Act 2000 says that the Leader must appoint the cabinet. In doing so the Leader creates portfolios and decides the name of each portfolio and gives each member of the Cabinet such delegated powers as he thinks fit.
- 3.2 The Act also divides the Council's functions into Executive Functions, where decisions are made by the Leader, members of the Cabinet or delegated to Council employees and non-executive functions where decisions are taken by the Council itself, by committees or by individual council employees.
- 3.3 It is proposed to change the titles of the Cabinet Member for Waste and Environment to the Cabinet Member for Environment and Climate Change

action in order to demonstrate the importance to the Council of addressing climate change.

- 3.5 The Leader is asked to reaffirm the scheme of delegations to officers insofar as it relates to Executive functions. The legal delegations to the Cabinet Member are not affected by this change of title.
- 3.6 This is a key report because it sets out how the Council will get things done. It is therefore relevant to the delivery of all the aims of the Council's Corporate Plan.

#### **4. Options**

- 4.1 Option 1 *Do Nothing* – this is not a viable option as under the Local Government Act 2000 the Executive Leader has to appoint members of the Cabinet and decide how Executive Functions are to be discharged.
- 4.2 Option 2 *Adopt the recommendations* - this is the preferred option and has been developed in consultation with other Members and will demonstrate the importance of addressing climate change.

#### **5. Issues for consideration**

##### **5.1 Financial implications**

- 5.1.1 This report has no direct financial implications but it sets out how decisions, including those with financial implications will be made. It is important for decision makers to obtain proper financial advice and comply with Financial Regulations.

##### **5.2 Legal implications**

- 5.2.1 Under the Local Government Act 2000 as amended it is a legal requirement for the Executive Leader to appoint the Cabinet and decide how Executive Functions may be exercised.
- 5.2.2 It is important for decision makers to obtain proper legal and financial advice and comply with Financial Regulations and the constitution when making decisions. This advice will be set out formally in written reports prepared by Council staff.

#### **6. Equality and Diversity implications**

- 6.1 In making decisions the Council must have regard to the public sector equality duty under section 149 of the Equalities Act 2010. The Council is required to have due regard to the need to:

(a) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

(b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

(c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.3 The equality duty does not impose a duty to achieve the outcomes in section 149. Instead, the duty itself and factors relevant to the equality must be taken in to account as one of the factors that need to be considered and may be balanced against other relevant factors.

6.4 This decision was screened for equality and diversity issues, and it is not considered that the recommendations will have a disproportionately adverse impact on any protected characteristic. Therefore, a full equality impact assessment is not considered necessary

## **7. List of appendices**

None

## **8. List of Background papers**

None

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>
<b>Councillor David Finch, Leader of the Council</b>	8 October 2019

**In consultation with:**

<b>Role</b>	<b>Date</b>
<b>Chief Executive</b>	7 October 2019
<b>Gavin Jones</b>	
<b>Executive Director for Finance and Technology (S151 Officer)</b>	7 October 2019
<b>Steph Mitchener on behalf of</b>	
<b>Nicole Wood</b>	
<b>Monitoring Officer</b>	7 October 2019
<b>Paul Turner</b>	

