

Forward Plan reference number: Not applicable

Report title: Appointments to the Cabinet and Delegations of Executive Functions	
Report to: Councillor David Finch - Leader of the Council	
Report author: Paul Turner – Director, Legal and Assurance	
Date: 4 April 2020	For: Decision
Enquiries to: Paul Turner – Monitoring Officer, email: paul.turner@essex.gov.uk	
County Divisions affected: 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 appointments and delegations need to be formally recorded.

2. Recommendations

- 2.1 That appointments of the Deputy Leader and Cabinet as set out in appendix 1 excluding that of the Cabinet member for Finance take effect immediately.
- 2.2 The appointment of the Cabinet Member for Finance becomes effective from 1 May 2020 as set out in appendix 1.
- 2.3 That authorisation to exercise Executive Functions in accordance with the terms of the Constitution be as set out in Appendix 2.
- 2.4 That appointments of Deputy Cabinet Members be as set out at Appendix 3.
- 2.5 That the scheme of delegation for Executive be as set out in the constitution as in force after the Council meeting on 11 February 2020.

3. Summary of issue

- 3.1 The Local Government Act 2000 says that the Leader must appoint the cabinet.
- 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 The proposed delegations set out proposals for appointing members of the Cabinet and also on who is authorised to make decisions about Executive Functions. The appointments and delegations have been designed to ensure that the Council can operate efficiently and effectively and so that decisions can be taken at the right level. These changes are designed to help the Council respond to the challenges it is facing while continuing to provide effective services and value for money for Essex residents and businesses.
- 3.4 It should be noted that the fact that a decision is delegated does not mean that the Member or Officer has to make the decision. There may be occasions when a particular decision should be taken at a higher level in the constitution because the decision is particularly significant or has cross cutting implications.
- 3.5 The Leader is asked to reaffirm the scheme of delegations to officers insofar as it relates to Executive functions.
- 3.6 There are a number of appointments which the Council makes to the board of companies. These appointments have been reviewed in the light of changes to the Cabinet and retirement of members.
- 3.7 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 *Proceed with appointments as set out Appendices 1 and 2* - this is the preferred option and has been developed in consultation with other Members.

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.

This includes having regard to the need to:

- (i) remove or minimise disadvantages suffered by particular equality groups;
- (ii) take steps to meet the needs of particular equality groups;
- (iii) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(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 into 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

Appendix 1: Appointments to the Cabinet

Appendix 2: Portfolios of Individual Cabinet Members

8. List of Background papers

None

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor David Finch, Leader of the Council	03/04/20

In consultation with:

Role	Date
Executive Director for Corporate and Customer Services (S151 Officer)	03/04/20
Nicole Wood	
Monitoring Officer	03/04/20
Paul Turner	

Appointments to the Cabinet

All appointments to the Cabinet will continue until the start of the annual meeting following the next ordinary election of the County Council unless they cease to be a Councillor, or they are removed from office by the Leader or as otherwise set out in the Constitution.

Name	Portfolio
David Finch	Leader
Kevin Bentley	Deputy Leader and Infrastructure
Louise McKinlay	Children and Families
John Spence	Health and Adult Social Care
Ray Gooding	Education and Skills
Dick Madden	Performance, Business Planning, and Partnerships
Chris Whitbread	Finance (with effect from 1 May 2020)
Susan Barker	Customer, Communities, Culture, and Corporate
Tony Ball	Economic Development
Simon Walsh	Environment and Climate Change Action

Portfolios of Individual Cabinet Members

Leader

- The overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy of the Authority
- To appoint Council representatives on key external bodies such as the Health and Wellbeing Board, the South East Local Enterprise Partnership and the Essex Partnership Board.
- Policy, Strategy, Internal and External Communications, Marketing and Public Affairs
- Research, Development and Innovation
- Democratic engagement and representation
- Equalities and Diversity
- Garden Communities
- Liaison with HM Government, Essex MPs and district, city, borough, parish and town councils
- To act as shareholder to Essex companies and other legal entities
- The functions of other portfolio holders in their absence or in an emergency or in any other circumstances where the Leader thinks it is desirable to act on any matter
- South East Local Enterprise Partnership

Deputy Leader and Infrastructure

- Rail Strategy
- Ports and Airports
- Infrastructure Commissioning and Delivery
- Transport Strategy and Local Transport Plan
- Highways capital programme
- Integrated Transport
- Park and Ride
- Traffic Regulation
- Parking
- Cycling
- Street lighting
- Public rights of way (bridleways, footpaths and byways)
- Road safety
- Maintenance of highways, public rights of way and structures
- Local Highways Panels
- Superfast Essex broadband programme
- Transport Boards
- International trade
- Liaison with sub-regional infrastructure partnerships

Children and Families

- Children's social care, including, but not limited to: the safeguarding of children; looked after children; services to vulnerable children and young people and their families; and adoption and fostering
- Statutory lead member for children's services
- Preventative services, including early intervention and the development of services for families with complex needs
- Child and Adolescent Mental Health Services (CAMHS)
- Corporate Parenting
- Pre-birth to age 19 Services including childrens centres and health visitors
- Youth Offending
- Schools Safeguarding Strategy
- Domestic Violence
- Children and Families Capital Programmes

Health and Adult Social Care

- Adult social care, including the support of and assistance of people with learning or physical disabilities or sensory impairment and older people and the homeless.
- Adult Social Care Service Transformation
- Care homes
- Safeguarding vulnerable adults
- Joint commissioning and joint contracting
- Support to Carers
- Health system reform, integration and partnerships
- Health Improvement & Protection
- Health Inequality Reduction
- Public Health
- Mental health services
- Child health-related matters
- Sport and physical activity including Active Essex
- Drug and Alcohol Action Team
- Adults and Health Capital Programmes
- Appointed by the Leader to act as the Chairman of the Health and Wellbeing Board.

Education and Skills

- Mainstream schools and education including: diversity, organisation, planning and admissions; standards and achievement; attendance; 14-19 provision; transport for educational purposes; behaviour and education welfare services
- Early Years and pre-school
- Special Schools
- Special Education Needs provision, including specialist and complex services in mainstream schools
- School improvement
- Alternative Provision
- Raising the Participation Age
- Passenger Transport, including buses and concessionary fares
- Youth services and careers advice
- School crossing patrols
- Education Capital Programmes
- School Admissions & Transport Awards
- Essex Education Services
- Post 16 skills and apprenticeships
- Adult Community Learning
- Employability & Skills – Operations
- Universities

Performance, Business Planning, and Partnerships

- Business Improvement and Design (including Business planning process)
- Project and Programme Management
- Performance Management
- Business Intelligence
- Strategic Partnerships (including Strategic Partnership Board)
- Service Design
- Review and Compliance
- Advice and Support to the Leader on his Portfolio

Finance

- Responsibility for financial administration and management including preparation and management of the revenue and capital budgets, precepts, levies and borrowing
- Treasury management, Funding and Investment
- Financial management and reporting
- Internal audit and Counter Fraud
- Procurement
- Commercial services
- Commercial Property portfolio
- Insurance
- Supplier Relationship & Contract Management
- Income and Revenues Optimisation
- Strategic Commercial Partnerships
- Mergers and Acquisitions
- Traded Services

Customer, Communities, Culture, and Corporate

- Heritage, Culture and the Arts
- Safer Communities
- Community Resilience
- Trading Standards
- Community Leadership and Community Strategy
- Voluntary and Community Sector Relations
- Community engagement
- Lead member for armed forces liaison and engagement (military covenant)
- Community Initiatives Fund
- Gypsy and Travellers
- Faith Covenant
- Overview of Grants
- Essex Records Office
- Libraries and Community Hubs
- Registration services
- Telephone & Digital Access
- Customer Services
- Coroner
- User Experience
- Technology Services
- Assurance
- Emergency Planning and Resilience
- HR, Business Improvement and Design

- Democratic Services
- Information Governance
- Facilities Management
- Business Support
- Legal Services
- Pension Fund

Economic Development

- Tourism
- Economic development and regeneration
- Enterprise and Inward investment
- Localities
- Liaison with business community and sub-regional economic partnerships
- Employability & Skills - Strategy
- Strategic spatial planning, including responses to local plans
- Future Development
- Sustainable Development
- Minerals & Waste Planning
- Housing Growth & Strategic Sites
- Property Strategy (incl acquisition and disposal)
- Housing strategy, development and investment (Essex Housing)

Environment & Climate Change Action

- Waste minimisation, disposal and recycling
- Integrated Waste Management
- Waste Strategy
- Waste Programme Delivery
- Built Environment and Historic Environment
- Natural Environment
- Energy and Emissions reduction
- Flood Management
- Flooding
- SUDS
- Rural Affairs
- Country Parks and Green Spaces (including Cressing Temple and Hadleigh Country Park, Essex Outdoors)

Appointments of Deputies to the Cabinet

All appointments as Deputies to the Cabinet will continue until the start of the annual meeting following the next ordinary election of the County Council unless they cease to be a Councillor, or they are removed from office by the Leader or as otherwise set out in the Constitution.

Name	Portfolio
Anthony Jackson	Leader
Lesley Wagland Robert Mitchell	Deputy Leader and Infrastructure
Andrew Sheldon	Children and Families
Chris Whitbread (until 30 April 2020) John Moran (with effect from 1 May 2020) Jeff Henry (with effect from 1 May 2020)	Health and Adult Social Care
Alan Goggin	Education and Skills
Jeff Henry	Performance, Business Planning, and Partnerships
Mike Steptoe	Customer, Communities, Culture, and Corporate
Michael Hardware Mark Durham	Economic Development
Mark Platt	Environment and Climate Change Action