

Decision Report – Leader Decision

Forward Plan Reference: N/A

Decision Date – 23rd May 2023

Key Decision –no



Leader’s appointment of the Executive, Executive Lead Members, Associate Lead Members and member appointments to other bodies

Lead Member(s): Cllr Bill Revans – Leader of the Council

Lead Officer: Scott Wooldridge – Monitoring Officer and Strategic Manager-Governance and Democratic Services

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1. Summary / Background

- 1.1.** A number of appointments to key roles within the Council and to outside bodies are reserved to the Leader of the Council. Full Council at its annual meeting on 25 May 2022 appointed Cllr Bill Revans as the Leader of the Council. The Leader of the Council has authority to agree Executive appointments alongside a number of other key elected member appointments which form part of the executive functions of the Council.
- 1.2.** This report sets out the Leader of Council’s proposed membership for the Executive, the appointment and areas of responsibility of Executive Lead Members and Associate Lead Members. It also sets out the appointments to certain internal groups, joint and outside bodies that are the responsibility of the Leader of the Council.

2. Recommendations

2.1. The Leader of the Council is recommended to:

- 1. Approve the appointment of the Deputy Leader and Executive Lead Members with effect from Thursday 25 May 2023, together with the membership of the Executive and their areas of responsibility for delegated decision making as set out in section 3.8, Appendix A and the Council’s Constitution.**
- 2. Approve the appointment and roles of the Associate Lead Members with effect from Thursday 25 May 2023 as set out in section 3.8 and Appendix B.**
- 3. Approve the key appointments to various internal, joint and outside bodies set out in Appendix C (which are the responsibility of the Leader) with effect from Thursday 25 May 2023 until 1 May 2027.**

4. Delegate responsibility to the Monitoring Officer in consultation with the Leader of the Council to agree the dates and meeting arrangements for the Executive.

3. Reasons for recommendations

- 2.2.** Somerset Council operates a Leader and Executive model of governance, under which the majority of functions that the Council undertakes are now the responsibility of a small number of councillors operating as an 'Executive'. The Leader has responsibility for agreeing the executive arrangements.
- 2.3.** Councillor Bill Revans was appointed as the Leader of the Council on 25 May 2022. This report has been prepared to confirm the membership of the Executive, the appointment to Executive Lead Member and Associate Lead Member roles (to support Lead Members and provide resilience and succession planning for the future) which are the Leader's responsibility under the Council's Constitution.
- 2.4.** This report also sets out proposals for other key elected member appointments to certain internal, joint and outside bodies. There are a number of other appointments that are the Leader's responsibility such as the appointment of elected members to internal groups, joint and outside bodies. It is further proposed that the Leader agrees a delegation to the Monitoring Officer to finalise these appointments as necessary.
- 2.5.** The Leader of the Council and the Executive will continue to be responsible for the discharge of all the executive functions of the Council under Education and Social Services legislation and in its capacity as Highway Authority (other than those public rights of way determinations exercised by the Strategic Planning Committee), Local Planning Authority (other than the determination of planning applications), Waste Disposal Authority, Public Transport Authority and Traffic Authority and for all its statutory duties, including the exercise of relevant powers not specifically delegated by the Council to other Committees.
- 2.6.** The Leader of Council allocates all Executive decision-making responsibilities (covering Key and Non-Key Decisions) and functions, including any 'local choice' functions, where appropriate, delegated by Full Council. The Leader is proposing no changes to the current allocation of such responsibilities to:
- (a) the Leader;
 - (b) the Executive;
 - (c) jointly to two Lead members
 - (d) individual Lead members; and
 - (e) Senior Leadership Team Officers.

Executive Membership and Executive Lead Member Roles & Responsibilities

3.7 The Leader of the Council can appoint up to 9 other members to be members (known as Lead Members with specific areas of responsibility) of the Executive. The Leader also appoints the Deputy Leader of the Council.

3.8 The Leader of the Council wishes to appoint a 10-member Executive. Member roles are detailed below:

- Leader of the Council and Lead Member for Governance & Communications
- Deputy Leader of the Council and Lead Member for Resources and Performance
- Lead Member for Children, Families & Education
- Lead Member for Adult Social Care
- Lead Member for Transport and Digital
- Lead Member for Public Health, Equalities and Diversity
- Lead Member for Transformation and Human Resources
- Lead Member for Environment and Climate Change
- Lead Member for Economy, Planning and Assets
- Lead Member for Communities, Housing and Culture

To provide support to the Executive and to aid succession planning, the Leader of the Council intends to appoint to the following Associate Lead Member appointments:

- Associate Lead Member for Adult Social Care & Housing
- Associate Lead Member for Communications
- Associate Lead Member for Education Strategy
- Associate Lead Member for Localities (LCNs) & Public Health
- Associate Lead Member for Performance
- Associate Lead Member for Business Partnerships
- Associate Lead Member for Commercial Investments & Risk
- Associate Lead Member for Climate Change & Active Travel
- Associate Lead Member for Leisure & Culture
- Associate Lead Member for Childrens Social Care & SEND

Appendix A provides further details regarding the proposed Lead Member posts, their main responsibilities and the members that the Leader is proposing to appoint to those posts. This also shows the proposed appointment of the Deputy Leader of the Council which is also within the gift of the Leader. Associate Lead Members cannot legally be given the full range of Lead Members responsibilities and therefore they cannot take formal decisions.

3.8 In terms of the executive decision-making Cllr Revans has indicated his intention to maintain continuity as much as possible – so it is proposed that:

- The definition of key and non-key decisions will remain unchanged as will the key and non-key decision processes contained within the Constitution.
- The Officer Scheme of Delegation will continue unchanged.
- The Executive meeting arrangements will continue unchanged.

Note that the Chair and Vice-Chair of the Council and members performing Overview & Scrutiny or Regulation Committee functions cannot be members of the Executive due to legislation.

In the event that a Lead Member is unable to discharge his/her specific decision making functions for any reason (e.g. illness or holiday), the Leader (or in the Leader's absence or his/her inability to act – the Deputy Leader) may discharge those functions or decisions. Associate Lead Members cannot substitute or act as a Lead Member in their absence.

Associate Lead Members

3.9 The Leader of the Council is able to appoint Associate Lead Members in support of the Lead Members. Associate Lead Members are not able to take decisions, but they can advise Lead Members and the Executive and:

- Lead on specific areas to be determined by the Lead Member.
- Focus on information gathering and understanding key policy/service delivery areas.
- Assist with the development of options and policies for consideration by the Lead Member.
- Brief and make recommendations to Lead Members and others on the relevant issues that affect the decision making; and represent or deputise for the Lead Member at non-decision making meetings or events as necessary.

As an aid, the role of an Associate Lead Member could be compared to the Junior Minister roles of central government as they have no formal or legal powers of their own and instead provide a useful policy development and

support role for their Lead Members. These roles also provide a valuable personal development opportunity and improve the resilience of the Council.

Appendix B sets out proposed Associate Lead Member appointments together with their proposed roles.

Where an Associate Lead Member is temporarily unable to perform their role e.g. due to illness, then the relevant Lead Member is able to appoint a temporary Associate Lead Member. In these instances the Leader of the Council will be consulted and the Monitoring Officer informed.

Somerset Health and Well-Being Board

3.10 The Somerset Health and Well-being Board is a formal committee of the Council established under Section 194 of the Health and Social Care Act 2012. The Council has responsibility for approving the overall membership of the Board.

The Board is a unique constitutional entity in the local government world for several reasons:

- (1) It has specific legislative decision-making responsibilities to exercise on behalf of the Council including the undertaking of the Joint Strategic Needs Assessment and the agreement of the Somerset Health and Wellbeing Strategy.
- (2) The Council is able to agree, and has agreed, voting arrangements on the Board that include giving elected members, officers of the Council, health professionals and partner representatives full voting rights.
- (3) Although Full Council has responsibility for approving the Board's Constitution in consultation with the Board, the Council Leader is responsible for appointing the Council's elected representatives to the Board in accordance with the membership agreed by the Council.
- (4) The Government has relaxed specific provisions in the Local Government Act 1972 and the Local Government Housing Act 1989 to enable it to function in the way outlined above.

Under the legislation, the Council decides the number of places that it will have on the Board for elected members and decides whether or not those places are politically proportioned or not according to the respective strengths of the political groups on the Council. The Council has previously decided that the Board's membership should include 5 elected members from the Council to include the relevant Lead Members and member(s) of the Opposition. The Leader of Council has responsibility for electing the Chair of the Board from within the Council's elected member representation and appointing up to 2 Vice-Chair, 1 of which should be from the health sector.

It is proposed that the Leader of the Council is appointed as the Chair of the Somerset Health & Well-Being Board. It is further proposed that a delegation be put in place to the Monitoring Officer following consultation with the Leader of the Council regarding the appointment of the Vice-Chair and that the representative from the Clinical Commissioning Group (to become ICB in June) is appointed as the second Vice-Chair.

Appendix C sets out the proposed elected member appointments to the Somerset Health & Well-Being Board.

Where the appointed elected members of the board are unable to attend a meeting or perform their duties, their roles cannot be undertaken by a substitute member.

Appointments to Internal Groups, Joint and Outside Bodies

- 3.12** The schedule attached as Appendix C sets out details of proposed member appointments to internal groups, joint and outside bodies that fall under the Leader of Council's responsibility to appoint. It should be noted that there is a wider review being undertaken of Internal Groups, Joint and Outside Bodies.

3. Other options considered

- 4.1** None considered, these proposals reflect the Leader of the Council's wishes.

4. Links to Council Plan and Medium-Term Financial Plan

- 5.1** These recommendations seek to enable good and effective management of the council's business and ultimately good outcomes for citizens and service users. These arrangements are intended to enhance the Council's ability to effectively pursue its vision as set out in the Council Plan. The Executive arrangements of the Council are key elements within the Council's Constitution which is the key governance document of the Council and facilitates delivery of the Council Plan.

5. Consultation and co-production

- 6.1** Cllr Revans has discussed the proposals in this report with the members of his political group. The proposed Executive appointments have been developed by the Leader of the Council in consultation with the proposed Executive Lead Members and the Chief Executive.

Executive arrangements, including meeting arrangements, were approved by the Executive on 27 February 2023 following consideration by the Constitution and Governance Committee at its meeting on 14 February and the Council at its meeting on 22 February 2023 as part of considering the new Constitution for Somerset Council.

6. Financial and Risk Implications

- 7.1** As part of the Council’s Members’ Scheme of Allowances 2023/24 (agreed by the Council on 22 February 2023), the Leader of the Council, Deputy Leader, Executive Lead Members and Associate Lead Members receive Special Responsibility Allowances (SRA) payments.

The financial implications associated with the proposals within this report can be accommodated within the Members Budget 2023/24.

- 7.2** Failure to agree the changes proposed may hinder the delivery of Council services and key programmes / projects such as the change programme as the Executive has a key role in day to day decision making in relation to policy setting and service delivery. It could also leave the Council exposed to potential challenge and limit the ability of the Senior Leadership Team to operate effectively.

The main risk to the Council would result from the Council failing to fulfil its legal obligations and therefore the level of risk arising from approving the proposals in this report is considered to be low.

Likelihood	1	Impact	5	Risk Score	5
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7. Legal and HR Implications

- 8.1** Under the Local Government Act 2000 and Local Government and Public Involvement Act 2007, the Leader of the Council may appoint the Deputy Leader and an Executive of his choosing, set the Executive portfolios and decide how executive functions are to be discharged. The size of the Executive (including the Leader of the Council) can be between 3 and 10 members of the Council.

Under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.

Legislation sets out those functions of the new Council which must not be the responsibility of the Executive and those functions which authorities may decide either to give to the Executive or not – these are referred to as “local choice functions”, other functions are, by default, the responsibility of the Executive. All non-executive functions are for the Council to approve, whereas all executive functions are for the Leader of the Council to approve.

- 8.2** There are no direct HR implications resulting from this decision.

8. Other Implications

9.1 Equalities Implications

The Council's duty under Section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions on the provision of services. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision. It is highlighted that the proportion of women in Lead Member and Associate Lead Member roles has increased to 55% compared to 45% for the 2017-2022 former Cabinet. No specific implications have been identified. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

9.2 Community Safety, Climate Change & Sustainability, Health & Safety, Health & Well-Being and Social Value Implications

There are no direct Community Safety implications resulting from this decision.

9. Scrutiny comments / recommendations:

10.1 The proposed decision has not been considered by a Scrutiny Committee.

10. Background Papers

Council's Constitution

Report to Executive 27 February 2023

Report to Constitution & Governance 14 February 2023

Leader of Council – Appointment of Executive May 2022

Monitoring Officer report to Council in May 2022

Somerset Structural Changes Order 2022

Local Government Acts 1972 and 2000