

	<p>Annual Council</p> <p>23 May 2023</p>
<p>Title</p>	<p>Report of Leader – Appointment of Cabinet Members</p>
<p>Report of</p>	<p>Head of Governance</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Enclosures</p>	<p>Appendix A – Cabinet Member Appointments</p>
<p>Officer Contact Details</p>	<p>Andrew Charlwood, Head of Governance, 020 8359 2014, andrew.charlwood@barnet.gov.uk</p>

<p>Summary</p>
<p>This item presents the information on the appointment of Cabinet members by the Leader.</p>

<p>Recommendations</p>
<p>That the Council note the appointment of Executive (Cabinet) members by the Leader as outlined in Appendix A.</p>

1. WHY THIS REPORT IS NEEDED

- 1.1 Council are requested to note the appointment of Executive (Cabinet) Members by the Leader as set in Appendix A.

1.2 Cabinet Members role and remits include:

- To represent the Council;
- Make recommendations to Cabinet on key decisions, and make proposals relating to the budget and policy framework;
- Take decisions on matters within portfolio (that are not key decisions); and
- Ensure services are being delivered within the approved budget.

2. REASONS FOR RECOMMENDATIONS

2.1 The Leader must appoint between two and nine Cabinet Members to the Executive to give effect to the new Executive system which will come into effect after Annual Council on 23 May 2023. The terms of reference on the Portfolio Holders was agreed for inclusion in the constitution at Council on 2nd May 2023.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None.

4. POST DECISION IMPLEMENTATION

4.1 Details of the Cabinet Members and their roles and responsibilities will be made available to the public via the committee papers website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 None specifically arising from this report.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Details of the basic and special responsibility allowances payable to Cabinet Members is detailed in the Members Allowances Scheme reported to Extraordinary Council on 2 May 2023.

5.3 Social Value

5.3.1 N/A

5.4 Legal and Constitutional References

5.4.1 Meetings of the Council on 24 January, 28 February and 2 May 2023 have agreed the constitution sections to come into effect after Annual Council on 23 May 2023. The new Article 6 (The Executive) details the following regarding the appointment of Executive Members:

1. The Council will appoint the Leader of the Council.
2. The Leader will determine the size and membership of the Executive, will appoint Members to the Executive and appoint one of those Members as the Deputy

Leader.

3. When determining the allocation of responsibilities (see Part 2 of the Constitution) the Leader will also determine any delegations to individual Members (of the Executive) who will be known as Portfolio Holders.
4. The Executive will consist of the Executive Leader together with at least two but not more than nine other Councillors.
5. The Terms of Reference set out the Executive's functions.
6. The Rules of Procedure set out and determine how the Executive will operate and include arrangements for meetings, individual decision-making, and the Allocation of Responsibilities.
7. There may be no co-optees, deputies nor substitution of Executive Members.
8. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Executive. No member of the Audit committee may be an executive member.
9. The Chair of any planning committee may not be an executive member. No member of the Strategic Planning Committee may be an executive member.
10. Members of the Executive may not be Members of the Overview or Scrutiny Committee or one of its sub-committees.
11. Part 3B of the Constitution includes a full description of the responsibilities of Portfolio Holders.

5.4.2 Section 9E of the LGA 2000 provides as follows:

9E Discharge of functions: general

*(1) ... any functions which, under executive arrangements, are the responsibility of—
... (b) a leader and cabinet executive are to be discharged in accordance with this section.*

(2) The senior executive member [who is defined as the leader in subs (8)]—

(a) may discharge any of those functions, or

(b) may arrange for the discharge of any of those functions— (i) by the executive, (ii) by another member of the executive, (iii) by a committee of the executive, (iv) by an area committee, or (v) by an officer of the authority.

The Leader chooses initially whether s/he discharges the functions, or arranges some other organ of the Executive to do so.

5.5 Risk Management

5.5.1 None specifically arising from this report.

5.6 Equalities and Diversity

5.6.1 Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. Consideration of the duties should precede the decision. It is important that Council has regard to the statutory grounds in the light of all available

material such as consultation responses.

5.7 Corporate Parenting

5.7.1 None specifically arising from the report.

5.8 Consultation and Engagement

5.8.1 None specifically arising from the report.

5.9 Insight

5.9.1 None specifically arising from the report.

5.10 Environmental Impact

5.10.1 There are no direct environmental implications arising from the recommendations.

6 BACKGROUND PAPERS

- 6.1 Council, 26 July 2022, Item 14.5, Administration Motion in the name of Councillor Barry Rawlings – Barnet’s Governance Arrangements: [Agenda for Council on Tuesday 26th July, 2022, 7.00 pm \(moderngov.co.uk\)](#)
- 6.2 Council, 24 January 2023, Item 12.1, Report of the Monitoring Officer – Constitutional Review: [Agenda for Council on Tuesday 24th January, 2023, 7.00 pm \(moderngov.co.uk\)](#)
- 6.3 Council, 28 February 2023, Item 12.2, Report of the Monitoring Officer – Constitutional Review: [Agenda for Council on Tuesday 28th February, 2023, 7.00 pm \(moderngov.co.uk\)](#)
- 6.4 Extraordinary Council, 2 May 2023, Item 6, Report of the Monitoring Officer – Constitutional Review: [Agenda for Council on Tuesday 2nd May, 2023, 7.00 pm \(moderngov.co.uk\)](#) Appendix G details the terms of reference and delegation of duties to Cabinet
- 6.5 Extraordinary Council, 2 May 2023, Item 7, Members Allowances Scheme 2023/24: [Agenda for Council on Tuesday 2nd May, 2023, 7.00 pm \(moderngov.co.uk\)](#)