

20 SEPTEMBER 2006

CHIEF EXECUTIVE

CHANGES TO THE EXECUTIVE (CABINET MEMBERS & PORTFOLIOS) & OTHER COMMITTEE MEMBERSHIP CHANGES

WARDS
All

Reason for Urgency

In accordance with S.100B (4) (b) of the Access to Information Act 1985, this report needs to be considered by the Council as a matter of urgency as the Cabinet Member for Education (Councillor Alexandra Robson) has recently decided to formally step down from undertaking that role for personal family reasons, and a decision on the appointment of a successor is required as soon as possible in order that the work of the Executive is not to be impaired. The next ordinary Council meeting at which this matter could be considered and appointment of a new Executive member made is not scheduled to be held until 31st January 2007 if the matter is not considered at this Council meeting.

Summary

This report details changes which need to be made to the membership of the Executive (Cabinet), and revisions to the Cabinet Member Portfolios brought about in anticipation of legislative changes. The report also details other minor changes to Committee memberships required as a corollary.

CONTRIBUTORS

ACE (PP)

RECOMMENDATIONS:

1. That Councillor Victoria Brocklebank-Fowler be appointed Cabinet Member for Education in place of Councillor Alexandra Robson with immediate effect.
2. That the revised Portfolios for the Cabinet Member for Education and the Cabinet Member for Community & Children's

Services be approved and adopted.

- 3. That Councillor Antony Lillis be confirmed as the Cabinet Member for Community & Children's Services, the previous Cabinet post of Health & Social Services being abolished.**
- 4. That Councillor Jeanette Bentley be appointed as Assistant to the Cabinet Member for Community & Children's Services.**
- 5. That Councillor Alexandra Robson be appointed to the Health & Adult Social Care Scrutiny Committee in place of Councillor Jeanette Bentley.**

Background

1. As a result of legislative changes to be brought about by the Children Act 2004, it is necessary to amend and redraft the Portfolios of the Cabinet Member for Education and Cabinet Member for Health & Social Services.
2. S.19(1) of the Children Act prescribes the role of “Lead Member for Children’s Services”, which in statutory terms, includes :

"a) education services - the authority's functions in its capacity as education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to education, higher education and adult education);

b) social services - the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children, and the authority's functions in relation to children and young people leaving care;

c) health services - any health-related functions exercised on behalf of a National Health Service body under Section 31 of the Health Act 1999 insofar as they relate to children; and

d) inter-agency co-operation - the new functions of the Child Support Agency set out in the Act, in particular leading and building and leading the arrangements for inter-agency co-operation."

Whilst S.19 has not yet been brought into force the statutory guidance issued under the 2004 Act suggests that most local authorities should have appointed a lead member by the end of 2006 and all by 2008. The Council already has the discretion to appoint a member to fulfil this role and by taking the decision now the Council will meet the expectations of the guidance.

3. The new statutory duty is a complex role cutting across both of the previous Cabinet Member Portfolios. The span of responsibility is very large, and coupled with adult health and social care responsibilities, it is felt better to retain a separate Cabinet Member for Education post with a shared responsibility for undertaking work on this area, although the primary responsibility for this work would lie with the new Cabinet Member for Community & Children’s Services. The Cabinet Member for Education would, in effect, take decisions in conjunction with the Cabinet Member for Community & Children’s Services, although he would retain a reserve power to act, in relation to the duties set out in the Cabinet Member for Education’s Portfolio, in his own right at his absolute discretion.
4. The two Cabinet Member Portfolios have accordingly been revised and updated to accommodate the above changes, and copies of the revised Portfolios for the two Cabinet members affected are **attached** to this report. The previous Cabinet member post of “Cabinet Member for Health

& Social Services” has effectively been abolished and replaced by a new Cabinet post of “Cabinet Member for Community & Children’s Services”.

Other matters

5. Independently of this development, the current Cabinet member for Education, Councillor Alexandra Robson, has recently indicated that she wishes to step down from undertaking the duties of her Cabinet post for personal family reasons which will take her out of the country in future. Accordingly, it has been decided to appoint Councillor Victoria Brocklebank-Fowler as her replacement as Cabinet Member for Education.
6. It is intended that Councilor Antony Lillis take up the portfolio of Cabinet Member for Community & Children’s Services in lieu of his previous portfolio of Health & Social Services, and in this regard, it has been decided to appoint Councillor Jeanette Bentley as Assistant to the Cabinet Member.
7. As a consequence of this, Councillor Alexandra Robson will replace Councillor Bentley on the Health & Adult Social Care Scrutiny Committee with immediate effect.

Comments of the Head of Legal Services

8. Cabinet appointments and changes to portfolios can under the Council’s constitution only be dealt with by Full Council.
9. The Council may consider an urgent report which is not on the published agenda provided that the Mayor is of the opinion that by reason of special circumstances, which shall be specified in the minutes, she is of the opinion that the matter should be considered at the meeting as a matter of urgency. The special circumstances and reasons for urgency are set out above.
10. The provisions of S.19 of the Children Act 2004 and the statutory guidance are outlined above.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	Council Constitution	John Cheong Ext. 2062	Room 203 2 nd Floor Town Hall

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR COMMUNITY AND CHILDREN'S SERVICES

Executive councillors at LB Hammersmith & Fulham are appointed by the full council to provide clear and visible leadership and political accountability for the services and activities covered by their portfolios.

These roles include:

- leading the community planning process and the search for best value, with input and advice from overview and scrutiny committees and other interested parties;
- leading the preparation of the council's policies and budget;
- taking in-year decisions on resources and priorities to deliver and implement the budget and policies decided by full council;
- working closely with residents, amenity societies and resident and tenant associations, along with the local strategic partnership (Borough Partnership), to deliver the highest quality services at the lowest cost to the council taxpayer.

Executive councillors work to the same national code of conduct as all members of the council. The manner in which they carry out these roles, in relation to the council's directors and senior management, is governed by a code set out in Part 5 of this constitution.

(i) Functions

The generic functions that are common to the Leader, Deputy Leader and all Cabinet Members, who collectively make up the executive, are defined as follows:

1. To be responsible for ensuring that the objectives set by the council and by the executive in respect of their portfolio are met, and that adequate systems are in place to monitor performance against those objectives.
2. To make recommendations to the Cabinet on key decisions relating to their portfolio ('key decisions' being defined by Article 13 of this constitution).
3. To make recommendations to the Cabinet on proposals in relation to the council's Budget and Policy Framework, on matters relating to their portfolio. (Such proposals may be initial or final, before or after consideration by relevant scrutiny panels in accordance with the Budget and Policy Framework rules set out in this constitution).
4. To arrange for appropriate consultation on proposed key decisions as published in the council's forward plan, with relevant scrutiny committees, and with partner bodies and parties outside the council.

5. To take decisions on matters within their portfolio other than those defined as 'key decisions', ensuring that these are properly considered, reported, and recorded in accordance with paragraph 20 of the Access to Information Procedure Rules set out in Part 4 of this constitution.
6. To receive budgetary control reports for services and activities within their portfolio, and to take action necessary to control the budget of those services within the council's approved Budget and Policy Framework.
7. Where an Executive Member is absent or has a prejudicial interest in a matter or is otherwise unable to act decisions in respect of matters within his or her portfolio may be taken by the Leader (or the Deputy Leader in the case of the Leader) or by the Cabinet.

Executive councillors do **not** have powers to take decisions on:

- functions defined by LGA 2000 as the responsibility of the full council (see Article 4);
- functions delegated to regulatory or quasi-judicial bodies (see Part 3 – Responsibility for Functions) or any other functions defined by regulations as non-executive functions;
- functions delegated by the council exclusively to officers (see Part 3 –General Scheme of Delegation).

(ii) Scope of portfolio – Cabinet Member for Community and Children's Services

The portfolio covers the following areas:

- 1.1 The Authority's Social Services policies and strategic plans.
- 1.2 Meeting the Authority's statutory functions under the Children Act (1989), NHS and Community Care Act (1990), Immigration and Asylum Act 1999 and other appropriate legislation.
- 1.3 Ensuring that the needs of vulnerable adults and children are met.
- 1.4 The development, monitoring and implementation of Authority's strategic policies in respect of social inclusion. The development, monitoring and implementation of the Authority's Voluntary Sector strategy, including any council-wide conditions applied to grant aid or funding by the Authority.
- 1.5 Determining applications for financial assistance from voluntary sector and community organisations within the Borough that fall within this portfolio.
- 1.6 The promotion of health education and public awareness of health issues within the Borough and implementation and monitoring of projects and services in relation to public health provision.

- 1.7 Consultation with the agencies and voluntary organisations concerned with public health matters in the Borough, and to encourage and support the development of such organisations.
- 1.8 The establishment of partnerships and other forms of collaborative working with the Health authorities to develop and monitor joint programmes and other projects and services relating to public health provision and education within the Borough.
- 1.9 The development and implementation of community development projects in pursuance of social services objectives.
- 1.10 Developing and monitoring service provision in respect of residential facilities, provided for the care of children, older people chronically sick, disabled people, people with learning disabilities, people affected/effected by HIV/Aids and people with mental health needs.
- 1.11 The administration of the AIDS Support Grant, Mental Health Grant, Promoting Independence and Carers' Grant and other specific Department of Health Grants for the provision of social services.
- 1.12 The development of joint working, including joint commissioning of services with the Health authorities and trusts for the provision of social and health care.
- 1.13 Representing the council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.14 The development, monitoring and implementation of the Authority's strategy in respect of better government for older people and people with disabilities.
- 1.15 Responsibility for policy and practice for the voluntary and community sector including grants.
- 1.16 Appointing or nominating and where appropriate removing the Authority's representatives on appropriate organisations that fall within this portfolio.
- 1.17 Appointing councillors to the authority's Adoption Panel in accordance with the Adoption Legislation and Regulations.

2 The Cabinet Member has power in the following areas but is shared with the Cabinet Member for Education where indicated with an asterisk(*). However the Cabinet Member for Community and Children's Services takes the leading role and gives overall direction and the powers and authority are formally vested within this portfolio (see also the portfolio of the Cabinet Member for Education).

- 2.1 The role of 'Lead Member for Children's Services' as designated under Section 19(1) of the Children Act 2004 and described as follows in statutory guidance:

"a) education services - the authority's functions in its capacity as education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to education, higher education and adult education);*

b) social services - the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children, and the authority's functions in relation to children and young people leaving care;

c) health services - any health-related functions exercised on behalf of a National Health Service body under Section 31 of the Health Act 1999 insofar as they relate to children; and

d) inter-agency co-operation - the new functions of the Child Support Agency set out in the Act, in particular leading and building and leading the arrangements for inter-agency co-operation."

The above functions incorporate:

- the Council's role as 'corporate parent', including assistance to young people who have been looked after beyond their 16th birthday, where circumstances justify;*
- fostering and adoption services;
- social services to children and young people with HIV/AIDS and/or those with drug or alcohol problems;
- the Council's responsibilities towards unaccompanied asylum seeking children;
- the Council's regulatory duties in relation to children's social services;
- ensuring that families with social care needs experience a 'joined-up' service;
- the development of Children's Centres;*
- setting the overall direction in relation to the Council's funding of, and support to, schools;*
- the Council's interest in nursery and 'early years' education, learning out of school hours, play and subsidised and unsubsidised childcare;*
- partnership working with the National Health Service to promote the interests of children and their families, including decision-making on such matters at the Joint Health Partnership Board;
- the Youth Offending Team and the youth justice matters;

- the Council's youth services and its encouragement of other services to young people;*
- as 'Young People's Champion' furthering the Council's commitment to the involvement of young people in decision-making processes where appropriate;*
- sports activities for children and young people;*and
- the Council's relationship with the 'Connexions' service for young people offering support and career guidance (or any successor service)*.

2.2 The Cabinet Member for Community and Children's Services may also exercise all the functions of the Cabinet Member for Education set out in paragraphs 1.1 to 1.10 of the Education Portfolio either in his own right or in conjunction or in consultation with the Cabinet Member for Education in his absolute discretion.

Note: for the purposes of estimate preparation, monitoring and control and staffing/ industrial relations issues, this Cabinet Member is responsible for the following:

In consultation with the Cabinet Member for Housing

Director of Community Services

In conjunction with all Cabinet Members

Chief Executive

In conjunction with Cabinet member for Education

Director of Children's Services

(Revised 20 Sept.2006)

EXECUTIVE MEMBERS: RESPONSIBILITIES AND PORTFOLIOS

CABINET MEMBER FOR EDUCATION

Executive councillors at LB Hammersmith & Fulham are appointed by the full council to provide clear and visible leadership and political accountability for the services and activities covered by their portfolios.

These roles include:

- leading the community planning process and the search for best value, with input and advice from overview and scrutiny committees and other interested parties;
- leading the preparation of the council's policies and budget;
- taking in-year decisions on resources and priorities to deliver and implement the budget and policies decided by full council;
- working closely with residents, amenity societies and resident and tenant associations, along with the local strategic partnership (Borough Partnership), to deliver the highest quality services at the lowest cost to the council taxpayer.

Executive councillors work to the same national code of conduct as all members of the council. The manner in which they carry out these roles, in relation to the council's directors and senior management, is governed by a code set out in Part 5 of this constitution.

(iii) Functions

The generic functions that are common to the Leader, Deputy Leader and all Cabinet Members, who collectively make up the executive, are defined as follows.

1. To be responsible for ensuring that the objectives set by the council and by the executive in respect of their portfolio are met, and that adequate systems are in place to monitor performance against those objectives.
2. To make recommendations to the Cabinet on key decisions relating to their portfolio ('key decisions' being defined by Article 13 of this constitution).
3. To make recommendations to the Cabinet on proposals in relation to the council's Budget and Policy Framework, on matters relating to their portfolio. (Such proposals may be initial or final, before or after consideration by relevant scrutiny committees in accordance with the Budget and Policy Framework rules set out in this constitution).
4. To arrange for appropriate consultation on proposed key decisions as published in the council's forward plan, with relevant scrutiny committees, and with partner bodies and parties outside the council.
5. To take decisions on matters within their portfolio other than those defined as 'key decisions', ensuring that these are properly considered, reported, and

recorded in accordance with paragraph 20 of the Access to Information Procedure Rules set out in Part 4 of this constitution.

6. To receive budgetary control reports for services and activities within their portfolio, and to take action necessary to control the budget of those services within the council's approved Budget and Policy Framework.
7. Where an executive councillor is absent or has a prejudicial interest in a matter or is otherwise unable to act decisions in respect of matters within his or her portfolio may be taken by the Leader (or the Deputy Leader in the case of the Leader) or by the Cabinet.

Executive councillors do **not** have powers to take decisions on:

- functions defined by LGA 2000 as the responsibility of the full council (see Article 4);
- functions delegated to regulatory or quasi-judicial bodies (see Part 3 – Responsibility for Functions) or any other functions defined by regulations as non-executive functions;
- functions delegated by the council exclusively to officers (see Part 3 –General Scheme of Delegation).

(iv) Scope of portfolio – Cabinet Member for Education

This portfolio covers the following areas, although the lead shall be taken by the Cabinet Member for Community and Children's Services, within whose portfolio the powers and authority are formally vested, and to whom the Cabinet Member for Education shall be accountable:

- 1.1 Strategic policy in respect of the Education, school extended services, youth and Connexions, adult education (incorporating local learning and skills), and libraries services.
- 1.2 Strategic policy in respect of raising school standards.
- 1.3 Consultation and liaison on educational matters with staff, parents, governors, pupils/students and other users, Government departments and other interested parties.
- 1.4 The budget allocation to schools and other establishments within the Education service with reference to rules laid down in the Scheme for Fair Funding of Schools as appropriate.
- 1.5 Developing and maintaining positive links, relationships and partnerships with local agencies and businesses to deliver all aspects of the service.
- 1.6 Appointing or nominating and where appropriate removing the Authority's representatives on appropriate organisations (including school governing bodies) that fall within this portfolio.

- 1.7 The Authority's arts strategy
- 1.8 The Authority's sports strategy .
- 1.9 Determining applications for financial assistance from voluntary sector and community organisations within the Borough that fall within this portfolio.
- 1.10 The development, implementation and monitoring of the Authority's early years strategy.
- 1.11 [All the above functions shall be exercised in conjunction with the Cabinet Member for Community and Children's services](#)

2. Area in which power is shared with the Chief Whip and Cabinet Member for Regeneration

- 2.1 Developing the Authority's capacity to offer training (incorporating Local Learning and Skills), work experience and employment opportunities to unemployed Borough residents.

Note: for the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues, this Cabinet Member is responsible for the following:

In conjunction with Cabinet Member for Community & Children's Services
Director of Director of Children's Services & Department

In conjunction with all Cabinet Members
Chief Executive

(Revised 20 Sept.2006)