

PART 3 - RESPONSIBILITY FOR CABINET FUNCTIONS

The section below sets out a summary of the information presented to the annual meeting of the Council by the Leader of the Council and will be revised if necessary following each annual meeting. In addition, where the Leader makes any change to a portfolio, a Portfolio Holder or the themes within a portfolio, during the course of a municipal year the Leader shall produce a revised version of the table which shall be copied to all members and the Chief Executive, following which it shall replace any previous version in the Constitution.

1. Portfolio, Portfolio Holder and Themes

1.1 Leader: Vince Maple

Themes:

- Armed Forces Covenant (in conjunction with Armed Forces Champion)
- Benefits and Financial Welfare Services
- Category Management/Procurement
- Communications and Marketing
- Council Tax and Business Rates Administration and Recovery
- Democracy and Governance
- Finance
- Strategic Overview of Medway including Council Plan, Risk Management and Performance Monitoring

1.2 Deputy Leader: Teresa Murray

Themes:

- Adults' Mental Health and Disability Services (including Learning and Physical Disabilities)
- Adults' Partnership Commissioning (25+) and Better Care Fund
- Approved Mental Health Professional (AMHP)
- Carers
- Community Care
- External inspections
- Financial Assessments, Adult Social Care Income and Debt
- Health and Health Partnerships
- Kyndi
- Older people
- Public Health - Lead Member, including Health and Wellbeing Board
- Residential Care
- Shared Lives
- Voluntary Sector

1.3 Business Management: Zoe Van Dyke

Themes:

- Bereavement and Registration Services
- Complaints Policy and Management
- Customer and Business Support (CABS)
- HR

- Internal Audit and Counter Fraud
- Legal
- Property

1.4 Children's Services (including statutory responsibility): Adam Price (see Note 1)

Themes:

- Alternative Provision
- Care Leavers
- Child Friendly Medway Champion (including Medway Youth Council and Medway Youth Mayor)
- Children in Care (including care arrangements)
- Children's Partnership Commissioning
- Children's Provider Services (including Adoption and Fostering)
- Children's Social Care (including Children's Social Work and 0-25)
- Corporate Parenting
- Early Help and Targeted Support
- External Inspections
- Inclusion
- Medway Virtual School
- Quality Assurance, including Independent Reviewing Officer Service
- Safeguarding including Children's Safeguarding Partnership
- Youth Offending Team (YOT)
- Youth Service

1.5 Climate Change and Strategic Regeneration: Simon Curry

Themes:

- Climate Change
- Community Centres
- Emergency Planning
- Flooding
- Greenspaces
- Local Plan
- Medway Norse
- Public Rights of Way
- Public Transport
- River Strategy
- South Thames Gateway Building Control Partnership
- Strategic Regeneration and Planning policy
- Street Cleaning and Waste Collection / Recycling / Waste Disposal

1.6 Community Safety, Highways and Enforcement: Alex Paterson (see Note 2)

Themes:

- All Wardens
- CCTV
- Community Safety Partnership
- Digital Services (including Medway 2.0)
- Enforcement Hubs
- Highways

- Licensing (Executive Functions Only)
- Parking Enforcement
- Parking Strategy
- Regulation – Environmental Health, Trading Standards and Enforcement (Executive Functions Only)
- Road Safety
- Street Lighting
- Traffic Management
- Transport Strategy

1.7 Economic and Social Regeneration and Inward Investment: Harinder Mahil

Themes:

- Economic Regeneration
- Employment
- Inward Investment
- Labour Market Planning and Strategic Skills Development
- Markets
- Small Business
- Tourism
- Town Centres

1.8 Education: Tracy Coombs

Themes:

- Adult Learning and Skills
- Attendance
- Children missing education
- Early Careers Teachers
- Early Years
- Education Safeguarding
- Elective Home Education
- Further Education
- Liaison between Higher Education and Schools
- Mainstream School Sufficiency
- Mainstream School Transport
- Post 16 participation (including children not in education, employment and training)
- Quality of Education: Mainstream Primary and Secondary Education
- School Organisation and Capital Projects
- School Services (including Admissions and Medway Test)
- Special Educational Needs and Disabilities (SEND), including SEND Transport

1.9 Heritage, Culture and Leisure: Nina Gurung

Themes:

- Archives
- Events and Festivals
- Heritage
- Leisure and Sport Services

- Libraries and Community Hubs
- Theatres and Arts

1.10 Housing and Homelessness Louwella Prenter (see Note 3)

Themes:

- All Housing Services, including Housing Revenue Account (HRA)
- Homelessness and Housing Options
- Medway Development Company
- Private Sector Housing
- Travellers

*Note 1:

The roles and responsibilities of the Portfolio Holder for Children's Services are set out in [statutory guidance](#) "The roles and responsibilities of the Lead Member for Children's Services and the Director of Children's Services", under sections 18(7) (Director of Children's Services) and 19(2) (Lead Member for Children's Services) of the Children Act 2004 including, for example, Special Educational Needs and Disabilities (SEND) and SEND transport.

*Note 2:

The following services will fall within the remit of the Community Safety and Enforcement Portfolio, in relation to the Community Safety Partnership:

- Tobacco control, excluding smoking cessation services
- Community safety aspects of alcohol and drug misuse
- Public health aspects of promotion of community safety, violence prevention and response.

*Note 3:

The Leader and Full Council have delegated the Council's building control functions to the South Thames Gateway Building Control Joint Committee. The Terms of Reference of the South Thames Gateway Building Control Joint Committee are set out within the Council's Constitution and include executive and non-executive functions. Councillor Curry is appointed to sit on the South Thames Gateway Building Control Joint Committee.

Addresses and wards of Cabinet Members can be found on the [Council's website](#).

2. Additional information

- 2.1 If for any reason the Leader is unable to act or the office of Leader is vacant the Deputy Leader must act in his place. If for any reason the Leader is unable to act or the office of the Leader is vacant **and** the Deputy Leader is unable to act or the office of Deputy Leader is vacant the Cabinet must act in the Leader's place or must arrange for a Member of the Cabinet to act in his place.
- 2.2 Decisions which fall during recess or are required urgently may be made by the Leader subject to compliance with the Access to Information Rules. The Leader has presently delegated functions to Portfolio Holders to the extent

necessary to permit collective decision making by Cabinet. In the event of there being no Leader, Deputy Leader or Cabinet Members, executive functions shall in the interim be carried out by the Chief Executive subject to the Access to Information Rules.

2.3 Nothing in section 1 or rule 2.2 above shall fetter or restrict the right of the Leader:

- subject to compliance with rule 7.3 of Article 7 of Chapter 2 of this Constitution to increase or decrease the size of Cabinet
- subject to compliance with rule 7.5 of Article 7 of Chapter 2 of this Constitution to appoint or dismiss members of the Cabinet.

2.3.1 To reorganise the portfolios.

2.3.2 To reorganise or re-allocate the portfolio theme.

2.3.3 To delegate executive functions or withdraw any delegation.

2.3.4 To exercise all rights contained in Article 7 of Chapter 2 of this Constitution or the Leader and Cabinet Rules.

2.3.5 To exercise any other rights set out in the Constitution.

2.4 The Cabinet as a whole has responsibility to ensure the effective operation of risk management in the Council and this is also included in the themes allocated by the Leader to the Business Management Portfolio Holder.

3 Cabinet Sub Committees

Overview

3.1 There shall be three Cabinet Sub-Committees, known as Shareholder Boards, and these Boards shall exercise Medway Council's role as shareholder for the following Council owned (or part owned) companies, including their subsidiaries:

3.1.1 Kyndi Ltd and its subsidiaries: Kyndi Care Ltd and Medway Public Services Ltd;

3.1.2 Medway Development Company Ltd and its subsidiaries: Medway Development Company (Land and Projects Ltd) and Medway Development Company (PRS) Ltd;

3.1.3 Medway Norse Ltd – joint venture with Norse Commercial Services Ltd.

3.2 The Shareholder Boards act with the delegated authority of the Cabinet to ensure that the duties and responsibilities of the Council as the sole shareholder (or as part of a joint venture) are exercised through each company, including but not limited to exercising decisions that are reserved to the shareholder and responding to matters raised by the board of directors, except for those matters set out in paragraph 4.4 below, which will

remain matters reserved for consideration and decision by the Cabinet. The Shareholder Boards are responsible for ensuring that the companies are providing high quality services, value for money and are fit for purpose.

- 3.3 The Shareholder Boards will not have operational control over the Council's owned (or part owned) companies. The day to day operation of each company is the responsibility of the Directors of each company. Operational liaison with these companies will be undertaken between the client service of the Council and the Managing Director of each company.
- 3.4 The Cabinet has reserved decision making power in respect of each of the companies and this is detailed in the scheme of delegation set out in each memorandum of understanding.
- 3.5 Membership and meetings
 - 3.5.1 Membership of each Shareholder Board shall be three Cabinet Members, appointed by the Leader of the Council. The Chairperson of each Board shall also be appointed by the Leader of the Council. Cabinet Members appointed to the Shareholder Boards shall undertake any training as directed by the Assistant Director Legal and Governance.
 - 3.5.2 The Chief Executive, Assistant Director Legal and Governance and Chief Operating Officer plus the nominated lead officer for each Shareholder Board shall be invited to attend meetings and provide advice as required. Democratic Services shall provide governance and administrative support to the Shareholder Boards. Other Council officers and representatives of the Companies, plus any other officers/advisors shall be invited to attend meetings as required.
- 3.6 The quorum for the Shareholder Boards shall be two Cabinet Members.
- 3.7 Each Shareholder Board shall meet quarterly, or as required, and the Council's Access to Information rules shall apply accordingly. The call-in rules specified in section 15 of the Overview and Scrutiny rules shall apply to decisions made by the Shareholder Boards in the same way that apply to Cabinet decisions. The Shareholder Board shall comply with all other requirements set out in the Council's Constitution.
- 3.8 The Council's Overview and Scrutiny committees shall retain its scrutiny function in relation to the companies' activities and may request reports for consideration at their meetings accordingly.
- 3.9 In cases where it is not possible to convene a meeting of a Shareholder Board, the Assistant Director, Legal and Governance, in consultation with the relevant Chairperson for each Shareholder Board, has been granted delegated authority to take decisions that are required as a matter of urgency, in accordance with the Council's Access to Information rules.
- 3.10 Matters reserved for the Shareholder Boards

- 3.11 The Cabinet Sub Committees have reserved decision making power in respect of each of the company and this is detailed in the scheme of delegation set out in each Memorandum of Understanding.

