

Meeting: Executive
Portfolio Area: Modernising Local Government
Date: 22 September 2010

Agenda Item: 11

NEW EXECUTIVE ARRANGMENTS

KEY DECISION

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1. PURPOSE

- 1.1 To consider recommendations to Council on New Executive Arrangements to be introduced in accordance with the Local Government and Public Involvement in Health Act 2007

2. RECOMMENDATIONS

That the Executive recommends to Council to:

- 2.1 Note the statutory requirements of the Local Government and Public Involvement in Health Act 2007 ('the Act') to alter the current Executive Arrangements.
- 2.2 Note that the Government is proposing further amendments to Executive Arrangements and the Act but that these will not be enacted in time to change the statutory requirements which are set out in this report
- 2.3 Authorise public consultation as set out in 3.7 below to inform the Council on its choice of new Executive Arrangement.
- 2.4 Authorise a further report to the Executive on the responses to the consultation exercise.
- 2.5 Require a further report to be made to a special meeting of the Council in December 2010 setting out the results of the consultation and options for the new form of Executive arrangements to begin in May 2011.

3. BACKGROUND

- 3.1 The Act requires all local authorities to review their executive arrangement. According to the type of authority there is a different timescale for this review and in the case of district councils this period expires at the end of 2010. The current Leader and Cabinet Executive model cannot continue beyond the May/June election of 2011.

- 3.2 The Act amends the executive arrangements which were established by the Local Government Act 2000. This originally offered three types of Executive but there will now be only two models:
1. A Mayor and Cabinet Executive
 2. A new style of Leader and Cabinet Executive, strictly called the Leader and Cabinet Executive (England) model.
- 3.3 The Act also empowers district councils, following a consultation exercise, to change to whole council elections and a request to the Secretary of State is no longer required. A Council resolution to introduce this change must be passed by a majority of two thirds of voting Members is required. In addition there is machinery for changing to single member wards though this would involve the Electoral Commission.
- 3.4 There is no provision in the legislation for the Council to continue with its current arrangement although, arguably, the new Leader and Cabinet Executive (England) model will make little difference in practice for SBC or many other local authorities. The main features of the New Leader and Cabinet Model, which differ from the current arrangements, are as follows:
1. The Executive Leader is elected at a post local election meeting of the Council;
 2. The Leader's term of office is four years, subject to being re-elected;
 3. The arrangements may include provisions for the Council to remove the Leader;
 4. The Executive Leader determines the number of Councillors on the Executive (between two and nine Members excluding the Leader) and the Leader, not the Council, must make these appointments;
 5. The Leader must appoint a Deputy Leader who will hold office until the end of the term of office of the Leader, subject to being removed by the Leader;
 6. The Leader makes the arrangements for the discharge of all Executive functions by officers in other words he or she determines the officer delegations as well (subject to the functions of the statutory officers);
 7. The Leader also decides what type of Cabinet portfolios will exist and how they will be allocated.

3.5 **The Mayor and Cabinet Executive**

This model is very similar to the Leader and Cabinet Executive model above save that the Mayor is directly elected under a separate ballot rather than being appointed (elected) by the Members of the Council.

3.6 The process for adopting the new Governance Arrangement

The 2007 Act sets out certain procedures which must be followed in order to make this change. The proposals for change must include:

1. A timetable for implementation (see below); and
2. The details of any necessary transitional arrangements;
3. which of the various “local choice” functions (specified in regulations made under the Local Government Act 2000) are the responsibility of the new Executive. (A list of those functions can be found in Part 3 the Constitution)

3.7 The Council is required to take ‘reasonable steps’ to consult local government electors and other interested persons in the area on the options available before drawing up any proposals. The Minister for Housing and Local Government has recently written to all districts highlighting their freedom to take a light touch approach to this consultation exercise and expects all councils to pursue this at minimal cost. No particular form is prescribed for this consultation and it is suggested therefore that a consultation notice is placed on the Council’s website

3.8 In drawing up proposals an Authority must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Authority’s functions are exercised having regard to a combination of economy, efficiency and effectiveness (this requirement is carried over unaltered from the Local Government Act 2000).

3.9 The proposals may include a provision for the changing governance arrangements subject to the approval of a referendum.

3.10 The proposals must ensure that the changes take effect so that the new form of Executive starts operating on the third day after the relevant election in 2011.

3.11 Once the proposals are drawn up, the Authority must:

1. arrange for copies of the proposal to be available for inspection by the public at its principal office
2. publish a notice in the local press which states that proposals have been drawn up describing their main functions and stating that copies of the proposals are available for public inspection

3.12 After these steps have been taken a resolution must be passed at a specially convened meeting of the Council in order to adopt the change in the governance arrangements. This must take place no later than 31 December 2010.

- 3.13 After this resolution is passed a further notice must be published which:
1. indicates that the Council resolves to operate new Executive arrangements;
 2. states the date on which the arrangements will begin;
 3. describes their main features; and
 4. states that they may be inspected at the Council's offices.
- 3.14 Finally, the Secretary of State has reserve powers to issue directions and regulations though this power has not been exercised so far.

3.15 **Timetable**

1. 22 September 2010 report to Executive
2. 6 October 2010 report to Council
3. Consultation October – November 2010
4. December 2010 special meeting of council to pass resolution to adopt new form of Executive arrangement
5. Implementation of the new Executive arrangement on 3rd day after Council elections in 2010

5. IMPLICATIONS

None

BACKGROUND DOCUMENTS

Stevenage Borough Council's Constitution (version adopted July 2009)