

Meeting: EXTRAORDINARY COUNCIL
Portfolio Area: Modernising Local Government

Agenda Item: **2**

Date: 8 DECEMBER 2010

CHANGING GOVERNANCE ARRANGEMENTS – NEW FORM OF EXECUTIVE

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1. PURPOSE

In accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 the Council is requested to adopt new arrangements for its executive governance.

2. RECOMMENDATIONS

- 2.1 That the Council adopts new arrangements for its executive governance in the form as set out in the Proposals as shown at paragraph 4.4 below, being 'a Leader and Cabinet Executive (England) model' prescribed in Section 11 Local Government Act 2000 (as amended)
- 2.2 That it be noted that a report on the necessary changes to the Constitution to give effect to the new executive arrangements will be submitted to Council in February 2011.

3. BACKGROUND

- 3.1 The Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007) requires district councils to make changes to their current governance and decision making arrangements by 31 December 2010. These new arrangements are come into operation 3 days after the local government elections in May 2011.
- 3.2 The detailed statutory requirements for these changes were set out in the report to the Council in October 2010.
- 3.3 The decision to adopt the new executive arrangements is required to be taken by a special (extraordinary) meeting of the Council.

4. REASONS FOR RECOMMENDED COURSE OF ACTION

4.1 There are now only two forms of Executive from which the Council may choose; an Elected Mayor and Cabinet Executive or a Leader and Cabinet Executive. These alternatives are broadly similar as far as the authority and powers of the Mayor/Leader are concerned but differ in that a Mayor is appointed by an electoral vote and a Leader is elected by the Council.

4.2 Following a report to the Executive on 17 November a public notice was placed proposing a Leader and Cabinet Executive. There has been no response from the public to this consultation nor the consultation during the summer that detailed the two options set out in the legislation.

4.3 The Proposals published set out the reasons why the Leader and Cabinet Executive would best secure the continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness which were:

(i) The need for continuity, which will largely be achieved by this model during a time of unprecedented budgetary pressures and resulting changes.

(ii) The absence of evidence pointing to any clear advantage in adopting the alternative option of an elected mayor model.

(iii) The absence of any indication from any members of the public that they would prefer the mayoral model.

4.4 The principal elements of the Proposals for the Leader and Cabinet Executive are that:-

(a) The Council appoints a Leader for a 4 year term unless he or she is removed from office, or is disqualified or ceases to be a Councillor.

(b) The Leader appoints a cabinet (Executive) of between 2 and 9 councillors and allocates any areas of responsibility (portfolios) to them. The Leader also determines the scheme of delegation for the discharge of the executive functions of the Council.

(c) The Leader appoints a Deputy Leader from the Cabinet (Executive) whose term of office will be the same as the Leader's save that the Leader can replace the Deputy at any time. The Deputy Leader will exercise all the powers of the Leader in their absence.

(d) The Council will be able to remove the leader by a majority resolution of the Council.

(e) The 'Local Choice Functions' set out in the Council's current Constitution will be maintained.

(f) For the transitional period between the 3rd day after the elections in May and the Annual Meeting of the Council later that month the present Leader will remain in place and Council's current arrangements will remain in force.

The provisions contained in subparagraphs (a) to (c) above are mandatory.

- 4.5 The detailed changes to the Council's existing Constitution to incorporate these Proposals (if adopted) will be contained in a report which will be brought to the Council meeting scheduled in February 2011.

5. IMPLICATIONS

There are no direct service or financial implications associated to these proposals.

BACKGROUND DOCUMENTS

- Reports to Executive (September/October 2010) and Council (October 2010)
- Consultation notice – October 2010
- Public Notice – November 2010

APPENDICES

- None