

Report for Resolution

Report to Executive
30 June 2010
Report of Head of Legal and Democratic Services
Subject Consultation on Executive Arrangements

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Purpose

To consider the consultation arrangements, introduction and operation of new forms of executive arrangements under the Local Government and Public Involvement in Health Act 2007 and consultation arrangements.

Recommendations

1. To consider the preferred model for executive arrangements on which to seek consultation and make a recommendation to Council
2. To consult the public through a newspaper advertisement, article in the Citizen and through the Council's website;
3. To agree the timetable as detailed in the appendix

Financial Consequences

There are no direct financial consequences of this report. There would be budget implications in holding a referendum, if one was required.

Strategic Priority and Outcome

The report helps to meet the strategic priority "Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future".

Executive Member: Councillor Morphew - Leader of the Council

Ward: All

Contact Officers

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Background Documents

The Local Government and Public Involvement in Health Act 2007

Report

1. The provisions of the Local Government and Public Involvement in Health Act 2007 came into force on various dates. Some came into force with immediate effect, some two months after the introduction of the Act and some on dates to be appointed. This applies to changes to executive arrangements (see para 11).
2. Part 3 of the 2007 Act makes significant changes to councils' executive arrangements, providing for the adoption of a leader / cabinet executive or a mayor / cabinet executive. A third option, of a directly elected executive, was abandoned during the passage of the Bill.
3. The Act amends the Local Government Act 2000 to require that local authority executives in England must be either:

Mayor and Cabinet Executive: - An elected Mayor and 2 or more councillors appointed by the elected Mayor.

Leader and Cabinet Executive: - A Councillor elected by the authority as Leader of the Executive and 2 or more Councillors appointed to the Executive by the Executive Leader.
4. At present the Council's Constitution provides that the whole Council rather than the leader elects other members of the executive. This model will no longer be permitted under the new provisions.
5. Local authorities are required to draw up proposals for change which must include: -
 - An implementation timetable
 - Details of any transitional arrangements
6. Proposals may provide for a change in governance arrangements to be subject to approval by referendum and, in any event, local authorities must take reasonable steps to consult local government electors and other interested persons in their area.
7. In drawing up proposals the authority must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way the authority's functions are exercised having regard to a combination of economy, efficiency and effectiveness.

8. As set out above, the Council may but is not required to hold a referendum on its proposals (unless it receives a valid petition for an elected Mayor). However, any consultation would need to give consideration to the alternative forms of executive arrangements including the Mayoral option.
9. After drawing up the proposals, the local authority must make sure that copies of the documents setting out the proposals are available at their offices for inspection by members of the public at all reasonable times and must publish a notice setting out its proposals in one or more local newspapers.
10. Whilst the relevant provisions came into force on 30th December 2007 different types of authority are given different time periods in which to effect the necessary changes.
11. A resolution of the Council is required in order for the authority to make a change in the governance arrangements. In case of a non-metropolitan district area it must be made prior to 31st December 2010.
12. The legislation requires a move to a Leader elected for a fixed term of 4 years but the legislation does allow a council to make provision in its Constitution to remove the Leader by resolution.
13. Assuming that the Council's timetable would provide for the relevant resolution to be passed at the Council meeting immediately prior to the 31st December 2010 then the changes to the executive arrangements would be introduced in May 2011.

Consultation

14. A draft consultation model is annexed based upon the strong leader/executive model.

Appendix

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

EXECUTIVE ARRANGEMENTS – DRAFT TIMETABLE

| | | |
|---------|------------------|---|
| 7 July | Executive | - Agrees preferred option – recommend to Council |
| 20 July | Council | - Resolves preferred option for public consultation |
| 21 July | | 12 week consultation commences |
| 13 Oct | | 12 week consultation ends |
| 13 Oct | Executive | - Finalises proposal including changes to Constitution Recommend to Council |
| 19 Oct | Council | - Council agrees proposal |
| 20 Oct | | Proposal available for public inspection |
| 10 Nov | | 3 week public inspection period ends |
| 10 Nov | Executive | - Consider any comments received during public Inspection period then recommend proposal to Council |
| 30 Nov | Council | - Decision |