

Report for Resolution

Report to Council
20 July 2010
Report of Head of Legal and Democratic Services
Subject Consultation on Executive Arrangements

11

Purpose

To approve the consultation arrangements, introduction and operation of new forms of executive arrangements under the Local Government and Public Involvement in Health Act 2007, as recommended by the Executive at its meeting on 30 June 2010.

Recommendations

- (1) To adopt the Leader and Cabinet Executive model for consultation with the public through the Council's website;
- (2) To agree the timetable for consultation as detailed in the Appendix 2 of the report; and
- (3) To lobby the Government to introduce amendments to the legislation to allow for other models of Executive arrangements including that currently adopted by the Council.

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

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 31 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 31 December 2010 then the changes to the executive arrangements would be introduced in May 2011.

Consultation

14. A draft consultation model based upon the "strong" leader/executive model is attached as Appendix 1.

Executive

15. Members of the Executive considered the report at its meeting on 30 June 2010 and expressed concern that the existing executive arrangements would not be an option available for consultation under the legislation
16. Of the two options available, the Executive agreed that the favoured option was to adopt what is known as the "Strong" Leader and Cabinet Executive model for consultation. It also suggested that the Government is lobbied to introduce amendments to the legislation to allow for other models of Executive arrangements including that currently adopted by the Council.

Department of Community and Local Government

17. Executive agreed that the consultation be carried out through a newspaper advertisement; article in The Citizen and through the Council's website. However, subsequent to the meeting of the Executive a letter was received, from the CLG, indicating that the Government intended to repeal the Local Government and Public Involvement in Health Act, 2007 and to introduce fresh primary legislation. The letter is attached.
18. The Council has a legal obligation to commence the public consultation but this will need to be carried out at minimal cost, through the Council's website.

**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



Leaders of Non-Metropolitan District Councils
in England

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Minister for Housing and Local Government

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Dear Leader

Requirement to consult under the Local Government and Public Involvement in Health Act 2007

I am writing to you about the requirements on your council to adopt a new governance model from May 2011, and before doing so to consult your local electorate and interested parties in the area. Whilst it is for each council to decide how it will meet these requirements, I would wish to highlight the Government's view that councils need not incur any significant expenditure on these requirements, and our expectation in today's circumstances that all councils will pursue this at minimal cost.

These requirements are in the Local Government and Public Involvement in Health Act 2007 and necessarily remain in force unless or until that Act is repealed by fresh primary legislation. It is our intention to do this. For your council the requirements mean that you must resolve by 31 December 2010 to move to either the new leader and cabinet model or mayor and cabinet model, and before so resolving you must take reasonable steps to consult the local electorate and other interested parties in your council's area.

In considering how to approach these requirements you will wish to have regard to the circumstances of today, including both the priority of cutting out all wasteful spending and the Government's commitments to allow councils to return to the committee system, should they wish to, and on elected mayors. We also intend to remove the necessity to elect a leader for four years. We intend to provide for these commitments in our Localism Bill to be introduced later in this Parliamentary session. This may mean that any governance model you adopt in May 2011 may be further changed within a year or so. Your decisions about consultation will also be taken in the context of the greater transparency and openness agenda which I am confident you will be putting in place throughout your council.

Accordingly, the case is strong for any consultation now about future governance arrangements to be the minimal cost option. It will be for each council to decide, but in our view no more than a small newspaper advert/article or press release on your website may be proportionate and right in these circumstances.

Yours sincerely

A handwritten signature in black ink, reading "Grant Shapps". The signature is written in a cursive, flowing style with a period at the end.

GRANT SHAPPS M