

EXECUTIVE ARRANGEMENTS

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Summary: The Local Government and Public Involvement in Health Act 2007 requires the Council to choose a new form of executive arrangements and provides that a decision must be made by 31 December 2010. This report outlines the legislative background, the advice of Government on consultation and other future legislative changes.

Recommendation: That Council determines to adopt, with effect from the third day after the May 2011 elections, EITHER the Leader and Cabinet model OR the directly elected Mayor model

1 INTRODUCTION

1.1 The Local Government and Public Involvement in Health Act 2007 requires every authority operating a Leader and Cabinet model of Executive arrangements to resolve to change its Executive arrangements to either the new style Leader and Cabinet model or the Elected Mayor model. This Council already operates a Leader and Cabinet model but a resolution is nevertheless still required. There are only two detailed differences between the Council's current arrangements and the new model and these are detailed below.

2 NEW LEADER AND CABINET MODEL

2.1 The new model is identical in every respect save two to the Executive arrangements which the Council has operated since 2007. These are:

(a) There is a requirement for the Constitution to specify that the Leader appoints the Deputy Leader; and

(b) The Leader's term of office is extended beyond the 4th day after the local elections to the first Annual Meeting of the Council after the Leader's retirement as a Councillor.

2.2 In the new model, as in the old, the Council elects the Leader for a four year term and the Leader can only be removed before the end of the four year term by resignation, disqualification as a Councillor, death or by formal

resolution of the Council. In both old and new models the Leader is responsible for determining the size of the Executive, appointing Executive members, allocating portfolios and removing and replacing Executive members.

3. DIRECTLY ELECTED MAYOR

- 3.1 The alternative form of executive arrangement under the 2007 Act is for the Council to hold elections for a directly elected Mayor to hold office for four years. As the Mayor is directly elected there is no option for his/her removal by the Council.
- 3.2 A directly elected Mayor is invested with all functions currently exercised collectively by the Executive. A Mayor can if he/she wishes appoint a Cabinet from among the Councillors and can decide the size of the Cabinet, who is appointed to it and how portfolios are allocated. As with the Leader and Cabinet model, there would be a requirement for the Council to appoint at least one overview and scrutiny committee, and it would be for the Council to decide how many and which Councillors to appoint to them. The functions of OSC's would be to monitor the Elected Mayor's decisions and hold him/her to account. As now, Councillors appointed to the Mayor's cabinet could not serve as OSC Members.
- 3.3 A directly elected Mayor would not chair Council meetings as he/she would not be a member of the Council. The Council would need to select one of their Members to carry out this role. If an existing Member of the Council was to stand for election as Mayor and be elected, he/she would have to resign as a Councillor.
- 3.4 As with the Leader and Cabinet model, non-Executive functions such as planning and licensing etc would continue as now and could not be functions within the Elected Mayor's remit. They would need to be exercised by full Council or committees of Councillors as now.
- 3.5 There are separate arrangements for a referendum on a directly elected Mayor to be requisitioned by a petition from local electors, which can be invoked at any time irrespective of the decision of the Council on governance arrangements arising from this report.

4 DIFFERENCES BETWEEN THE MODELS

- 4.1 The main differences between the models are as follows:
 - There are obvious differences in the method of election of each type of Executive
 - As noted above, the Leader can be removed from office by resolution of the Council before the end of his/her four year term, whereas the Elected Mayor cannot.

- Under the Leader and Cabinet Model, the Executive recommends the budget and policy framework to full Council, which can approve, amend or reject them by resolution. Under the Mayor and Cabinet model the Executive recommends the budget and policy framework to the Council, who can amend or reject them only with a two thirds majority.

5 CONSULTATION AND OTHER LEGISLATIVE CHANGES

- 5.1 The 2007 Act requires Councils to take reasonable steps to consult local electors and other interested parties in the area before taking a decision on governance arrangements. In a letter in July 2010 the Local Government and Housing Minister, Rt Hon Grant Shapps MP has advised local authorities that while the requirements of the 2007 Act remain in force at present, the Government intends to introduce further changes to the governance arrangements for local authorities in the Localism Bill currently before Parliament, and which is likely to become law during 2011. It appears probable that these proposals will include an option for local authorities to return to a variant of the committee system which existed before the Local Government Act 2000 – that is, a decision-making structure based on a number (typically 4 or 5) of politically balanced subject-based committees, rather than a single-party, multi-function Executive.
- 5.2 The Minister has also advised that in view of these further imminent changes, consultation on the decision to be made by 31 December should be at minimal cost and that “ a small newspaper advert/article or press release on your website would be proportionate and right in these circumstances”.
- 5.3 For these reasons the Council has advertised the choices available to the Council arising from this report on the Council’s website for 1 month from 5 November 2010. The closing date for the consultation is 1 December and a schedule of numbers of consultation responses in favour of each option will be circulated to Members.

6 POSITION IN OTHER CUMBRIA DISTRICTS

- 6.1 For Members’ information, the position on this matter in the other Cumbria districts is as follows:

Allerdale – report to go to December Council. No recommendation on preferred option.

Barrow – “Fourth Option” Council who opted to retain Committee System. No decision required.

Carlisle – opted for Leader and Cabinet model

Eden - opted for Leader and Cabinet model

South Lakeland - opted for Leader and Cabinet model

7 CONCLUSION

- 7.1 The Council has discharged its statutory responsibilities thus far in terms of consultation, having regard also to the advice of the Minister referred to above.
- 7.2 Council is asked to pass the necessary resolution to adopt one of the options for governance arrangements.

List of Background Documents **Letter from Local Government & Housing Minister of 7 July 2010**

List of Consultees: **Chief Executive; Directors; S 151 Officer; portfolio holder**