

Meeting:	Cabinet
Date:	23 April 2009
Subject:	New Executive Arrangements
Key Decision:	No
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor David Ashton, Leader of the Council
Exempt:	No

Section 1 – Summary and Recommendations

This report sets out the requirement for the Council to adopt new Executive Arrangements by 31st December 2009, in accordance with the Local Government and Public Involvement in Health Act 2007.

Recommendations:

That Cabinet instructs the Director of Legal and Governance Services:

- in consultation with the Constitution Review Working Group to carry out public consultation on the adoption of a Leader and Cabinet Executive model;
- to report the outcome of that consultation to Cabinet; and
- to ensure that full Council considers and determines its new Executive arrangements prior to 31st December 2009

Reason:

To ensure that the Council complies with its statutory obligations.

Section 2

Background and Current Situation

1. Members will be aware that in accordance with the Local Government Act 2000 the Council was able to choose one of three specified forms of executive arrangements. These were:
 - A Mayor and Cabinet Executive;
 - A Leader and Cabinet Executive; and
 - A Mayor and Council Manager
2. The Council held a referendum in 2001 on the adoption of a Mayoral model, but this was rejected by 23,554 votes to 17,502. Accordingly the Council adopted the Leader and Cabinet Executive model. The Council's Constitution currently provides for the Leader and Executive Members to be appointed by full Council at its annual meeting.

The Local Government and Public Involvement in Health Act 2007

3. The Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') came into force on 30 October 2007. The Act introduces new executive arrangements, which are now limited to:
 - a Mayor and Cabinet Executive, or
 - a Leader and Cabinet Executive.
4. The 2007 Act requires that from May 2010, all authorities currently operating the "old-style Leader and Cabinet Executive" must review and change their governance arrangements. A Council resolution is required to change the Executive arrangements.
5. These changes are aimed at securing strong visible leadership for Local Authorities.
6. A resolution making the changes must be passed by full Council no later than 31st December 2009. The new arrangements must take effect immediately after the local elections in May 2010.

New Executive Arrangements

7. Under the 2007 Act the Mayor and Cabinet Executive consists of a directly elected Mayor (elected for 4 years following a referendum); and two or more councillors appointed to the executive by the Mayor.
8. The Leader and Cabinet Executive consists of a councillor of the authority elected as Leader; and two or more councillors of the authority appointed to the executive by the Leader.

9. The maximum number of members that an executive may have remains at 10.

Leader and Cabinet Executive

10. If the Leader and Cabinet Executive model is adopted, the Leader must be elected at the post-election annual meeting, and their term of office is four years. The Council may include a provision allowing it to remove its Leader during that 4 year term by resolution.
11. The appointment of a Deputy Leader and executive members is down to the Leader, in contrast to the current situation where Council appoints cabinet members.

Implementation

12. In determining which model to adopt, the Council must consider the extent to which its proposals would assist in securing continuous improvement in the way its functions are exercised, having regard to economy, efficiency and effectiveness.
13. Given the public response to the last referendum, it is proposed to consult on a Leader and Cabinet Executive model, with the inclusion of a provision in the Constitution that the Leader may be removed by resolution of full Council.
14. The Council must take reasonable steps to consult local and other interested people on its proposals, which must include a timetable for implementation.
15. The proposed timetable is as follows:
 - Report to Cabinet 23rd April 2009
 - Consultation period May to June
 - Report to Cabinet on outcome of consultation 17th September
 - Full Council to consider amendments to Constitution 29th October 2009, to take effect in May 2010

Financial Implications

There are no financial implications associated with this report.

Performance Issues

The new Comprehensive Area Assessment (CAA), points to the importance of leadership and community leadership in performance. The CAA moves the performance focus away from simply measuring progress against national indicators and, instead, looks at how local priorities are determined and how these represent local needs and aspirations. The Organisational Assessment

aspect of CAA involves assessing the Council's management of finances, governing our business and managing resources including people, natural resources and assets.

The Area Assessment element involves considering how well the Council's and its partner's priorities reflect local needs and aspirations, how well services are being delivered in accordance with those priorities and whether there are good prospects for further improvement.

The Council's leadership will be instrumental in ensuring that it plays its full part in developing and embedding community engagement arrangements for the Strategic Partnership and manages performance against current priorities as well as ensuring that its own governance and resource management issues are addressed.

In this regard, there is little evidence to date about the relative effectiveness of the two leadership models available to the Council. The Mayoral model has, in some areas, promoted greater public involvement and interest in public affairs while the Leader and Cabinet model may be more likely to ensure clarity of political direction.

Environmental Impact

None

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

There is a risk that if the new arrangements are not adopted by 31st December 2009, the Secretary of State may issue an order specifying a form of executive arrangements, and the arrangements will be treated as having been made by the local authority itself. The proposed timetable, which allows some 'slippage', will mitigate this risk.

Section 3 - Statutory Officer Clearance

Name: Sheela Thakar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 9 April 2009		
Name: Hugh Peart	<input checked="" type="checkbox"/>	Monitoring Officer
Date: 9 April 2009		

*Delete the words “on behalf of the” if the report is cleared directly by Myfanwy or Hugh.

Section 4 – Performance Officer Clearance

Name: Mike Howes	<input checked="" type="checkbox"/>	on behalf of the* Divisional Director (Strategy and Improvement)
Date: 14 April 2009		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the* Divisional Director (Environmental Services)
Date: 9 April 2009		

*Delete the words “on behalf of the” if the report is cleared directly by John Edwards

Section 6 - Contact Details and Background Papers

Contact: Elaine McEachron elaine.mceachron@harrow.gov.uk
Tel: 020 8420 9414

Background Papers:

Local Government and Public Involvement in Health Act 2007