

Meeting:	Cabinet
Date:	17 September 2009
Subject:	Local Government and Public Involvement in Health Act 2007 Leadership Models
Key Decision:	No
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Portfolio Holder:	Councillor David Ashton, Leader of the Council
Exempt:	No
Enclosures:	None

Section 1 – Summary and Recommendations

This report sets out the result of the consultation undertaken in relation to the Council's proposal to adopt new executive arrangements in accordance with The Local Government and Public Involvement in Health Act 2007.

Recommendations:

That the Cabinet recommends to a meeting of Council meeting before the end of December 2009:

- (a) the adoption of a Leader and Cabinet executive model;
- (b) the inclusion of a provision for the removal of the Leader during his/her term of office; and
- (c) appropriate public notices be given and changes to the Council's Constitution be made to reflect the changes.

Reason:

To ensure that the Council complies with its statutory obligation.

Section 2

2.1 Background

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; or
- A Leader and Cabinet Executive; or
- A Mayor and Council Manager

After public consultation in 2001, the Council decided to adopt the Leader and Cabinet Executive model. The Council's Constitution currently provides for the Leader and Cabinet Members to be appointed by the Council at its annual meeting.

The Local Government and Public Involvement in Health Act 2007 ('the 2007 Act') came into force on 30 October 2007. The Act revises the provisions of the Local Government 2000 Act and introduces new executive arrangements requirements, which are now limited to:-

- (a) a Mayor and Cabinet Executive, or
- (b) a Leader and Cabinet Executive.

The report to Cabinet of 23rd April gave details of the legislation and process that must be followed. Cabinet instructed the Director of Legal & Governance Services in consultation with the Constitution Review Working Group to carry out public consultation on the adoption of a Leader and Cabinet model with a provision that the leader may be removed by resolution of full Council.

2.2 Current Situation

On 12th May the Constitution Review Working Group received an oral report on the proposal and the recommendations from Cabinet, and agreed that the public notice and proposals for change should be circulated to the members of the group in order that the consultation could begin as soon as possible.

2.3 Consultation

Details of the Proposal were published in the local press on 25th June 2009 and circulated to all members of Council. The consultation period ran for approximately 4 weeks.

The consultation generated only one response from a local Action Group.

2.4 Proposals for Change

Following the consultation, the Council must now determine its executive arrangements, which will take effect after the May 2010 local election.

Members will recall the key features of the two executive models. The Mayor and Cabinet Executive model envisages a Mayor who is directly elected for a term of four years and cannot be removed from office by the Council. The Mayor makes appointments to their executive

The Leader and Executive model is similar to that currently being operated by the Council. Under this model, a Leader will be elected by the members of the Council and will hold office for a four year term. The Leader will determine the number and appointment of other executive members and will appoint a Deputy Leader and may remove the Deputy and other Executive Members.

In addition, the Council may include provision for the Council to remove the Leader by resolution of the full Council during the four year term.

2.5 Continuous Improvement

In determining its proposals, the Council is required to consider the extent to which the proposal would be likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Under the current Leader and Cabinet model the Council has been rated as improving well, with the rate of its performance indicators being above the national average. The proposal of Leader and Cabinet Executive would ensure strong and continued leadership of the Council.

2.6 Next Step

Cabinet is asked to consider the outcome of the consultation and to make recommendations to the Council in respect of the new leadership model

Performance Issues

There are no specific performance indicators associated with this report.

However, the introduction of the Comprehensive Area Assessment (CAA) has placed new emphasis on the role of Councillors as leading and representing their communities and councils duty to involve local people in decision making.

The Comprehensive Area Assessment recognises the importance of effective local partnership working, the enhanced role of Sustainable Community Strategies and Local Area Agreements and the importance of councils in leading and shaping the communities they serve.

The Comprehensive Area Assessment has a key focus on how well a council and its partners engage local people and encourages communities to take opportunities to influence local decisions and thus help enhance local

democracy and assess how well the duty is being carried out. The role of CAA will be to look at how well decisions have taken account of community needs and aspirations.

Financial Implications

None

Environmental Impact

None

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

There is the risk that if the new arrangements are not adopted by 31st December 2009, that the Secretary of State has power to issue an order specifying a form of executive arrangements, and the arrangements will be treated as having been made by the local authority itself.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 26 August 2009		
Name: Hugh Peart	<input checked="" type="checkbox"/>	Monitoring Officer
Date: 21 August 2009		

Section 4 – Performance Officer Clearance

Name: Liz Defries	<input checked="" type="checkbox"/>	on behalf of the* Divisional Director (Strategy and Improvement)
Date: 25 August 2009		

Section 5 – Environmental Impact Officer Clearance

Name: John Edwards



Divisional Director
(Environmental
Services)

Date: 21 August 2009

Section 6 - Contact Details and Background Papers

Contact: Elaine McEachron, Assistant Lawyer Corporate
Governance; Telephone 0202 8420 9414

Background Papers:

Local Government and Public Involvement in Health Act 2007