

<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>22 JULY 2010</b>
<b>TITLE OF REPORT:</b>	<b>NEW EXECUTIVE ARRANGEMENTS</b>
<b>PORTFOLIO AREA:</b>	<b>CORPORATE STRATEGY AND FINANCE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To advise Cabinet of the models of the new Executive Arrangements as set out in the Local Government and Public Involvement in Health Act 2007 and to seek approval on the process for consultation and implementation of the new Arrangements.

### **Key Decision**

This is not a Key Decision.

### **Recommendation(s)**

**THAT:**

- (a) the statutory duty placed on the Council to resolve to adopt Executive Arrangements in accordance with Local Government and Public Involvement in Health Act 2007 by 31 December 2010, to come into effect in May 2011, be noted; and**
- (b) the Monitoring officer (in consultation with the Leader of the Council) be authorised to consult on the options to ensure compliance with the statutory requirements.**

### **Key Points Summary**

- The Local Government Public Involvement in Health Act 2007 provides the framework for strengthening the leadership arrangements in Councils.
- It does so by limiting the options to either an Elected Mayor and Cabinet or a Leader (for a 4 year term) and Cabinet model.
- The current model of a Leader elected annually with a Cabinet is not an option.
- The Council must consult with the public on its choice of model and must decide its arrangements that will take effect from the May 2011 election by 31 December 2010. There is

ministerial guidance relating to the level of consultation required.

## **Alternative Options**

- 1 There are no alternative options to consulting on and considering its options for Executive Arrangements which comply with the Local Government and Public Involvement in Health Act 2007.

## **Reasons for Recommendations**

- 2 The Council is statutorily required to consult on and implement change to its Executive decision making arrangements as detailed in Part 3 of the Local Government and Public Involvement in Health Act 2007.

## **Introduction and Background**

- 3 The Local Government and Public Involvement in Health Act 2007 requires the Council to change its Executive decision making arrangements to adopt what has been described as a 'strong leader' in governance terms for executive arrangements. The Council will need to move to either:
  - A Leader and Cabinet Executive (with the Leader elected for a 4-year term); or
  - Directly-elected Mayor and Cabinet
- 4 This legislation means that the Leader and Cabinet model (implemented following the Local Government Act 2000) cannot continue in its current form. The Council must consider afresh whether it wants a Leader for a four year term or a directly elected Mayor; both options would involve the appointment of a Cabinet in much the same way as currently occurs. The arrangements will need to be implemented after the next elections to be held in May 2011.
- 5 In both models, the responsibility for the executive functions will be vested in the Leader or Mayor, who will decide how those functions are to be discharged and the extent of delegations. Cabinet Members would be appointed directly by either the Leader or Mayor.
- 6 Non-executive functions (Scrutiny, Planning, Regulatory and Standards) would remain unaffected regardless of the model adopted.

## **Key Consideration**

- 7 Under the new Leader and Cabinet model, the Leader would continue to be elected by the Council, but for a four year period.
- 8 Under the new directly-elected Mayor and Cabinet model, the Mayor would be elected by the local electorate for a four year term.
- 9 Under both models, the Leader or Mayor would
  - Determine the size of the Executive (two or more – to a maximum of 10)
  - Appoint and/or remove Cabinet Members
  - Be responsible for all Executive functions and allocate responsibilities

10. The Council as a whole would be able to remove the Leader (subject to appropriate provision in the constitution). Elected Mayors may only be removed in very limited circumstances and could not be removed from office by Council. The Council would need to appoint a Councillor to chair the Council meeting as the elected Mayor is precluded from this role.
11. The Council must comply with the requirements of the 2007 Act and as such must draw up proposals and set out a timetable for moving to and implementing a new form of governance. Reasonable steps will need to be taken to consult with the local electorate and other interested parties prior to the Council drawing up its proposals. The Act requires the proposal to be made available for public inspection before a special meeting of the Council and a notice to be published in one or more local newspapers setting out the main features of the proposed model.
12. The Council would need to decide on its preferred option for the new executive model in order that the second stage consultation to take place.
13. In coming to its decision, the Council must consider the extent to which the model would be likely to assist in securing continuous improvements in the exercise of its functions, having regard to economy, efficiency and effectiveness.
14. Under the 2007 Act, the Council must also agree transitional arrangements for the period between the new model coming into effect after the local elections in May 2011 and the Annual Meeting of Council.
15. The Council, at a special meeting for this purpose, will need to pass a resolution to adopt changes Executive arrangements to the preferred governance model before 31 December 2010. That meeting could on the same date as the Council meeting in November 2010.

## **Community Impact**

16. The purpose of consultation prior to taking a decision is to test the views of the community and assess the impact of any decision on Herefordshire communities

## **Financial Implications**

17. The level of allowances under either model would be determined by Council, following recommendations from the Independent Remuneration Panel.
18. If the Council chooses to move to a directly elected Mayor model there would be some additional costs in running an election. It is anticipated that such an election would be combined with the Herefordshire Council elections.

## **Legal Implications**

19. The Council is required to change its Executive decision making arrangements from May 2011. If it fails to pass a resolution to this effect by 31 December 2010, the Secretary of State can pass an order requiring such a change.
20. The Council must comply with the requirements of the 2007 Act.

## **Risk Management**

21. If the Council fails to comply with the requirements of the 2007 Act, the Secretary of State can pass an order requiring change. This decision will enable work to commence to ensure

compliance.

## **Consultees**

- 22 As required by the 2007 Act, a public consultation will be undertaken to seek views on the preferred model of governance and to receive any additional comments for consideration.