

CABINET – 28 OCTOBER 2010

EXECUTIVE LEADERSHIP MODELS PROPOSALS

Report of the: Corporate Resources Director

Status: For Decision

Key Decision: No

Executive Summary:

Under the Local Government and Public Involvement in Health Act 2007, all Councils which operated under the Leader and Cabinet Model are required to adopt one of two new leadership models:

- An indirectly elected, new-style Strong Leader, serving a four year term; or
- a Directly Elected Mayor, serving a four year term.

County Councils and Unitary Authorities have already been through the process of adopting a new leadership model. District Councils need to decide on which model they wish to adopt by 31 December 2010. The new leadership model must take effect after the May 2011 elections.

The report sets out proposals for the Council to move to new-style Leader and Cabinet Model, which it felt would be the Model most likely to secure continuous improvement.

Portfolio Holder Cllr. Elaine Bracken

Head of Service Mrs. Christine Nuttall – Head of Legal and Democratic Services

Recommendation: It be RESOLVED that:

- (a) The proposal for the Council to move to a new-style Leader and Cabinet Executive Model, as set out in the report and the Appendix, be approved for submission to Council on 9 November 2010.
 - (b) That Council be recommended to amend the Council's constitution as set out in the appendices to this report, with effect from 9 May 2011.
 - (c) That a one week notice period be held between 1 November 2010 and 8 November 2010, during which a notice is placed in a local newspaper and the proposals are made available for public inspection.
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Introduction

- 1 Since the advent of “executive arrangements” in May 2001, this Council has been operating under a Leader and Cabinet governance model, as have 317 other authorities nationally. Under this current model, one District Councillor is appointed as Leader each year at the Annual Meeting of the Council. The Leader chairs the Cabinet and is responsible for appointing Cabinet Members and determining what their remits are.
- 2 Under the Local Government and Public Involvement in Health Act 2007, all Councils which operated under the Leader and Cabinet Model are required to adopt one of two new leadership models:
 - An indirectly elected, new-style Strong Leader, serving a four year term; or
 - a Directly Elected Mayor, serving a four year term.
- 3 County Councils and Unitary Authorities have already been through the process of adopting a new leadership model. District Councils need to decide on which model they wish to adopt by 31 December 2010. The new leadership model must take effect after the May 2011 elections.

The Executive Models

- 4 The powers and responsibilities to be vested in the Leader/Mayor are very similar. Under both models:
 - All executive powers will be vested in the Leader or Mayor, who will be responsible for determining how they should be discharged – either collectively by Cabinet, by individual Cabinet Members or by Officers.
 - The Leader or Mayor will be responsible for appointing at least two, and not more than nine, Councillors to serve on the Cabinet with them and will choose how to allocate Cabinet portfolios.
 - The Leader or Mayor will serve a four year, fixed term to coincide with the electoral cycle.
- 5 The main differences between the two models are as follows:

New-Style Strong Leaders

- would be appointed, from amongst the 54 Councillors, at the first Annual Council Meeting following an election. The Leader would serve for four years until the first annual meeting after the next whole Council elections. He/she would not be subject to re-election at subsequent Council meetings.
- a Council’s Constitution can include a provision to allow for a New-Style Leader to be removed before the end of their four-year term by a resolution of the Council.

- a New-Style Leader must appoint a Deputy Leader.

Directly Elected Mayor

- A Mayor would be directly elected at the same time as, but in addition to, the 54 Councillors.
- Once elected, the Mayor could not be removed from office during his/her four year term.
- It should be noted that a 'Mayor' in this context is quite different to Mayors in many cities or boroughs who hold a civic and ceremonial role and chair full council. This is a political leadership role for executive functions, not a ceremonial one.

Three-Stage Adoption Process

- 6 The Local Government and Public Involvement in Health Act 2007 sets out a three-stage, statutory process and timetable for the adoption of a new leadership model. The Council has completed the first stage, which was to undertake public consultation. The Council is now at the second stage of the process, which is to draw up proposals and publicise them. The final stage is formally to resolve to adopt the proposals.

Stage One - Public Consultation

- 7 Cabinet agreed to undertake public consultation on these options at its meeting on 2 September 2010 and subject to the outcome of the consultation, indicated its initial preference for the new-style Leader and Cabinet Model. In accordance with advice from the Secretary of State, the Council ran a public consultation regarding the proposals on its website for six weeks, running from 6 September 2010 until 11 October 2010. During this time, there were no representations received.

Stage Two – The Proposal

- 8 The Cabinet's initial preference was to adopt the new-style Leader and Cabinet Model, as this was the closest model to that which the Council currently operates. The Cabinet also felt that the Council should have the ability to remove the Leader from office by resolution. Given that no representations were received during the public consultation, it is recommended that Members draw up proposals to move to a new-style Leader and Cabinet Model, with Council retaining the power to remove the Leader by resolution.
- 9 The Act requires the Council to consider the extent to which its proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness. It is recommended that the new-style Leader and Cabinet Model would be the most likely to secure continuous improvement. This is because it is the closest model to the

Item No. 5b

Council's current system, which has served it well in terms of both nationally recognised high performance and in terms of heightening efficiency and producing budget savings. It is also felt that the cost of implementing the Directly Elected Mayor Model would not be justifiable in the current budgetary environment.

- 10 The proposals must include the proposed changes to the Constitution, the implementation timetable and any transitional arrangements which will be required. Changes will be required to "Part 2 of the Constitution – The Council and Members" and to "Part 4 of the Constitution – Cabinet" in order to implement the new Leadership Model. The required changes are attached as appendices to this report.
- 11 It is recommended that the Council continue to operate under its existing arrangements until 8 May 2011. The new arrangements would take effect once the newly elected Council begins its responsibilities on 9 May 2011. Once elected, the new Leader would need to draw up a new scheme of delegations for executive functions to the Cabinet, Portfolio Holders, any Cabinet Committees and officers. The Annual Council on 24 May 2011 will need to approve new delegations to officers for non-executive functions.
- 12 The Council must make copies of these proposals available for inspection at its offices and place a public notice in a local newspaper. Again, the period for such publicity is not prescribed and in light of the tight timescales for adoption of the legislation, it is recommended that the notice period should run from Monday 1 November 2010 until Monday 8 November 2010.

Stage Three – Council Resolution

- 13 Once the notice period has expired, a resolution is required at a meeting of the Full Council, sometime before 31 December 2010, to approve the proposals. It is recommended that this resolution be taken at the Council meeting on 9 November 2010.

Options (and Reasons for the Recommendation)

- 14 The Council must adopt one of the new leadership models before 31 December 2010 to ensure that it is in compliance with the legislation. For the reasons set out above, it is considered that the new-style Leader and Cabinet Model is the most likely to secure continuous improvement in the exercise of the Council's functions.

Key Implications

Financial

- 15 There will be some costs associated with notice period, during which a notice must be placed in a local newspaper. These costs will need to be met from within existing resources.

Community Impact and Outcomes

Item No. 5b

- 16 The public consultation period gave residents the opportunity to comment on and influence the executive leadership model which is chosen by the Council.

Legal, Human Rights etc.

- 17 These are contained within the body of the report.

Risk Assessment Statement

- 18 The Council must adopt one of the new leadership models before 31 December 2010 to ensure that it is in compliance with the legislation.

Sources of Information: None.

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