



Democratic Renewal Working Party 25 November 2010

Adoption of New Executive Arrangements

1. Summary and Reasons for Recommendation

- 1.1 The Council is currently operating what is known as “old-style” Leader and Cabinet arrangements under the Local Government Act 2000. It is a requirement of the Local Government and Public Involvement in Health Act 2007 (“the Act”) that the Council consult the public on moving to “new-style” executive arrangements. A proposal must then be adopted before the end of this year for implementation after the May 2011 elections. Keeping the existing arrangements is not an option, and failure to make a change will result in one being imposed by the Secretary of State.
- 1.2 There are only two options for new executive arrangements and these are prescribed in the Act:-
 - (a) an elected Mayor and Cabinet executive. The Mayor would be elected directly by the electorate for a four-year period and would then appoint a Cabinet of two or more, chosen from elected members; or
 - (b) a Leader elected by councillors from among their number, who holds office for four years and appoints a Cabinet of two or more elected members.
- 1.3 The maximum number of Cabinet members would continue to be ten, including the Leader or Mayor. The main difference between the new-style Leader and the Council’s current arrangements is the provision for a four-year term, which is extended until the first annual meeting after the next set of elections (at which point a new Leader is elected).
- 1.4 There is an obligation to consult before drawing up proposals for a new-style executive. However, the current government has indicated an intention to enact legislation which will, for example, remove the obligation to elect a Leader for four years. It has, therefore, advised local authorities not to incur “any significant expenditure” on the requirements of the Act, on the basis that the proposed Localism Bill will bring about changes to whatever form of executive is put in place next year.
- 1.5 With this advice in mind, the Council issued a press release and put the consultation on its website with a voting facility enabling people to express a preference for one option. The consultation period was from 24 September to 12 November 2010. A total of twenty-one responses have been received, of which

eighteen favoured the elected Mayor option. This low rate of response is similar to what has happened in other districts around the country.

- 1.6 In coming to its decision, the Council must consider the extent to which the new arrangements would be likely to assist in securing continuous improvements in the exercise of its functions, having regard to economy, efficiency and effectiveness. In the absence of public enthusiasm for change, and absent also any other compelling reason to move to a different form of leadership, it is recommended that the Council take the option which will effect least disruption and adopt the new-style Leader and Cabinet model.

2. Proposals

- 2.1 Proposals for the change in governance are attached as Appendix A. In accordance with the regulations, these have been made available at West Suffolk House and have been publicised by newspaper notice.
- 2.2 In practice the new model would not differ greatly from existing arrangements. The constitution set up following the Local Government Act 2000 made the Leader responsible for determining the size of the Cabinet, appointing its members and allocating their areas of responsibility, and allocating decision-making powers. He or she also has power to remove or replace Cabinet members and may nominate a Deputy. All of this will be unchanged except that it will be mandatory rather than discretionary for the Leader to have these powers.
- 2.3 The key differences will be:-
- (a) the Leader has a four-year term of office which extends beyond the fourth day after the next elections until the day of the first annual meeting;
 - (b) during the four-year term the Leader can be removed only by a Council resolution, so current provisions about removal in the event of a change in political balance will no longer apply; and
 - (c) it will be mandatory to appoint a Deputy Leader who will be able to carry out all the functions of the Leader in his/her absence, but who will not become Leader automatically if the Leader is removed.
- 2.4 Attached as Appendix B is the timetable for implementation and the transitional provisions. The regulations require that the new leadership model be adopted at a specially convened meeting of full Council, which for convenience will be held on the same day as the next scheduled ordinary meeting, 14 December 2010.
- 2.5 Detailed changes to the constitution made necessary by the new arrangements will be worked up after the Council decision.

3. Recommendations

3.1 The Panel is asked to make the following **RECOMMENDATIONS** to a Special Meeting of full Council on 14 December 2010, that:-

- (1) the results of the public consultation in respect of the two potential governance models be noted;
- (2) Council adopts the new-style Leader and Cabinet model with effect from the third day after the elections on 5 May 2011;
- (3) the adopted Leader and Cabinet model contains provision for the removal of the Leader by resolution of the Council;
- (4) the proposals set out in Appendix A and the Timetable and Transitional Arrangements set out in Appendix B, be approved; and
- (5) the Head of Legal and Democratic Services be authorised to make all necessary amendments to the Council's constitution arising from adoption of the new arrangements.

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Proposals for change in governance arrangements

1. St Edmundsbury Borough Council adopts the new-style Leader and Cabinet Executive model with effect from the third day after the 5th May 2011 elections, as provided in the Local Government Act 2000 (as amended).
2. The Leader of the Council ("the Leader") is elected by full Council at its post-election annual meeting (or, if the Council fails to elect a Leader at that meeting, at a subsequent meeting of the Council). The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post-election annual meeting, unless he/she is removed from office or resigns, ceases to be a member, or is disqualified from being a Borough Councillor before that day.
3. The Leader determines the size of and appoints between 2 and 9 members of the Council to the Cabinet in addition to him or herself, allocates any areas of responsibility to them and may remove them from the Cabinet at any time.
4. The Leader determines the scheme of delegation for the discharge of the executive functions of the Council.
5. The Council's executive arrangements are to provide for the Council to remove the Leader by ordinary resolution on notice during his or her term of office. If the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting.
6. The Leader appoints one of the members of the Cabinet to be his or her Deputy, to hold office until the end of the term of office as Leader (unless that person resigns as Deputy Leader, ceases to be a member of the Council or is disqualified, or is removed from office by the Leader).
7. The Leader may, if he or she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his or her place.
8. If for any reason the Leader is unable to act or the office is vacant, the Deputy Leader must act in the Leader's place or arrange for another member of the Cabinet to do so.

Timetable

<p>14 December 2010</p>	<p>Special meeting of full Council to pass the resolution to adopt proposals to change executive arrangements.</p>
<p>5 May 2011</p>	<p>Local Government Elections.</p>
<p>8 May 2011</p>	<p>Implementation of the amended executive arrangements.</p>
<p>19 May 2011</p>	<p>Post-election annual meeting at which the Leader of the Council will be elected and his/her term of office commences.</p>

Transitional arrangements

The existing scheme of delegation to officers as contained in the Council's Constitution will continue after the 2011 elections until confirmed or altered by the Leader elected on 19 May 2011.

The allocation of functions under Section 13(3)(b) of the Local Government Act 2000 (those which *may* be the responsibility of the executive but do not have to be) will continue as contained in the Council's Constitution, until altered by the Leader or Council under the new governance arrangements.
