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**Meeting:** Executive

**Date:** 13 July 2010

**Subject:** Executive Arrangements under the Local Government and Public Involvement in Health Act 2007

**Report of:** Cllr Maurice Jones, Portfolio Holder for Finance, Governance and People

**Summary:** To consider the requirements of the Local Government and Public Involvement in Health Act 2007 in respect of the Council's executive arrangements and how the Council should respond to those requirements.

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**Advising Officer:** Richard Ellis, Director of Customer and Shared Services

**Contact Officer:** Kathrin John, Head of Democratic Services

**Public/Exempt:** Public

**Wards Affected:** All

**Function of:** Council

**Key Decision** Yes

**Reason for urgency/  
exemption from call-in  
(if appropriate)** N/A

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

Having in place effective leadership and political management arrangements of the Authority is critical to the delivery of the Council's vision and all its strategic priorities.

### **Financial:**

There is no specific budgetary provision for undertaking a consultation exercise in respect of the Council's executive arrangements.

### **Legal:**

The Council must comply with the requirements of the Local Government and Public Involvement in Health Act 2007 to pass a resolution by 31 December 2010 to adopt either a "new style" leader and cabinet executive or elected mayor and cabinet arrangements.

**Risk Management:**

If the Council does not comply with its statutory duty, there is a risk of intervention by the Secretary of State who may, by order, prescribe the application of the Leader and Cabinet Executive (England) model as from May 2011.

**Staffing (including Trades Unions):**

None

**Equalities/Human Rights:**

None

**Community Safety:**

None

**Sustainability:**

None

**Summary of Overview and Scrutiny Comments:**

This report has not been considered by overview and scrutiny

**RECOMMENDATION(S):**

1. **that the Executive notes:-**
  - (a) **the requirement for the full Council to pass a resolution by 31 December 2010 to adopt either a “new style” leader and cabinet executive or elected mayor and cabinet arrangements;**
  - (b) **that the Central Bedfordshire bid submission, which was subject to extensive public consultation, was based on the adoption of the “new style” leader and cabinet arrangements; and**
  - (c) **that the Constitution already contains all the required statutory provisions of the Local Government and Public Involvement in Health Act 2007 relating to the “new style” leader and cabinet executive arrangements, save for the provision relating to the extension of the term of office of the leader (paragraph 7 refers).**
2. **That, accordingly, the Council be recommended to resolve at its meeting on 16 September 2010, that it is minded, subject to consideration of views received, to pass a resolution at its meeting on 25 November 2010, to adopt the “new style” leader and cabinet executive arrangements for implementation on the third day after the elections in May 2011.**

*Reason for Recommendation(s): To comply with the requirements of the Local Government and Public Involvement in Health Act 2007 to pass a resolution by 31 December 2010 to adopt new style leader and cabinet executive arrangements.*

## **Executive Summary**

The Local Government and Public Involvement in Health Act 2007 requires all authorities to review their executive arrangements and to operate either a “new style” leader and cabinet executive or elected mayor and cabinet arrangements. The new style leader and cabinet arrangements require the leader to be elected for a 4 year term of office and for the leader to appoint the cabinet, delegate functions and appoint a deputy leader and the Council may have power to remove the leader. Authorities are required to draw up proposals for changing their arrangements and take “reasonable steps” to consult electors and stakeholders. A resolution must be passed by 31 December 2010 to adopt the new style leader and cabinet executive. The Council has already put in place within its Constitution the majority of the requirements of the “new style” leader and cabinet executive. This report invites the Executive to consider the approach to be adopted prior to passing of the requisite resolution by 31 December 2010.

## **Background**

1. The Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) requires all local authorities to review their executive arrangements and provide for the discontinuance of “old style leader and cabinet” executive arrangements.
2. The 2007 Act requires principal local authorities in England to operate one of the following models:-
  - A “new style leader and cabinet executive”; or
  - An elected Mayor and Cabinet.
3. The legislation sets out that the Council must resolve to move to the new arrangements by the end of December 2010 with the “new style” leader and cabinet executive arrangements coming into force on the third day after the elections for the Authority in May 2011.
4. The key features of the new style leader and cabinet executive area as follows:-
  - A councillor is elected as Leader for a 4 year term following the whole Council elections. The Leader’s term of office is extended beyond the 4<sup>th</sup> day after the local elections to the day of the first annual meeting after the Leader’s normal retirement as a Councillor;
  - The Council may have the power to remove the Leader during the 4 year term;
  - The leader not only appoints the Cabinet, which will be between 2 and 10 in number, but will decide how the executive functions will be discharged;

- The executive arrangements must include provision for the appointment of a Deputy Leader with the power to act in the Leader's absence; and
- The Deputy Leader is appointed and may also be removed by the Leader.

### **Issues for Consideration**

5. The Executive will be aware that "Closer to Communities...Capacity to Deliver", the joint submission for Central Bedfordshire to the Secretary of State for Communities and Local Government clearly set out the proposals for the executive arrangements for the new Central Bedfordshire Council, namely the adoption of a "strong" leader model.
6. The Constitution Advisory Group was mindful of the requirements of the Local Government and Public Involvement in Health Act 2007 and the current Constitution was drafted on the basis of the new style leader and cabinet executive as far as could be accommodated within existing statutory provisions. Because of the fact that elections are to be held in 2011, the current Leader has been elected for a two year term of office but the current Constitution already provides for:-
  - (a) The Leader to be elected by the Council until the next election of all members of the Council (ie: for a 4 year term from 2011);
  - (b) The Leader to be removed by the Council;
  - (c) The Leader to appoint the Executive, allocate portfolios and delegate executive functions to executive committees, portfolio holders and officers; and
  - (d) The Leader to appoint a Deputy Leader with power to act in the Leader's absence, and for the Leader to remove the Deputy Leader.
7. The Constitution therefore already contains the statutory provisions required by the Local Government and Public Involvement in Health Act 2007. However, there is one provision which cannot be implemented until the new model is adopted, namely to extend the Leader's term of office as a Councillor beyond the 4<sup>th</sup> day after the local elections to the day of the first annual meeting after the Leader's normal retirement as a Councillor. The Constitution will need to be amended to reflect this statutory change.
8. The other option available to Members under the Act is, as mentioned in paragraph 2 above, a strengthened mayor and cabinet model. The bid for unitary status proposed, as set out in paragraph 5 above, that the "strong leader" and cabinet model should be adopted for Central Bedfordshire. Any decision other than to adopt the new style leader and cabinet model would therefore be contrary to the unitary bid submitted to and endorsed by the Secretary of State.

9. Before drawing up proposals for change, authorities must take “reasonable steps” to consult the local government electors and other interested parties in the area.
10. The authority must then draw up proposals, which should be a schedule of proposed changes to the Constitution and an implementation timetable and must have regard to the impact of the revised executive arrangements in terms of economy, efficiency and effectiveness. If the consultation guidance is to be strictly complied with, a period of some 12 weeks should be allowed for public consultation.
11. Given that the Central Bedfordshire bid submission and the Council’s current executive arrangements are already based on the new style leader and cabinet executive (indirectly elected leader with a 4-year term), and that the bid was subject to wide consultation both with the public and key stakeholders, the Executive is invited to consider whether it would be appropriate or proportionate to now undertake a further round of extensive consultation on the Council’s executive arrangements. Members may wish to consider recommending the Council to pass a resolution indicating that its preferred option, subject to views received, is to operate a leader and cabinet arrangement. Appropriate publicity could then be given to the fact that the Council will, at its meeting on 25 November 2010, be determining which model to adopt but that, at present, it is minded to retain the leader and cabinet model and inviting the submission of views. The comments of key stakeholders could also be invited. The Executive may wish to note that the issue has already been raised at the Town and Parish Council conference held on 9 June 2010 and views invited from those present. There appeared to be little enthusiasm amongst the Town and Parish Councils for the elected mayor model.
12. Members should be mindful that even if it is determined to retain a leader and cabinet model, there is still a statutory requirement to pass a formal Council resolution before 31 December 2010 to adopt the new style of leader and cabinet arrangements which then come into effect 3 days after the local elections in May 2011. Additionally the Constitution will need to be amended to reflect the extension of the Leader’s term of office as referred to in paragraph 7 above.

**Appendices:**

None

**Background Papers:**

None

**Location of papers:**

N/A