

NORTH LINCOLNSHIRE COUNCIL

CABINET

EXECUTIVE ARRANGEMENTS

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To set out the requirements of the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) as regards changes to executive arrangements and to propose the procedure to be followed.

2. BACKGROUND INFORMATION

- 2.1 As reported briefly to Cabinet on 22 April, 2009 the 2007 Act requires every authority which operates a Leader and Cabinet Executive model to change its executive arrangements in accordance with a statutory timetable. The report sets out what the changes mean and how the process has to be undertaken.
- 2.2 The Local Government Act 2000 (the 2000 Act) required all principal local authorities to adopt "executive arrangements" in one of three forms, namely

Mayor and Cabinet Executive
Leader and Cabinet Executive
Mayor and Council Manager

The only exceptions were for authorities with a population of less than 85,000 in 1999, or (as at Brighton and Hove Council) where the authority held a referendum for one of the Mayor models, and there was a "No" vote.

- 2.3 Within the Leader and Cabinet Executive model there was a considerable degree of local choice as to the relative strengths of Council and of the Leader, ranging from where a Council appointed both the Leader and the members of the Cabinet, and no delegations were allowed to an individual Cabinet member so that the Cabinet became the sole member-level executive decision-maker, through to where the Council elected the Leader and then the Leader appointed the Cabinet, and determined the degree of delegation of powers to individual Cabinet members.

- 2.4 The 2007 Act now abolishes the Mayor and Council Manager model, substitutes a new version of the Leader and Cabinet Executive model and retains the Mayor and Cabinet Executive.
- 2.5 With the new Leader and Cabinet Executive model the Council elects the Leader and the Leader is then responsible for -
- determining the size of the Cabinet
 - appointing the members of the Cabinet
 - allocating portfolios or areas of responsibility to the various Cabinet Members
 - allocating decision-making powers to the Cabinet and to individual Cabinet Members, and
 - removing and replacing Cabinet Members

In the new model, the Leader must also be elected for a 4-year term of office. During his/her term of office the Leader will automatically cease to be Leader upon death, disqualification or resignation but may only be removed from office by a resolution of Council.

There is also a requirement for the Leader to nominate a Deputy Leader, and provision that the Deputy Leader, or in his/her absence the remaining Cabinet Members, may act if the Leader is unable to act or the post of Leader is vacant.

- 2.6 The 2007 Act set out a timetable for making the change to one of the new executive arrangements i.e. Mayor and Cabinet Executive or Leader and Cabinet Executive. This timetable is different for different types of local authority. Non Metropolitan Districts (which include District Councils which have been given unitary powers are last in the queue, having to pass the relevant resolution by 31 December 2010, and implement the change to take effect after the next local elections (i.e. May 2011). North Lincolnshire Council falls into this category.
- 2.7 The process for change is set out in the 2007 Act and comprises three stages:-

The first stage provides that the authority must "take reasonable steps to consult the local government electors and other interested persons in the area" before drawing up proposals for change. At this stage there is a choice of moving either to the new Leader and Cabinet Executive model or to a Mayor and Cabinet Executive model. In practice, rather than consulting on the bare alternatives, it would be sensible to consult on a preferred option. The extent of consultation is not prescribed. Accordingly it would be permissible for the authority to formally seek the views of a limited number of partner bodies and

organisations, and consult residents through Direct and on the authority's website.

As a second stage the authority must then draw up proposals, which should be a schedule of the proposed changes to the Constitution, the implementation timetable and any transitional arrangements. In drawing up these proposals, the authority must have regard to the impact on the 3 Es (economy, efficiency and effectiveness). Once the proposals have been drawn up, the authority must make them available to the public and advertise that they are available (although there is no provision for anyone to comment on them or for the authority to have regard to any such comments). The period for such publicity is also not prescribed.

The final stage is for the authority (i.e. Council) to resolve to implement the proposals.

3. OPTIONS FOR CONSIDERATION

3.1 There are only two options available either the new form Leader and Cabinet Executive or the Mayor and Cabinet Executive model.

4. ANALYSIS OF OPTIONS

4.1 The matrix below sets out the differences between the options.

	New Leader and Cabinet Model	Elected Mayor and Cabinet Model
Appointment and term of office	Leader appointed by full Council for a 4 year term	Elected directly by the electorate for a 4 year term
Removal	Council adopt procedure which would allow the removal of the leader from office during the 4 year period by resolution of full Council	Cannot be removed during his/her term of office
Size of Cabinet	The leader determines the size of cabinet	The mayor decides the size of cabinet
Appointment of Cabinet	Council appoints leader who then appoints his/her cabinet members and allocates responsibility	Mayor appoints his/her cabinet members and allocates responsibility
Deputy	Legal requirement to have a deputy leader, who exercises portfolio and statutory functions of the leader	Not applicable
Executive functions	All executive functions would be vested in the leader who can then delegate to Cabinet or to any cabinet member	All executive functions would be vested in the mayor who can then delegate

- 4.2 Only a small number of authorities have adopted the elected mayor and cabinet model since it became available through the 2000 Act with varying success.
- 4.3 The council adopted the Leader and Cabinet model with effect from 2002. It has been operated by both political groups and has not led to any criticism of decision making process by external agencies/inspectorates etc.
- 4.4 The 2000 Act required the council to publish annually a notice setting out the number of electors required to complete a petition requesting an elected Mayor referendum. No such petition has ever been presented to the council.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 The new Leader and Cabinet model would require minimum changes in working arrangements (other than making the appropriate amendments to the Constitution) whereas the elected Mayor model would of necessity lead to a reassessment of working arrangements.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 6.1 The Council is under a statutory requirement to review its executive arrangements.
- 6.2 There are no environmental, diversity, S17 or risk implications.

7. OUTCOME OF CONSULTATIONS

- 7.1 Consultations have yet to be held.

8. RECOMMENDATION

- 8.1 To carry out the consultations outlined in paragraph 2.7 based upon a preferred option of a Leader and Cabinet Executive model.

SERVICE DIRECTOR LEGAL AND DEMOCRATIC

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Background Papers used in the preparation of this report - Nil