



# Council

Town Hall  
Wallasey

11 December, 2009

Dear Councillor

You are hereby summoned to attend an extraordinary meeting of the Council to be held at **6.15 pm on Monday, 21 December 2009** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subjects : -

**Contact Officer:** Andrew Mossop  
**Tel:** 0151 691 8501  
**e-mail:** [andrewmossop@wirral.gov.uk](mailto:andrewmossop@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

---

## AGENDA

In accordance with Standing Order 1(4) of the Council Procedure Rules, the Mayor has called this extraordinary meeting of the Council.

### 1. MAYOR'S COMMUNICATIONS

To receive the Mayor's announcements and any apologies for absence.

### 2. DECLARATIONS OF INTEREST

The members of the Council are invited to consider whether they have a personal or prejudicial interest in connection with any matter to be debated or determined at this meeting and, if so, to declare it and state the nature of such interest.

### 3. MATTER REQUIRING APPROVAL BY THE COUNCIL - GOVERNANCE REVIEW (Pages 1 - 8)

Report seeking final resolution concerning the Council's new governance arrangements.

A handwritten signature in black ink, appearing to be 'B. M.', with a long horizontal flourish extending to the right.

Director of Law, HR and Asset Management

## WIRRAL COUNCIL

COUNCIL 21 DECEMBER 2009

### REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

## GOVERNANCE REVIEW - ADOPTION OF NEW GOVERNANCE ARRANGEMENTS

---

### 1. Executive Summary

- 1.2 The Local Government and Public Involvement in Health Act 2007 (“the Act”) requires the Council to review its governance arrangements and move to either:
  - a. a new style ‘Leader and Cabinet Executive (England)’ model; or
  - b. a ‘directly elected Mayor and Cabinet’ model.
- 1.3 On 14 December 2009, Council passed a resolution to approve the new style ‘Leader and Cabinet’ model of governance and proposals relating to the same.
- 1.4 As required by the Act, the Council’s decision, made on 14 December 2009 together with the main features of the proposals, were duly published. On 15 December 2009, the Council’s Website was updated to include details of the approved model and proposals; and a public notice placed in The Globe newspaper on 16 December. Full details of the proposals were also available for inspection by the public between 15 – 18 December between 10am and 4.30pm at the Town Hall, Wallasey.
- 1.5 Under the Act, Council can only change its governance arrangements at a meeting of Council specially convened for that purpose.

### 2. Background

- 2.1 The Local Government and Public Involvement in Health Act 2007 requires the Council to review its governance arrangements within the ‘permitted resolution period’, namely before 31 December 2009.
- 2.2 The Council has consulted upon its proposed new governance arrangements and duly complied with all relevant publishing requirements required by the Act. The decision to adopt a new form of governance arrangement must be passed at an extraordinary meeting of Council specifically convened for this purpose.
- 2.3 Should Council fail to pass a resolution in respect of its new governance arrangements by 31 December 2009, it must draw up and adopt executive arrangements which provide for the ‘Leader and Cabinet Executive (England)’ model (and approve proposals relating to the same) before the end of the transitional period, namely, before the fourth day after the local elections in 2010. Should it appear to the

Secretary of State that the Council will fail to comply with this requirement, the Secretary of State may by order specify executive arrangements which provide for the 'Leader and Cabinet Executive (England)' model.

### **3. Brief Summary Executive Models**

#### Old-Style Executive Model

- 3.1 Where a local authority is operating an 'old-style leader and cabinet executive', the authority can continue to operate such arrangements until the end of the transitional period. An old-style leader and cabinet executive means a leader and cabinet executive specified in Section 11 (3) of the Local Government Act 2000, which the form of executive arrangements is currently operating at the Council. The transitional period starts when Section 62 (5) came into force (31 December 2007) and ends with the third day after the Wirral Council election in May 2010.

#### New Style Leader and Cabinet Executive (England)

- 3.2 Under the 2007 Act, the Executive Leader would be elected at the relevant annual Council meeting. This would be the first annual meeting to be held after the local authority starts to operate the 'Leader and Cabinet Executive (England)' arrangements. The term of office of the Leader, where, as in Wirral, there are partial council elections, would start on the day of his/her election and end, when the Council holds its first annual meeting after the leader's normal day of retirement as a Councillor.
- 3.3 The Executive Leader would have power to appoint Councillors to the Executive (Section 11 (2A) Local Government Act 2000). The maximum number of Executive members (including the Leader) remains at 10.
- 3.4 The Council has retained the power to remove the Leader by resolution.

#### Mayor and Cabinet Executive

- 3.5 A directly elected Mayor would hold office for a term of four years and would appoint his/or her own Cabinet of Councillors and allocate all executive functions.
- 3.6 Unlike the 'Leader and Cabinet Executive (England)' arrangements, Council would NOT be able to remove the directly elected Mayor.

### **6. DETERMINATION**

- 6.1 Council must pass a resolution to formally adopt the 'new style Leader and Cabinet Executive (England)' model and approve the proposals set out at Appendix 1 that relate to that model.
- 6.2 Once all necessary resolutions have been passed the Council is required to make available details of the proposals for inspection by the public at its principal office at all reasonable times. The Council must also publish a notice in one or more newspapers

circulated within the area detailing the resolution, approved proposals and specifying where copies of the detailed proposals can be inspected.

#### **4. Financial implications**

- 4.1 The costs incurred in respect of the proposed alternative governance arrangements will be found from departmental budgets.

#### **5. Staffing implications**

- 5.1 There are none arising directly from this report

#### **6. Equal Opportunities implications**

- 6.1 An equality impact assessment will be carried out on this report

#### **7. Community Safety implications**

- 7.1 There are none arising directly from this report.

#### **8. Local Agenda 21 implications**

- 8.1 There are none arising directly from this report.

#### **9. Planning implications**

- 9.1 There are none arising directly from this report.

#### **10. Anti-poverty implications**

- 10.1 There are none arising directly from this report.

#### **11. Human Rights implications**

- 11.1 There are none arising directly from this report

#### **12. Social Inclusion implications**

- 12.1 The proposed governance arrangements will enable public involvement in the proposed change in governance arrangements

#### **13. Local Member Support implications**

13.1 New governance arrangements have relevance to all wards.

## **14. Background Papers**

14.1 Local Government and Public Involvement in Health Act 2007

## **15. Recommendations**

1. That Council, in pursuance of the Local Government and Public Involvement in Health Act 2007, adopts the Leader and Cabinet Executive (England) model of governance;
2. That Council approves and adopts the proposals relating to the Leader and Cabinet Executive (England) model of governance set out at Appendix 1.

**Bill Norman**

Director of Law, HR and Asset Management

### PROPOSALS FOR CHANGE TO EXECUTIVE ARRANGEMENTS

This document sets out Wirral Metropolitan Borough Council's proposals for changing its executive arrangements as required by the Local Government and Public Involvement in Health Act 2007 (2007 Act).

The proposals have been drawn up after consultation as required by the Local Government Act 2000 (as amended by the 2007 Act).

#### 1. FORM OF EXECUTIVE

The Council proposes to adopt the "new style" Leader and Cabinet (England) form of executive ("the Executive").

#### 2. EXECUTIVE STRUCTURE

- 2.1 The Executive will consist of the Leader of the Council and between 2 and 9 other councillors ("Executive Members") appointed by the Leader of the Council.
- 2.2 The Leader of the Council will be elected at the Annual Meeting of the Council following elections in May 2010 and will (subject to paragraph 2.3 below) hold office until his/her term as Councillor expires.
- 2.3 The Council may by resolution remove the appointed Leader of the Council from office. If such a resolution is passed, Council will elect a new Leader of the Council at the same meeting or a subsequent meeting of Council.
- 2.4 The Leader of the Council will determine the portfolios of the Executive Members and also which executive functions will be discharged by:
  - a. the Executive;
  - b. an individual Executive Member;
  - c. a committee of the Executive Members; or
  - d. an officer of the Council.
- 2.5 The Leader of the Council may appoint one of the Executive Members to be his/her deputy (the "Deputy Leader of the Council"). The Leader of the Council may remove the Deputy Leader of the Council and may appoint another Executive Member as the Deputy Leader of the Council.
- 2.6 The Leader of the Council may remove any Executive Member from the Executive and appoint another councillor.
- 2.7 The existing arrangement regarding the Council's Overview and Scrutiny Board & Committees and other Council committees and panels will remain unchanged and continue under the Executive.

**3. RESPONSIBILITY FOR FUNCTIONS**

**Local Choice Functions**

Responsibility for functions specified in regulations under Section 13(3) (b) of the Local Government Act 2000 (known as “local choice functions”) will remain unchanged from the current allocation between the Council and the executive.

However it is possible, subject to any statutory limitations, for the Council prior to the change in executive arrangements to alter the allocation of these functions. The local choice functions are set out in Part 3 Table 1 of the Council’s Constitution.

**Constitution Amendments**

Constitutional amendments will be required to implement the “new style” Leader and Cabinet (England) form of executive as detailed in paragraph 2 above.

Following the Extraordinary Meeting of Council on 21 December 2009, Council’s approval will be sought to amend the Constitution in order to give effect to the proposals set herein.

The key amendments that will be made shall relate to the following parts of the Constitution:

<b>PART</b>	
2	Article 2
	Article 7
	Article 12 - 13
	Article 15
	Article 16 – Schedule 1
3	Table 3
	Table 4 – Schedules 1-5
4	As necessary
5	As necessary
6	Members’ Allowances Scheme
Any other ancillary amendments required to give effect to the preferred model of governance	

#### **4. CONTINUOUS IMPROVEMENT**

In drawing up these proposals, the Council has considered the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The "new style" Leader and Cabinet (England) form of executive is considered:

- a. to provide strong leadership and effective decision making;
- b. more cost effective to implement given that the Council is currently operating a form of 'leader with cabinet' model of executive arrangement; and
- c. in the Council's opinion likely to provide best value to the inhabitants of Wirral.

#### **5. TIMETABLE & TRANSITIONAL ARRANGEMENTS**

The Council is required to set up a timetable for the implementation of the proposals and to provide details of any transitional arrangements which are necessary for the implementation.

##### **Timetable**

The timetable is outlined as follows:

- 21 December 2009      Council resolves to adopt and formally confirm the new governance arrangements and proposals.
- May 2010              Implementation of new governance arrangements and proposals to take effect three days after the date when the local elections are held.

##### **Transitional Arrangements**

With regard to the transitional arrangements, the Council is not in any way prohibited from continuing to operate its current "old-style" Leader and Cabinet Model which will expire three days after the date when the 2010 local elections are held.

The Council will therefore continue to operate this model in accordance with the Constitution until the new 'leader and cabinet' model replaces it.

This page is intentionally left blank