

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