

CABINET 15 APRIL 2010

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

GOVERNANCE REVIEW – IMPLEMENTATION OF NEW GOVERNANCE ARRANGEMENTS

1. Executive Summary

1.1 At its meeting on 21 December, 2009 the Council passed a resolution to formally adopt the 'new style Leader and Cabinet Executive (England)' model and approve the following proposals which relate to that model:

'(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 to the report of the Director of Law, HR and Asset Management.'

1.2 This report sets out changes that are required to the Council's Constitution to comply with the requirements of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). The following changes are the most important features of the new governance arrangements:

- Provision for the Leader to be elected for a four year term of office (or until their earlier date of retirement as a Councillor) instead of being appointed every year.
- Provision for the removal of the Leader (within the four year term of office) by resolution of the full Council and for the election of a new Leader.
- Provision for the Leader (rather than full Council) to appoint (and remove) Members of the Cabinet.
- All executive power will be vested in the Leader (rather than the Cabinet collectively) and the Leader will then decide whether to delegate it to Cabinet, individual Cabinet Members or officers.
- Provision for the Leader to be able to appoint a Deputy Leader, who will hold office whilst the Leader remains in office.

- 1.3 The suggested drafting amendments to the Constitution to give effect to these new arrangements are set out in Appendix 1.
- 1.4 In addition to the changes required to comply with the 2007 Act, the amendments in Appendix 1 also includes within the new Council Procedure Rule 5A, Annual Council Meeting, a mechanism for determining the date of that meeting. This meets the requirements of the Local Government Act 1972. It will also mean that the 2010 Annual Council Meeting will commence on 17 May 2010.

2. Implementation of the New Arrangements

- 2.1 The new arrangements will come into force on 10 May 2010. The election of the new style Leader will be considered at the Annual Council meeting in May 2010. Whilst that meeting will commence on 17 May 2010, most of the business to be conducted at the Annual Meeting (except for the election of the Mayor) is likely to be adjourned to a future date (provisionally 24 May 2010).

3. Financial implications

- 3.1 There are none arising directly from this report.

4. Staffing implications

- 4.1 There are none arising directly from this report.

5. Equal Opportunities implications

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

6. Community Safety implications

- 6.1 There are none arising directly from this report.

7. Local Agenda 21 implications

- 7.1 There are none arising directly from this report.

8. Planning implications

- 8.1 There are none arising directly from this report.

9. Anti-poverty implications

9.1 There are none arising directly from this report.

10. Human Rights implications

10.1 There are none arising directly from this report.

11. Social Inclusion implications

11.1 There are none arising directly from this report.

12. Local Member Support implications

12.1 New governance arrangements have relevance to all wards.

13. Background Papers

13.1 Local Government and Public Involvement in Health Act 2007

14. Recommendations

14.1 That Cabinet note the report and recommend to Council that:

- (a) the changes to the Constitution set out in Appendix 1 be approved with effect from Tuesday 10 May 2010; and
- (b) the Director of Law, HR and Asset Management (in consultation with the Leaders of all Political Groups) be given delegated authority to make any necessary consequential amendments to the Constitution consistent with the changes contained within Appendix 1.

Bill Norman

Director of Law, HR and Asset Management