

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Extraordinary Meeting of Council 23 April 2009
AUTHOR/S: Chief Executive / Democratic Services Manager

MOVE TO NEW EXECUTIVE ARRANGEMENTS

Purpose

1. Council is invited to note the outcome of the consultation on a move by the Council to new executive arrangements and to resolve to adopt these arrangements with immediate effect, including the necessary changes to the Constitution recommended by the Constitution Review Working Party.
2. Part 1 of Schedule 4 to the Local Government and Public Involvement in Health (LGPIH) Act 2007 requires a Resolution to move to new executive arrangements to be passed at a meeting specially convened for the purpose, therefore the Chairman of Council has requested the convening of this Extraordinary Meeting, in accordance with Council Standing Order 3.1

Background

3. The Local Government Act 2000 prescribed three models of 'executive arrangements' and every principal authority in England and Wales was required to adopt either a Leader and Cabinet (using either the 'Strong' or 'Weak' leadership models), Mayor and Cabinet or Mayor and Council Manager form. This Council chose to adopt the Leader and Cabinet model.
4. The LGPIH Act 2007 abolished the Mayor and Council Manager model, as well as the Leader and Cabinet model under which the Council elects the Cabinet. Councils above a certain size are therefore required to adopt either a Mayor and Cabinet or Leader and Cabinet model. Having adopted the Leader and Cabinet model in 2001, the Council has more recently adopted a key characteristic of the new-style leader and cabinet form of executive by giving the Leader authority to determine the size of, and make appointments to, the Cabinet.
5. Under the LGPIH Act the following further changes are required:
 - (a) **The Leader of Council must be elected for the remainder of his/her normal term of office.** The Leader will be elected by the Council, at its Annual Meeting, to serve a term of office as Leader ending on the date of the Annual Council Meeting following his/her normal date of requirement as a councillor i.e. a period of up to four years. Provision will remain within the Constitution for the term of office to end sooner in the event that the Leader resigns from office, ceases to be a councillor, is suspended or disqualified from being a councillor or removed from office by Resolution of the Council. At present, Council elects the Leader annually.
 - (b) **All executive power must rest with the Leader of the Council.** Council currently operates a scheme under which executive power rests with the Cabinet collectively. It is for the Cabinet to determine which matters will be determined by it collectively, and which will be delegated to individual Cabinet

members. Under the new requirements, it will be for the Leader to decide which matters he/she will reserve for him/herself and which to delegate to the Cabinet collectively or to individual Cabinet members.

6. Council considered a report and recommendations regarding these issues at its meeting in July 2008, resolving:
 - (a) That an article explaining proposed changes to executive arrangements, based on paragraph 13 of the report, be included in the Winter 2008 issue of the Council's residents' magazine, and that the proposals be also publicised on the Council's website and available to view at the Council Offices.
 - (b) That revised proposals be submitted to the Annual Meeting of Council on 21 May 2009 for adoption, such changes to have effect from this date.

In making this Resolution to consult on a variation of the Leader and Cabinet model, Council explicitly rejected consideration of the Mayor and Cabinet form of governance.

7. Due to the lack of consultation responses received (see below), and in order to ensure smooth preparations in advance of the Annual Council Meeting on 21 May, it is considered appropriate to bring forward the proposals referred to in (b) above at this stage.

Considerations - consultation

8. Following the Resolution set out in paragraph 6 above, an article was placed in the Winter 2008 edition of the *South Cambs magazine* and on the Council's website. In addition, a statutory notice formally advising of the proposals was published in the *Cambridge News* on 16 January 2009. The articles invited comments on the proposals, and the web consultation provided a form upon which to do so, however no comments were received. In light of the lack of objections received, Council is invited to proceed to adopt new executive arrangements, and subsequently to consider the recommendations of the working party in respect of the detailed changes required for implementation.

Considerations – Changes to the Constitution

9. The Constitution Review Working Party, at its meeting on 7 April 2009, considered the changes which would be required to implement new executive arrangements in the event of Council resolving to do so. The working party has made the following recommendation to Council:

'That, subject to the Council agreeing to adopt new Executive arrangements, changes to the following sections of the Constitution be agreed:

- (a) Those changes to Article 7 marked in Appendix A **(attached)**;
- (b) Revised Part 3 (Responsibility for Executive Functions) set out in Appendix B **(attached)**;
- (c) Revised Executive Procedure Rules set out in Appendix C **(attached)**;
- (d) Revised Delegation Rules set out in Appendix D **(attached)**;
- (e) Those changes to Council Standing Orders 1, 2 and 12 marked in Appendix E **(attached)**;

Options

10. The Council is obliged to pass a Resolution to move to new executive arrangements by no later than 31 December 2010. The latest date for implementation is the third day after the local elections in May 2011. The Council therefore has some discretion not to implement the new arrangements so far in advance of the statutory deadline for doing so; however, given the previous Resolution to take the matter forward at this stage, Council is recommended to proceed with implementation as anticipated in the original timetable.

Implications

11. Financial	None specific
Legal	See paragraph 9 above.
Staffing	The consultation process and constitutional changes required to implement changes to governance arrangements are being carried out within existing resources.
Risk Management	Failure to vary executive arrangements in the manner described above by 31 December 2010 would result in a breach of the Council's statutory duty, a risk which will be eliminated by a resolution to adopt the new arrangements at this stage.
Equal Opportunities	None specific

Consultations

12. As described in paragraph 8 above.

Effect on Strategic Aims

13. The new executive arrangements will strengthen local political stability and accountability through provision for the Leader to be elected for a term of up to four years and for all executive powers to be vested in him/her. Such strengthening will assist in enabling all the Council's strategic aims to be achieved.

Recommendations

14. Council is recommended:
- (a) To approve the implementation of the Leader and Cabinet form of governance proposed in paragraph 5 of the report and required under Sections 11 and 14 of the Local Government Act 2000 as amended, with effect from the commencement of the Annual Council Meeting on 21 May 2009;
 - (b) Subject to approval of (a) above, to approve the corresponding changes to the Constitution set out in the recommendations of the Constitution Review Working Party at paragraph 9 above and Appendices A-E attached.

Background Papers: the following background papers were used in the preparation of this report:

Local Government and Public Involvement in Health Act 2007

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