

Report of Head of Legal and Democratic Services

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To: Council

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Report no 77/10

New executive arrangements

Recommendation

That Council adopts the leader and cabinet executive model as its new executive arrangements under the Local Government and Public Involvement in Health Act 2007 as set out in the document appended to this report from the third day after the local elections in May 2011.

Purpose of Report

1. This report continues the process for the Council to adopt new governance arrangements in line with the requirements of the Local Government and Public Involvement in Health Act 2007. At this meeting Council is required to pass a formal resolution to adopt its chosen form of executive arrangements for implementation following the May 2011 district elections.

Strategic Objectives

2. The implementation of new executive arrangements is a statutory requirement. In meeting this legislative requirement the council will address its strategic objective to ensure it manages its business effectively.

Background

3. Full details of the requirement on all local authorities to review their executive arrangements were set out in earlier reports to Council on 14 July and 20 October 2010.

Notice and publication of proposals

4. At its meeting on 20 October Council authorised the head of legal and democratic services, in consultation with the Leader of Council and the leader of the opposition, to draft and publish the proposed model.
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5. Public notice was given in the press and the proposals document made available for inspection at the council offices and on the council's website. Any comments received in response to this publication will be reported to the meeting.
6. The proposals document is attached at appendix 1 to this report. The document describes the new arrangements including transitional arrangements.

Financial Implications

7. The cost of the public consultation already undertaken and the publication of a public notice in local newspapers were met from existing budgets. Officers placed a joint notice with South Oxfordshire District Council thereby reducing costs.

Legal Implications

8. These were set out in the report to Council on 20 October 2010.
9. A review of the council's constitution will be undertaken to ensure it supports the new decision making arrangements. These proposed changes will be the subject of a further report to Council.

Risks

10. By passing a resolution at this meeting Council will meet the requirement to have chosen its preferred option by 31 December 2010.

Other Implications

11. There are no other significant implications.

Conclusion

12. The requirements of the Local Government and Public Involvement in Health Act 2007, as set out in previous reports to Council, have now been completed and in line with statutory requirements this special meeting of Council is now invited to adopt the leader and cabinet executive model with effect from the third day after the district elections in May 2011.

Background Papers

- Reports to Council 14 July and 20 October 2010
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Vale of White Horse District Council's Governance Arrangements Proposals for New Executive Arrangements Leader and Cabinet Executive

The Local Government and Public Involvement in Health Act 2007 requires Vale of White Horse District Council to make changes to its current governance and decision making arrangements. The new arrangements will come into operation immediately after the elections in May 2011. The Council is required under the Act to publish its proposals following the conclusion of the consultation exercise.

Proposed Executive Arrangements

Council, at its meeting on 20 October 2010, proposed that, with effect from the third day after the May 2011 elections, Vale of White Horse District Council adopts the leader and cabinet executive (England) model, as set out in the provisions of the Local Government Act 2000 (as amended). The key elements of the proposals are:

1. Election of the leader

Council will elect the leader at its post election annual meeting. The term of office of the leader starts on the day of his/her election as leader and ends on the day of the next post election annual meeting unless he/she:

- is removed from office or resigns
- ceases to be a councillor; or
- is disqualified from being a councillor before that day.

2. Appointment of the executive and scheme of delegation

The leader will determine the size of and appoint between two and nine members of the Council to the executive in addition to himself/herself, allocate any areas of responsibility (portfolios) to them, and may remove them from the executive at any time. The leader will determine the scheme of delegation for the discharge of the executive functions of the Council.

The leader will report to the Council on all appointments and changes to the executive and scheme of delegation.

3. Appointment of deputy leader

The leader will appoint one of the members of the executive to be his/her deputy, to hold office until the end of the term of office as leader unless the person

- resigns as deputy leader,
 - ceases to be a councillor
 - is disqualified from being a councillor or
 - is removed from office by the leader.
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In the event of any of the above occurring the leader will appoint another member of the executive at the earliest opportunity.

4. Absent leader

The deputy leader will exercise all the powers of the leader in the absence of the leader. If the deputy leader is unavailable the executive must act in the leader's place.

• Removal of leader

Section 44c of the Local Government Act 2000 (amended) states that the executive arrangements which provide for a leader and cabinet executive may include provision for the Council to remove the leader by resolution.

It is proposed that Vale of White Horse District Council should have the power to remove the leader by way of resolution by a simple majority, with provision for the removal of the leader to be included in the Council's constitution. The Act specifies that, if the Council passes a resolution to remove the leader, a new leader is to be elected:

- at the meeting at which the leader is removed from office or
- at a subsequent meeting.

6. Referendum

Under the Act, the Council has the option whether or not to make its proposals subject to a referendum. A referendum would require registered electors to endorse the Council's proposals. The cost of a referendum would be significant and given the low level of interest shown by the public about the leadership arrangements, Council agreed that there is insufficient justification to undertake a referendum in addition to the consultation exercise already undertaken.

Accordingly, it is proposed not to hold a referendum on the form of Vale of White Horse District Council executive arrangements.

7. Timetable for implementation

The Council will formally adopt the new arrangements at a special meeting of Council on 8 December 2010. The leader and executive arrangements will be implemented on 8 May 2011. The existing arrangements will operate in the interim.

8. Transitional arrangements

Under the Act, the Council must agree transitional arrangements for the period following the local elections up until the annual meeting of Council. Under these proposals, the chief executive will deal with any matters of urgency under his existing delegated power. The leaders of the political groups will be consulted.

9. Continuous improvement

In drawing up the proposals, the Council must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous

improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The leader and cabinet executive option is the one which most closely reflects the Council's current executive arrangements which have worked well over the past decade during which time the Council has improved. The Council is part way through a process of significant change and facing financial pressures. Adopting this option will provide continuity and allow the Council to address these issues.

10. The constitution

Council will agree detailed changes to the Council's existing constitution to include the above proposals prior to the date on which the proposals come into effect.

The Act makes clear that the Council must state the extent to which the functions specified in the Local Government Act 2000 (S13(3)(b)) are to be the responsibility of the executive which will be operated if the proposals are implemented. The Council proposes that the allocations of functions will continue as for the current Council until revised by the leader or Council under the new governance arrangements.

As required by the legislation, notice of these proposals has been advertised.

Further Information

If you have any questions relating to the information contained in this document please do not hesitate

to contact Democratic Services on 01235 547675 Email:

democratic.services@whitehorsedc.gov.uk

The reports considered by Council are available on the council's website
www.whitehorsedc.gov.uk

Council will consider these proposals at a special Council meeting on 8 December 2010 following the scheduled meeting of Council.

Margaret Reed
Head of Legal and Democratic Services
