

CITY OF PLYMOUTH

Subject: Changes in Executive Arrangements
Committee: Cabinet
Date: 14 September 2010
Cabinet Member: Council Leader
CMT Member: Monitoring Officer
Author: Tim Howes, Assistant Director for Democracy and Governance
Contact: Tel. 01752 305403
E mail: tim.howes@plymouth.gov.uk
Ref: TH
Part: I

Executive Summary:

This report sets out proposals arising from the required changes to the Council's Leadership Model resulting from the Local Government and Public Involvement in Health Act 2007.

Corporate Plan 2010 - 2013:

None directly from this report.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

There are only minor costs directly associated with meeting the legislative requirements for the Leadership Model. These will relate primarily to consultation such as advertisements and associated materials. These will be met from existing resources. Should a directly elected Mayor model be introduced, there would be the additional costs of holding a referendum and Mayoral election alongside the ordinary Local Government elections in May 2011.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

None directly from this report.

Recommendations & Reasons for recommended action:

Recommendation:

It is recommended that Cabinet:

- (a) Agree the consultation plan set out in the report and recommend it to Council;
- (b) Agree a preferred form of executive arrangements and recommend it to Council for consultation.

The Council would be in breach of the legislation if it failed to consult and bring into effect the change in Executive Arrangements within the timescale specified by the legislation. If the Council failed to implement required changes, the Local Government and Public Health Involvement in Health Act 2007 provides for the Secretary of State to intervene and prescribe by order the application of Leader and Cabinet Executive Model.

Alternative options considered and reasons for recommended action:

The alternative options are set out in the body of the report.

Background papers:

The legislative requirements (forming the background to this report) are set out in the report.

Sign off:

Fin	MC1 011.0 04	Leg	LT 9379	HR	I008/I 2-001	Corp Prop		IT	ICT/004 7/NJC	Strat Proc	
Originating SMT Member: T Howes											

1. Introduction

1.1 Members will be aware that the Local Government Act 2000 allowed the Council to choose one of three specified forms of Executive arrangements. These were:

- A Mayor and Cabinet Executive
- A Leader and Cabinet Executive, or
- A Mayor and Council Management Executive

1.2 Plymouth City Council adopted the Leader and Cabinet Executive.

1.3 The 2000 Act allowed the Executive Members to be appointed by the Leader or the Council. Plymouth City Council's Constitution provides for Executive Members to be appointed by the Leader of the Council.

1.4 The Local Government and Public Involvement in Health Act 2007 Act amended the 2000 Act by narrowing the choices available to the Council for executive arrangements to:

- A Mayor and Cabinet Executive, where the Mayor is directly elected by the public for a four year term and Cabinet Members are appointed by the Mayor from Members of the Council.
- A Leader and Cabinet Executive, where the Leader is elected by Members of the Council for a period of four years, or until the Leader's current term of office as Councillor ends. Cabinet Members are appointed by the Leader from Members of the Council.

1.5 The main difference between the two forms of Executive Arrangements is that the Leader and Cabinet Executive Model may include provisions to allow it to remove the Leader during the Leader's term of office. In the Mayor and Cabinet Executive Model the Mayor is directly elected and cannot be removed by the Council during his or her term of office.

1.6 For the Leader and Cabinet Executive the actual change in the form of the executive in operation at the Council at the moment is very limited, but the key differences are:

- The Leader's term of office is extended beyond the 4th day after the local elections to run up to the day of the first annual meeting after the Leader's normal day of retirement as a Councillor
- During his/her term of office, the Leader will automatically cease to be Leader upon death or disqualification, but may only be removed from office by a resolution of the Council.
- There is a requirement for the Leader to nominate a deputy Leader, or in his/her absence the remaining Cabinet Members, may act if the Leader is unable to act or the post of Leader is vacant. Whilst an old-style Leader may appoint a deputy, currently the only powers which can be exercised by a deputy Leader are the "portfolio responsibilities" of the Leader, as opposed to the statutory functions which are conferred by statute solely on the Leader, such as appointing or removing other Cabinet Members or objecting to senior officer appointments or dismissals.

1.7 However, whilst the changes do not appear to be significant, they constitute a change to the Council's "executive arrangements".

1.8 Due to this change to the “executive arrangements” a formal process, as set out in the legislation, has to be followed. This requires determining the form of executive preferred, consulting on it, agreeing it and making the constitutional arrangements to accommodate it. This has to be done by the end of December 2010 with the new arrangements operating from the third day after the next local elections in 2011.

2.0 Process for Change

2.1 The legislation sets out a three stage process for change:

- (a) Before drawing up proposals for change the Council must take reasonable steps to consult local government electors and other interested persons in the area.

In practice, consultation with a blank sheet of paper is unlikely to be very helpful, so it would be appropriate for Cabinet to recommend to Council, and for Council to resolve, what the authority’s preferred option is for meaningful consultation to take place.

- (b) The Council should then draw up proposals which include the proposed changes to the Constitution, the timetable for implementation and any transitional arrangements. The Council should consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way its functions are exercised giving regard to efficiency and effectiveness. Once proposals have been drawn up the Council must make them available to the public and advertise that they are available, but there is no further requirement for consultation.
- (c) The Council resolves to implement the proposals by the 31 December 2010.

3.0 Draft Consultation Timetable

3.1 Before drawing up proposals the Local Authority must take reasonable steps to consult the Local Government electorate and other persons in the Authority area. However, given possible changes to come from the Localism Bill, recent guidance recommends a strong case for any consultation now about future governance arrangements to be the most cost effective option.

3.2 The proposed timetable is therefore:

- (a) Public consultation via public advertisement and web-site, October – December 2010;
- (b) Specific consultation with our LSP partners, October-December 2010;
- (c) Council consider consultation results and pass resolution to adopt preferred option, 6 December 2010;
- (d) Implementation of the new executive arrangements on the third day after the Council elections 2011.