

# **CHESHIRE EAST COUNCIL**

## **Constitution Committee/Corporate Scrutiny committee**

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**Date of Meeting:** 30<sup>th</sup> September 2010/12 October 2010  
**Report of:** Democratic Services Manager  
**Subject/Title:** New Executive Arrangements

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### **1.0 Report Summary**

- 1.1 The Local Government and Public Involvement in Health Act 2007 requires all local authorities to agree and implement a new leadership model.

### **2.0 Recommendations**

- 2.1 That

(1) a public consultation exercise be undertaken between 1<sup>st</sup> October and 12<sup>th</sup> November 2010, by the way of an article and press release via the Council's website, on the options for future executive arrangements for Cheshire East Council; and

(2) the result of the consultation exercise be reported to the Constitution Committee on 18<sup>th</sup> November 2010 with a view to making a recommendation to Council on 16<sup>th</sup> December 2010.

### **3.0 Reasons for Recommendations**

- 3.1 To comply with Government requirements to consult on two options for future executive arrangements for Cheshire East Council.

### **4.0 Wards Affected**

- 4.1 All wards will be affected by the proposed change.

### **5.0 Local Ward Members**

- 5.1 All local ward members will be affected by the proposed change.

### **6.0 Policy Implications including - Climate change - Health**

- 6.1 There are no direct policy implications.

### **7.0 Financial Implications**

- 7.1 None at this stage

## **8.0 Legal Implications**

- 8.1 The actions outlined in this report are required in order for the Council to comply with the provisions of the Local Government and Public Involvement in Health Act 2007.

## **9.0 Risk Management**

- 9.1 No risks have been identified.

## **10.0 Background and Options**

- 10.1 The Local Government Act 2000 put in place a new decision-making framework, which introduced a separation of the decision-making and scrutiny roles of local authorities. Cheshire East Council, in common with the majority of local authorities, adopted a Leader with Cabinet style of executive. Cheshire East Council chose the strong leader model in which Council elects the Leader, and the Leader appoints Cabinet Members.
- 10.2 The Local Government and Public Involvement in Health Act 2007 requires local authorities to choose one of two new models of executive leadership: either a directly-elected Mayor and Cabinet, or a strong Leader and Cabinet style of governance. The requirement to hold a referendum before proceeding with the option of a directly-elected Mayor has now been removed.
- 10.3 The 2007 Act does not change the existing requirement for the Council to have arrangements to review and scrutinise executive decisions and any actions taken as a result of them. Other 'non-executive' functions (e.g. planning and regulatory functions and standards) also remain unaffected.
- 10.4 However, this change in executive arrangements, to Leader or Elected Mayor with a 4 year term of office, must come into effect from May 2011. The Council must pass a resolution giving effect to the change by 31 December 2010.

### **New Leadership Model**

- 10.5 Once in office, there is little difference between what a new strong Leader and an elected Mayor can do. In both cases the elected Mayor or Leader will continue in office for a full four year term and will have the Council's executive powers formally vested in him/her. (The term of office of the Leader is from the date of election as Leader to the first annual meeting after their normal day of retirement as a councillor i.e. up to 4 years.) The main differences between the two models are the method of selection and the ability to remove him/her.
- 10.6 The Leader can be removed by a vote of no confidence requiring a simple majority of the Council. In this event, the motion must be set out in the

agenda for the meeting. An elected Mayor is elected separately, in addition to the 81 Councillors. Therefore an elected Mayor might not be a Councillor.

- 10.7 Either an elected Mayor or a Council-appointed Leader will initially hold all the Council's executive functions under their personal control. It will then be for him/her to choose whether to exercise some or all of these functions personally or to make arrangements for their discharge by an executive, by an individual member of the executive, or by officers.
- 10.8 As now, executive members must be appointed from amongst elected councillors, and it will be for the Council Leader or elected Mayor to choose how many members to appoint to the Cabinet (between two and nine) as well as themselves (as per the existing arrangements). He/she will also decide what (if any) executive functions are delegated to executive portfolio holders. The Mayor or Leader must appoint at least one deputy who, unless they resign or cease to be a councillor, will hold office until the end of the Mayor/Leader's term. A deputy can also be removed and replaced mid-term by the Leader or Mayor as can other members of the executive. The Act specifies that the deputy will take up the role of the Leader/Mayor if the latter is unable to act or the office becomes vacant.
- 10.9 Those functions which are the remit of the full Council remain unchanged by the 2007 Act. Therefore, setting the budget and major policies remain a decision for all Council Members.
- 10.10 The Council will continue to elect a traditional Civic ceremonial Mayor and Deputy Mayor of the Borough on an annual basis and their roles will not be altered by either of the new forms of executive. The Civic Mayor will continue to preside over meetings of the Council and carry out the ceremonial and civic duties attached to the office.

### **Matters To Consider**

- 10.11 The new legislation requires that the Council make a formal resolution on its new executive arrangements before the end of December 2010. A table summarising the main differences between Cheshire East Council's current executive model and the two options available under the Local Government and Public Involvement in Health Act 2007 is set out in Appendix 1.
- 10.12 If the Council wishes to retain the Leader and Cabinet model, the Constitution will not need major amendment as its arrangements are largely compliant with the new requirements.
- 10.13 Although the Council already has a strong Leader model, if it wishes to opt for the new strong leader model (as opposed to the elected Mayor model) it will still be required to confirm this formally by passing a resolution to do so before 31<sup>st</sup> December 2010 for implementation at the Annual meeting in

May 2011. Before doing this, the Council must undertake a consultation exercise with electors and other interested parties.

- 10.14 If, following consultation, the Council resolves to implement the Leader and Cabinet executive model, it will need to consider changes to its executive arrangements which provide that the Leader is elected for a four year term, determines the number of members of the Cabinet and appoints members of the Cabinet.

### **Consultation**

- 10.15 The legislation requires that the Council consult with electors and other interested persons within the Borough. The Council must draw up proposals to make a change in its executive arrangements and in so doing must consider the extent to which the proposals would be likely to help in securing continuous improvement in the way the Council's functions are exercised, having regard to economy, efficiency and effectiveness. These proposals will be approved at a meeting of Council on 16<sup>th</sup> December 2010. After the Council has drawn up its proposals it must make copies available for public inspection and publish them in local newspapers.
- 10.16 Guidance has recently been issued in the form of a letter from the Minister for Housing and Local Government (Appendix 2). It can be seen that whilst the statutory requirement to follow the consultation process must be adhered to, Councils are encouraged not to incur any significant expenditure in doing so. Indeed, it can be seen that these requirements are likely to be repealed, but not before the Council is required to make an appropriate resolution.
- 10.17 The Council will need to decide on one of two options:
- a) Leader with a 4 year term or
  - b) Elected Mayor with a 4 year term

### **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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