

## **Meeting of the Council – 12<sup>th</sup> October, 2009**

### **Report of the Interim Director of Law, Property and Human Resources**

#### **Executive Arrangements - Local Government and Public Involvement in Health Act 2007**

##### **Purpose of Report**

1. To consider the requirement to adopt a model of governance in accordance with the Local Government and Public Involvement in Health Act 2007.

##### **Background**

2. The Local Government Act 2000 put in place a new decision-making framework that introduced a separation of the decision-making and scrutiny roles of local authorities. Dudley, in common with the majority of councils, adopted a Leader and Cabinet style of executive.
3. The Local Government and Public Involvement in Health Act 2007 contains provisions to require local authorities to choose one of two models of Leadership, either a directly elected Mayor and Cabinet, or a new style Leader and Cabinet.
4. The 2007 Act does not change the requirement for the Council to have arrangements to review and scrutinise executive decisions and any actions taken as a result of them (ie: Select Committees). Other 'non-executive' functions (e.g. development control, regulatory functions and Standards) also remain unaffected.
5. For metropolitan boroughs, this change in governance must come into force from May 2010. The Council must pass a resolution giving effect to the change by 31<sup>st</sup> December, 2009, having first consulted with the public and other interested persons and drawn up of formal proposals for governance arrangements.
6. The amendments introduced by the Local Government and Public Involvement in Health Act 2007 make provisions for Executive Arrangements in that the Executive of the Council must take one of two forms:
  - A Leader and Cabinet Executive, where the Leader is elected from among the members of the Council for a period of four years, or until the Leader's current term of office as a Councillor ends. Cabinet Members are appointed by the Leader from members of the Council.
  - A Mayor and Cabinet Executive, where the public directly elects the Mayor for a four-year term and Cabinet Members are appointed by the Mayor from members of the Council.

7. The main difference between the two forms of Executive Arrangements is that in the Leader and Cabinet Executive (England) model, the Council may include provisions to allow it to remove the Leader (by resolution) 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.
8. The adoption of either of the models will represent a change in Executive Arrangements from the current Leader and Cabinet model operated in Dudley. The Act therefore requires that the Council undertake a review of its Executive Arrangements, to come into force on the third day after the Council elections in 2010. If the Council wishes to adopt the Leader and Cabinet Executive model, the Constitution will still need to be amended so that its arrangements are compliant with the new requirements.
9. Functions that are within the remit of the full Council remain unchanged by the 2007 Act. 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 forms of Executive.
10. The legislation sets out the following process for change:-
  - Before drawing up proposals, the Council must take reasonable steps to consult local government electors and other interested persons in the area.
  - The Council should draw up proposals, which will include the proposed changes to the Constitution, the implementation timetable 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, having regard to a combination of economy, efficiency and effectiveness. Once the proposals have been drawn up, the Council must make them available to the public and advertise that they are available, although there is no further requirement for consultation at this stage.
  - The Council must resolve to implement the proposals by 31st December, 2009.

The Council is not required to hold a referendum as its current arrangements were not approved by referendum. A referendum would only be required should there be a move to adopt the Mayor and Cabinet Executive model.

11. The Council must consult the public and other interested persons before drawing up proposals, and resolve by 31<sup>st</sup> December, 2009 which of the governance models it proposes to adopt. Following the end of the consultation period, a further report will be presented to the Council seeking formal approval to the changes. This report will include the necessary amendments that are required to the Council's Constitution. The consultation period commenced in September and will run until 16<sup>th</sup> November, 2009.

## **Finance**

12. There is a cost associated with the public consultation exercise, however, this will be minimised by using the Council's website and existing channels of communication and consultation. The adoption of the Leader with Cabinet Executive system will have no additional financial implications compared to the present governance arrangements. A directly elected Mayor with Cabinet Executive system would involve an additional cost to the Council due to running a referendum and/or an election.

## **Law**

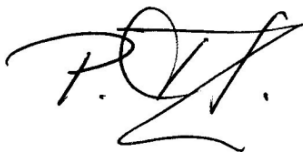
13. The provisions relating to the Executive Arrangements to be adopted by local authorities are contained in the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

## **Equality Impact**

14. Changes to the Council's governance arrangements will have no direct implications for the Council's ongoing commitment to equality and diversity. The consultation process is open to all sections of the community, including children and young people.

## **Recommendations**

15. That the Council note the options set out in paragraph 6, which are the subject of public consultation.
16. That, following the period of public consultation, a further report be submitted to the Council on 30<sup>th</sup> November, 2009 to determine its future governance arrangements and pass the necessary resolution.



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**Philip Tart**  
**Interim Director of Law, Property and Human Resources**