
EXCERPT FROM THE MINUTES OF THE EXECUTIVE HELD ON 4 JUNE 2010

EX.083/10 EXECUTIVE ARRANGEMENTS (Key Decision)

Portfolio Cross-Cutting

Subject Matter

The Assistant Director (Governance) submitted report GD.16/10 informing Members of the requirement, under the Local Government and Public Involvement in Health Act 2007, for every authority which operated a Leader and Cabinet model of Executive to change its executive arrangements in accordance with a statutory timetable. Although the City Council already operated a 'Strong Leader' model, the legislation required that appropriate resolutions be made by the Council as there were differences between the new regime and the currently existing one.

The Assistant Director (Governance) outlined the legislative background, commenting that Part 3 of the Act abolished the Mayor and Council Manager model and, in England, replaced the Leader and Cabinet Executive model with the Leader and Cabinet Executive (England) model. That new model was a different legal form of executive to the style that currently existed in Carlisle, with the result that the transition to the new Leader and Cabinet Executive (England) model, as required by the Act, was a 'change to the form of executive', even where the authority was operating an old style Leader and Cabinet Executive (as was the case in Carlisle). The City Council was therefore still obliged to go through the extended process set out in the Act, despite the actual change in the form of executive being very limited.

The new Leader and Cabinet Executive (England) Model was very similar to the old 'Strong Leader' model, but was different in three key respects which could not be achieved under the old legislation, details of which were provided. In the new model, the Leader must be elected for a four year term of office (or up until the Leader's ordinary term of office as a Councillor expired where the Council held elections by thirds or halves, and the Leader was elected at a time when he/she had less than four years still to run). That was possible under the old model but it was normal for the Leader to be elected for a one year term of office.

The Assistant Director (Governance) further reported that the alternative form of executive arrangement was for the Council to hold elections for a Directly Elected Mayor who would hold office for a term of four years. In that instance, as the Mayor would have been directly elected, there would be no option for the Council to remove him/her during the period of office. The Mayor would appoint his/her own Cabinet consisting of between two and nine Councillors and allocate all executive functions.

The main differences between the two models were:

- there was a different means of election for each
- unlike the Leader, the Mayor could not be removed from office by the Council or the controlling Group
- under the Leader and Cabinet model the executive recommended the budget and strategic policies to Council, which may approve, amend or overturn them by a simple majority. Under the Mayor and Cabinet model the Executive submitted the budget and strategic policies to the Council which could only amend or overturn them by a two thirds majority.

Under the legislation there were differing timetables for the differing types of local authority. The City Council, as a non-metropolitan district, must pass the relevant resolution by 31 December 2010 and implement the change three days after the next local elections (i.e. May 2011). The change to the new Strong Leader model may only be made in accordance with the statutory timetable.

Referring to the process for change, the Assistant Director (Governance) explained that there was a three stage process, details of which were set out in his report. It was envisaged that the consultation period should take place during August and September with the results being processed through the Executive and on to Council in November or December 2010.

The Assistant Director (Governance) then responded to Members' questions.

Summary of options rejected None

DECISION

That the Executive, having regard to the requirements of the Local Government and Public Involvement in Health Act 2007 with respect to executive arrangements, recommended to the City Council that:

- (1) Council indicates it is minded to continue to operate the Leader and Cabinet Executive, subject to the new requirements imposed by the said Act and pending the outcome of consultation;
- (2) Officers be authorised to carry out appropriate consultation on executive arrangements, indicating the Council's preferred model, as stated in (1), and also including reference to the alternative option provided for in the 2007 Act. The consultation should include information about the differences between the available options and also the implementation timetable; and
- (3) Following consideration of the consultation response, proposals be reported to a future meeting of the City Council, no later than 31 December 2010, for the Council to resolve as to the form of executive arrangements to be operated by Carlisle City Council.

Reasons for Decision

To comply with the provisions of the Public Involvement in Health Act 2007.