
EXCERPT FROM THE MINUTES OF THE EXECUTIVE HELD ON 22 NOVEMBER 2010

EX.190/10 EXECUTIVE ARRANGEMENTS (Key Decision)

Portfolio Cross-Cutting

Subject Matter

Pursuant to Minute EX.083/10, the Assistant Director (Governance) submitted report GD.63/10 concerning the requirement placed upon the Council, under the Public Involvement in Health Act 2007, to choose a new form of Executive Arrangement and make a decision thereon by 31 December 2010.

The Assistant Director (Governance) outlined the legislative background; the choice that must be made between a Leader and Cabinet model or arrangements with an Elected Mayor; together with the results of consultation undertaken.

The existing Leader and Cabinet model operated in Carlisle had created the framework for improved economy, efficiency and effectiveness. The Council had striven to continuously improve and there was no evidence that an elected Mayor model would achieve the same or, indeed, continue the current levels of performance. Given that Carlisle operated in a two tier local authority structure the alleged benefits of an elected Mayor would be difficult to achieve.

He commented that the view remained that the Leader and Cabinet Executive (England) model best served the needs of the City Council and, thereby, Carlisle. Taking into account the results of the consultation and the other matters outlined, it was proposed that the Leader and Cabinet Executive be adopted as the new Executive arrangements for the Council. Details of the proposal were set out at Appendix 1 to his report.

The Assistant Director (Governance) further reported that, under the new regime, the Leader was appointed for a four year term. The legislation provided for the Council to include a provision in its Constitution for the removal of the Leader by resolution. It was proposed that the Council should have the power to remove the Leader by way of resolution by a simple majority i.e. on the basis that a written Motion, signed by at least twelve Councillors, be submitted to the Assistant Director (Governance) no later than ten days before the date of the Council meeting. The Act specified that, if the Council passed such a resolution, a new Leader be elected at the meeting at which the Leader was removed from office or at a subsequent meeting.

On the basis that the Council would wish to have such a provision included within its Constitution, that had been included in Appendix 2 to the report. If approved those would come into effect from May 2011.

In summary, the Assistant Director (Governance) emphasised that there were no alternative options available to implementing new governance arrangements. Should the Council fail to implement the provisions of the Act, the Secretary of State could intervene prior to May 2011 and by Order prescribe the application of the Leader and Cabinet Executive (England) model as from May 2011.

The Resources Overview and Scrutiny Panel had, on 17 June 2010 considered the matter, and agreed that the proposed consultation as set out in report GD.31/10 was sufficient as they recognised that a more extensive consultation could not be carried out due to the expense involved. A copy of Minute Extract ROSP.60/10 had been circulated.

The Chairman of the Resources Overview and Scrutiny Panel reported that the Panel was content that the matter had gone out to consultation, and surprised at how few responses had been received. He was aware that a petition on the matter was currently in circulation. There was clearly a need to be very sure of a Leader who would be elected for a four year period.

The Performance and Development Portfolio Holder referred to the letter received from The Right Honourable Grant Shapps MP, drawing particular attention to two points, namely removal of the Leader and the request that Councils pursue the matter at minimum costs. He added that future changes would be consulted upon again.

Summary of options rejected None

DECISION

Having regard to the requirements of the Local Government and Public Involvement in Health Act 2007 with respect to Executive arrangements, the Executive recommended to Council that, in the light of public consultation and any other relevant considerations:

1. Council determine to adopt, with effect from the third day after the May 2011 Elections, the Strong Leader and Cabinet Executive (England) Model as specified in the said Act.
2. Council approve the consequential amendments to the Council's Constitution as detailed in Appendix 2 to take effect from the day specified in 1. together with the transitional changes as detailed in Appendix 1 to Report GD.63/10.

Reasons for Decision

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