



# REPORT TO EXECUTIVE

## **PORTFOLIO AREA: Cross-cutting.**

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**Date of Meeting:** 22 November 2010

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**Public**

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**Key Decision:** Yes

**Recorded in Forward Plan:**

**Yes**

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### **Inside Policy Framework**

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**Title:** EXECUTIVE ARRANGEMENTS

**Report of:** Assistant Director (Governance)

**Report reference:** GD.63/10

### **Summary:**

The Public Involvement in Health Act 2007 requires the Council to choose a new form of Executive Arrangement and provides that a decision must be made by 31 December 2010. This Report outlines the legislation; the choice that must be made between a Leader and Cabinet model or arrangements with an Elected Mayor; details the results of consultation and recommends a course of action together with consequential amendments to the Council's Constitution.

### **Recommendations:**

Having regard to the requirements of the Local Government and Public Involvement in Health Act 2007 with respect to executive arrangements, it be 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 of this Report.

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None**

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**Ext:**

## **1. INTRODUCTION**

1.2 The Local Government and Public Involvement in Health Act 2007 requires every authority which operates a Leader and Cabinet model of Executive to change its executive arrangements in accordance with a statutory timetable. Carlisle City Council already operates a 'Strong Leader' model but the legislation, nevertheless, requires appropriate resolutions be made by the Council as there are, as detailed below, differences between the new regime and the currently existing one.

## **2 Legislative Background**

2.1 The Local Government Act 2000 required all principal authorities to adopt 'executive arrangements' in one of three forms, namely:

- (1) Mayor and Cabinet Executive;
- (2) Leader and Cabinet Executive; or
- (3) Mayor and Council Manager.

2.2 Carlisle adopted the Leader and Cabinet Executive and, in particular, the Strong Leader model where the Council elect the Leader and then the Leader appointed the Cabinet and also determined the degree of delegation of powers to individual Cabinet Members. In Carlisle City Council the Cabinet is more often referred to as the 'Executive'.

2.3 Part 3 of the Local Government and Public Involvement in Health Act 2007 abolishes the Mayor and Council Manager model and, in England, replaces the Leader and Cabinet Executive model with the Leader and Cabinet Executive (England) model. This new model is a different legal form of executive to the style that currently exists in Carlisle, with the result that the transition to the new Leader and Cabinet Executive (England) model, as required by the Act, is a 'change to the form of executive', even where the authority is operating an old style Leader and Cabinet Executive (as is the case in Carlisle). Even when a Council operates such an old-style arrangement it is 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.

## **3 The New Leader and Cabinet Executive Model**

3.1 The new Leader and Cabinet Executive Model (England) Model is very similar to the old "Strong Leader" model of a Leader and Cabinet Executive, but is different in three key respects which cannot be achieved under the old legislation.

3.2 In the new model as in the old-style Leader and Cabinet Executive, the Council elects the Leader and the Leader is then responsible for:

- Determining the size of the Cabinet;
- Appointing Members of the Cabinet;
- Allocating Portfolios and areas of responsibility to the various Cabinet Members;
- Allocating decision-making powers to the Cabinet and to individual cabinet Members; and
- Removing and replacing Cabinet Members.

3.3 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 expires where the Council holds elections by thirds or halves, and the Leader is elected at a time when he/she has less than four years still to run). This was possible under the old model but it was normal for the Leader to be elected for a one year term of office.

3.4 The three key differences referred to above which are required in the new Leader and Cabinet Executive (England) model but cannot be achieved under the old model are:

- The Leader's term of office is extended beyond the 4<sup>th</sup> day after the local elections to run up to the day of the first annual meeting after the Leader's normal day as 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 Council.
- There is a requirement for the Leader to nominate a Deputy Leader, and provision that the 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 our current arrangements have a Deputy Leader, the only powers that may be exercised by that person 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 and dismissals.

#### **4 Directly Elected Mayor and Cabinet**

4.1 The alternative form of executive arrangement is for the Council to hold elections for a Directly Elected Mayor who would hold office for a term of four years. In this 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 2 and 9 Councillors and allocate all executive functions.

## **5 Differences between the Two Models**

5.1 The main differences between the two models are as follows:

- There is a different means of election for each.
- Unlike the Leader, the Mayor cannot be removed from office by the Council or the controlling group.
- Under the Leader and Cabinet model the executive recommends 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 submits the budget and strategic policies to the Council which can only amend or overturn them by a two thirds majority.

## **6 Timetable for Change**

6.1 The legislation has a different timetable 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.

## **7 The Process for Change**

7.1 Members will recall that at the Executive on 4 June 2010 (minute ref. EX.83/10) and the Council Meeting on 13 July 2010 (minute ref. CO.120/10) it was resolved that the Council was minded to adopt the Strong Leader and Cabinet Executive (England) Model subject to a consultation exercise.

7.2 The Right Honorable Grant Shapps MP, Minister for Housing and Local Government, issued guidance (Appendix 3) on the methodology to be used in consulting on this matter. The Council complied with the guidance by advertising in the local press and running consultation on our website. We also consulted the local parish Councils' Association and, in addition, the Resources Overview & Scrutiny Panel considered the matter at its meeting on 17 June 2010.

7.3 The consultation period ran from 19 August 2010 to 11 November 2010 and five replies were received. Three individuals replied supporting the elected Mayor model, one on

the grounds that an elected Mayor would help people to identify with the issues in local government and encourage them to participate and vote. The second was supportive as he felt the present system had “let Carlisle down”. The respondent cited some examples to illustrate his point and went on to say that an elected Mayor should be able to override the County Council on issues that effected Carlisle (e.g. on street car parking policy). (A Carlisle City Council elected Mayor would not have such a power.) The third supporter advocated an elected Mayor to ‘shakeup’ the Council, better deliver projects and bring accountability.

7.4 The final respondent in favour of an elected Mayor was the local MP, Mr John Stevenson, who expressed his support for both an elected Mayor and a referendum on the issue. He felt that it should be the local people that decide as to whether Carlisle has an elected Mayor rather than the Council. In Mr Stevenson’s view, this was the intention of the original legislation. He also stated that Local Government has changed dramatically over the last thirty years but the style of government has not really moved with the times. The Member of Parliament feels that the “time for elected mayors may well be coming”.

7.5 Of the two other responses were received, one was in favour of change but did not see any advantage for the City in an elected Mayor. The other was strongly opposed to the proposal for a directly elected Mayor and considered it to be a further erosion of local democracy, giving too much power to one individual.

7.6 Resources Overview & Scrutiny Panel resolved that they were content with the consultation being carried out.

## **8 PROPOSAL**

8.1 Following the above consultation the legislation requires that the Council (via its Executive) should then draw up proposals, which should be a schedule of proposed changes to the Constitution, the implementation timetable and any transitional arrangements. In drawing up the proposals the Council must have regard to any impact on 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 provision for anyone to comment on them at this stage). Finally, the Council must resolve to implement the proposals.

8.2 The existing Leader and Cabinet model operated in Carlisle has created the framework for improved economy, efficiency and effectiveness. The Council has striven to continuously improve and there is no evidence that an elected Mayor model would

achieve the same or, indeed, continue the current levels of performance. Given that Carlisle operates in a two tier local authority structure the alleged benefits of an elected Mayor would be difficult to achieve. The consultation responses, whilst supportive of an elected Mayor, are limited and do not put forward any clear, persuasive argument that Carlisle as a City and a Council would be better served by an elected Mayor.

8.3 The view remains that the Leader and Cabinet Executive (England) model best serves the needs of the City Council and, thereby, Carlisle. It ensures that the Leader has strength, stability and the support of the full Council. It places leadership clearly in the hands of one individual, the Leader, supported by a Team, the Cabinet. Taking into account the results of the consultation and the other matters mentioned above, it is proposed that the new Leader and Cabinet Executive be adopted as the new Executive arrangements for the Council. Appendix 1 details the proposal.

8.4 Under the new regime, the Leader is appointed for a four-year term. The legislation provides for the Council to include a provision in its Constitution for the removal of the Leader by a resolution. It is proposed that the Council should have the power to remove the Leader by way of resolution by way of a simple-majority. This should be on the basis that a written Motion, signed by at least twelve Councillors, should be submitted to the Assistant Director (Governance) no later than ten days before the date of the Council Meeting. The Act specifies that, if the Council passes such a resolution, a new Leader is to be elected:

- (1) At the Meeting at which the Leader is removed from office; or
- (2) At a subsequent Meeting.

8.5 On the basis that the Council would wish to have such a provision included within the Constitution this has been included in Appendix 2, paragraph 12.2 – Notice to remove the Leader.

8.6 The consequential changes to the Council's Constitution to allow the changes to come into effect are at Appendix 2. If approved these will come into effect from May 2011.

## **9 ALTERNATIVE OPTIONS**

9.1 There are not any alternative options available to implementing new governance arrangements. Should the Council fail to implement the provisions of the Act, the Secretary of State can intervene prior to May 2011 and by order, prescribe the application of the Leader and Cabinet Executive (England) model as from May 2011.

## **10 NEXT STEPS**

10.1 The Proposal outlines the timetable for the implementation of the new Leadership arrangements. The Council must make its resolution before the end of December 2010 and the proposed Strong Leader model requires the Council to elect its Leader for the next four years at the post-election annual meeting of Council in 2011.

## **11 CONSULTATION**

11.1 Consultation to Date: as detailed in the Report.

## **12 RECOMMENDATIONS**

Having regard to the requirements of the Local Government and Public Involvement in Health Act 2007 with respect to executive arrangements, it be 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 of this Report.

## **13 REASONS FOR RECOMMENDATIONS**

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

## **14 IMPLICATIONS**

- Staffing/Resources – Officer time in dealing with the required actions.
- Financial – There will be a small cost for the Consultation exercise which can be met from existing base budgets.
- Legal – The Report has been written by the Assistant Director (Governance) and legal implications are dealt with therein.
- Corporate – None.
- Risk Management – The Council must comply with the statutorily imposed timetable.



- Equality and Diversity – This proposed change in governance arrangements will be assessed for equality and diversity implications as part of the thematic Equality Impact Assessment (EIA Legal, Constitution and democratic process, EIA 9). A workshop for this EIA will be arranged once the findings of the survey of polling stations are known.

#### **Impact assessments**

**Does the change have an impact on the following?**

| <b>Equality Impact Screening</b>                 | <b>Impact Yes/No?</b> | <b>Is the impact positive or negative?</b> |
|--------------------------------------------------|-----------------------|--------------------------------------------|
| Does the policy/service impact on the following? | <b>No</b>             |                                            |
| Age                                              | <b>No</b>             |                                            |
| Disability                                       | <b>No</b>             |                                            |
| Race                                             | <b>No</b>             |                                            |
| Gender/ Transgender                              | <b>No</b>             |                                            |
| Sexual Orientation                               | <b>No</b>             |                                            |
| Religion or belief                               | <b>No</b>             |                                            |
| Human Rights                                     | <b>No</b>             |                                            |
| Social exclusion                                 | <b>No</b>             |                                            |
| Health inequalities                              | <b>No</b>             |                                            |
| Rurality                                         | <b>No</b>             |                                            |

**If you consider there is either no impact or no negative impact, please give reasons:**

**The change to Executive arrangements as proposed in the report does not effect any of the identified equality categories.**

**If an equality Impact is necessary, please contact the P&P team.**

- Environmental – None.
- Crime and Disorder – None.
- Impact on Customers – Minimal if the Council resolves the confirm the Leader and Cabinet model.

## PROPOSALS FOR NEW EXECUTIVE ARRANGEMENTS

The Local Government and Public Involvement in Health Act 2007 requires Carlisle City Council to make changes to its current governance and decision making arrangements. The new arrangements will come into operation immediately after the elections in May 2011. The Council is required by the Act to publish its proposals following the conclusion of the consultation exercise. It is proposed that, with effect from the third day after the May 2011 elections, the Council adopts the following proposals:

### **Election of Leader**

The Leader is elected by Full Council at its post-election annual meeting (or, if the Council fails to elect a Leader at that meeting, at a subsequent meeting of the Council). The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post election annual meeting (under whole Council elections) or the day when the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor (under elections by thirds) unless he/she is:

- Removed from Office or resigns;
- Ceases to be a Councillor; or
- Is disqualified from being a Councillor before that day.

### **Appointment of the Cabinet (Executive) and Scheme of Delegation**

The Leader:

- Determines the size of the Cabinet (Executive);
- Appoints between 2 and 9 Members of the Council to the Cabinet (Executive) in addition to himself/ herself);
- Allocates any areas of responsibility (Portfolios) to them;
- May remove them from the Cabinet (Executive) any time;
- Determines the scheme of delegation for the discharge of the executive functions of the Council; and
- Will report to the Council on all appointments and changes to the Cabinet (Executive).

### **Appointment of Deputy Leader:**

The Leader must appoint one of the Members of the Cabinet (Executive) to be his/her deputy, to hold office until the end of the Leader's term of office (unless the person resigns as Deputy Leader, ceases to be a Councillor or is disqualified or removed from office by the Leader). The Leader may, if he/she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his/her place.

### **Absent Leader:**

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/ her place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet (Executive) must act in the Leader's place or arrange for a Member of the Cabinet (Executive) to do so.

### **Removal of the Leader:**

Section 44c of the Local Government Act 2000 (as amended) states that the executive arrangements which provide for a Leader and Cabinet Executive may include provision for the Council to remove the Leader by resolution. It is proposed that The Council should have the power to remove the Leader by way of resolution by a simple majority, with provision for the removal of the Leader to be included in the Constitution. The Act specifies that, if the Council passes a resolution to remove the Leader, a new Leader is to be elected:

- (a) at the meeting at which the Leader is removed from office; or
- (b) at a subsequent meeting.

### **Timetable for Implementation –**

| <b>Stage</b>                                                                                          | <b>Date</b>                                                                      |
|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| New Executive arrangements to be agreed at Special Meeting of the Council                             | Before 31 December 2010                                                          |
| Publicise new arrangements                                                                            | When drafted                                                                     |
| Constitution reviewed in light of new executive arrangements                                          | Before May 2011                                                                  |
| Constitution approved by Council                                                                      | Before May 2011                                                                  |
| New form of Executive arrangements and revised Constitution comes into operation                      | 3 days after the elections in May 2011                                           |
| Leader elected at Full Council                                                                        | Annual meeting of Council in May 2011                                            |
| Appointment of Deputy Leader<br>Appointment of Cabinet Members; and<br>Allocation of responsibilities | Following the Leader's election at the Annual Meeting of the Council in May 2011 |
| Revisions to the Constitution to take into account the new Leader's Scheme of Delegation              | Following the Leader's election at the Annual Meeting of the Council in May 2011 |

### **Transitional Arrangements**

Under the Act, the Council must agree transitional arrangements for the period following the local elections up until the Annual meeting of the Council. It is recommended that the existing Leader would remain in place (provided he/she is still a Councillor) until the Annual meeting after the 2011 elections, at which the new Leader will be elected. Whoever acts in place of the new Leader therefore (i.e. the existing Leader under the transitional arrangements) will have to act in accordance with the existing constitution and within the parameters of the relevant regulations and statutory provisions.

### **The Constitution**

Detailed changes to the Council's existing Constitution to include the above proposals need to be agreed by Council prior to the date on which the proposals come into effect.

The Act makes it clear that the Council must state the extent to which the functions specified in the Local Government Act 2000 (S13 (3)(b)) are to be the responsibility of the Executive which will be operated if the proposals are implemented. It is suggested that the allocations of functions will continue as for the current Council until revised by the Leader or Council under the new governance arrangements.

## AMENDMENTS TO THE CONSTITUTION ONLY RELEVANT EXTRACTS INCLUDED

- Changes indicated by underlining.
- Members should note that the amendments create consequential numbering changes.

### Article 4 – The Full Council

#### 4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State for the inclusion of disposals in a disposals programme and for consent to such disposals in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing and removing the leader;

### Article 7 – The Executive

#### 7.01 Role

The executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

#### 7.02 Form and composition

The executive will consist of the executive leader together with at least 2, but not more than 9, councillors appointed to the executive by the executive leader. The leader must appoint one of the members of the executive as Deputy Leader.

#### 7.03 Leader

The leader will be a councillor elected to the position of leader by the Council and, from May 2011, must be appointed for a four year term (or for up to the end of his/her term of office as a member, whichever is the shorter). The leader will hold office until:

- (a) he/she resigns from the office; or

- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by resolution of the Council

#### **7.04 Appointment of the Executive and Scheme of Delegation**

The leader will:

- (a) determine the size of the executive and appoint between 2 and 9 members of the Council to be members of the executive in addition to himself/herself;
- (b) allocate any areas of responsibility (Portfolios) to them;
- (c) determine the Scheme of Delegation for the discharge of the executive functions of the Council; and
- (d) report to the Council on all appointments and changes to the Executive.

Such decisions will only take effect from the day of receipt by the proper officer of such decisions in writing.

Executive members may not include the Chairman or Vice-Chairman of the Council or any member of the Council's Overview & Scrutiny Panels.

#### **7.05 Appointment of Deputy Leader**

The leader will appoint one of the members of the executive as deputy leader to hold office until the end of his/her term of office as leader (unless the person resigns as deputy leader, ceases or is suspended from being a councillor or is disqualified or removed from office by the leader). The leader may, if he/she thinks fit, remove the deputy leader from office but must then appoint another person in his/her place.

Such decisions will only take effect from the day of receipt by the proper officer of such decisions in writing.

#### **7.06 Absent Leader**

If, for any reason, the leader is unable to act or the office of leader is vacant, the deputy leader must act in his/her place. If the deputy leader is unable to act or the office is vacant, the executive must act in the leader's place or arrange for a member of the executive to do so.

#### **7.07 Removal of the Leader**

Subject to Part 4, paragraph 12.2 of the Constitution, Council may decide, by way of resolution by a simple majority to remove the leader from office and for a new leader to be elected.

#### **7.08 Interim and/or replacement Leader arrangements/term of office**

Where the leader is removed or departs from office mid-term, his/her appointment of executive members and deputy leader survive his/her departure.

The deputy leader will take over the functions of leader until such time as a new leader is elected, and the executive remains in post and continues to meet and function until such time as the new leader appoints a new executive.

The newly elected leader will automatically hold office, once elected, for the balance of his/her term of office as a councillor.

#### **7.09 Other executive members**

Other executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office by the leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer.

#### **7.10 Proceedings of the executive**

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

#### **7.11 Responsibility for functions**

The leader will maintain a list in Part 3 of this Constitution setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

### **Part 4 – Council Procedure Rules**

#### **1. ANNUAL MEETING OF THE COUNCIL**

##### **1.1 Timing and business**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May as is approved by the Council. The annual meeting will:

- (i) elect a person to preside if the chairman of Council is not present;
- (ii) elect the chairman of Council;
- (iii) elect the vice chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the chairman and/or head of the paid service;
- (vi) elect the leader (in the year in which the current leader's term of office expires);
- (vii) appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- (viii) appoint the chairs and vice chairs of the overview and scrutiny committees and the Licensing Committee.
- (ix) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 2 of this Constitution);
- (x) approve a programme of ordinary meetings of the Council for the year; and
- (xi) consider any business set out in the notice convening the meeting.

## **2. ORDINARY MEETINGS**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. Ordinary meetings will:

- (i) elect a person to preside if the chairman and vice chairman are not present;
- (ii) deal with any business required by statute to be done before any other business;
- (iii) approve as a correct record and sign the minutes of the last meeting of the Council;
- (iv) receive any declarations of interest from members;
- (v) to deal with any business required by statute to be done;
- (vi) receive any announcements from the chairman, leader, members of the executive or the head of paid service;
- (vii) receive questions from, and provide answers to, the public and receive petitions and deputations pursuant to Rule 10;
- (viii) deal with any business from the last Council meeting;
- (ix) receive a report from the leader if there are any changes to executive appointments
- (x) receive questions from members of the Council on notice pursuant to Rule 11.2;
- (xi) receive reports and minutes from the executive, the Council's committees, sub-committees, panels and working groups and reports from officers and receive questions and answers on any of those minutes and reports;
- (xii) receive reports about and receive questions and answers on the business of joint arrangements (if any) and external organisations;
- (xiii) consider motions;



- (xiv) consider any other business specified in the summons to the meeting, including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees for debate and
- (xv) deal with such other business as may be brought forward by the chairman as a matter of urgency.

## **12. MOTIONS ON NOTICE**

### **12.1 Notice**

Except for motions to remove the leader under Rule 12.2 and motions which can be moved without notice under Rule 13, written notice of every motion, signed by the member or members of the Council, must be delivered to the Assistant Director (Governance) not later than midday 7 clear days before the date of the meeting. These will be entered in a book open to public inspection.

### **12.2 Notice to remove the Leader**

Written notice, signed by twelve councillors calling for the removal of the leader and the appointment of another named councillor as leader, must be delivered to the Assistant Director (Governance) not later than ten days before the date of the Meeting. This will be entered in a book open to public inspection.



Leaders of Non-Metropolitan District Councils  
in England

**The Rt Hon Grant Shapps MP**  
*Minister for Housing and Local Government*

**Department for Communities and Local  
Government**

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London SW1E 5DU

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Dear Leader

**Requirement to consult under the Local Government and Public Involvement in  
Health Act 2007**

I am writing to you about the requirements on your council to adopt a new governance model from May 2011, and before doing so to consult your local electorate and interested parties in the area. Whilst it is for each council to decide how it will meet these requirements, I would wish to highlight the Government's view that councils need not incur any significant expenditure on these requirements, and our expectation in today's circumstances that all councils will pursue this at minimal cost.

These requirements are in the Local Government and Public Involvement in Health Act 2007 and necessarily remain in force unless or until that Act is repealed by fresh primary legislation. It is our intention to do this. For your council the requirements mean that you must resolve by 31 December 2010 to move to either the new leader and cabinet model or mayor and cabinet model, and before so resolving you must take reasonable steps to consult the local electorate and other interested parties in your council's area.

In considering how to approach these requirements you will wish to have regard to the circumstances of today, including both the priority of cutting out all wasteful spending and the Government's commitments to allow councils to return to the committee system, should they wish to, and on elected mayors. We also intend to remove the necessity to elect a leader for four years. We intend to provide for these commitments in our Localism Bill to be introduced later in this Parliamentary session. This may mean that any governance model you adopt in May 2011 may be further changed within a year or so. Your decisions about consultation will also be taken in the context of the greater transparency and openness agenda which I am confident you will be putting in place throughout your council.

Accordingly, the case is strong for any consultation now about future governance arrangements to be the minimal cost option. It will be for each council to decide, but in our view no more than a small newspaper advert/article or press release on your website may be proportionate and right in these circumstances.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Grant Shapps', written in dark ink.

**GRANT SHAPPS M**