

# Executive

## Executive Arrangements - Strong Leader Model

6 September 2010

### Report of Head of Legal and Democratic Services

#### PURPOSE OF REPORT

To consider arrangements for adopting the so called 'Strong Leader' model of Executive governance as required by the Local Government and Public Involvement in Health Act 2007, until this act is repealed later in the year.

This report is public

#### Recommendations

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The Executive is recommended:

- (1) To note that the Government intend to repeal these requirements later in the year and consequently to agree a minimal response to ensure legislative compliance as set out in the following recommendations and endorsed by the minister in his letter as set out in Appendix 1.
- (2) To note that Cherwell already operates a Strong Leader Model
- (3) To agree the proposals in 1.3 to 1.7 below, including the changes to the approval process for the Scheme of Delegation, the appointment of Leader and Annual Council and recommend them to Council for approval.
- (4) To agree that a summary of the proposed changes be placed on the internet and any responses will be reported to Council.
- (5) To agree that the Head of Legal and Democratic Services be requested to draft constitutional amendments for consideration by Council to implement the changes.

#### Executive Summary

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##### Introduction

- 1.1 Under the Local Government and Public Involvement in Health Act 2007, local authorities which had previously adopted an Executive and Leader model of governance are required to consult on changing to either a directly elected mayor or new style leader and Executive. This was part of a rolling 3 year programme beginning with counties, then unitaries and finally districts

by 31 December 2010.

- 1.2 The Local Government Act 2000 requires local authorities to consult on any such change to governance arrangements; however the coalition government has informed all district council's that this consultation should not incur significant expenditure and should be minimal, as it is intended to repeal the legislation later in the year. However it is the law now and we must comply with it.

### **Proposals**

- 1.3 That the following minimal actions be taken to ensure the council complies with legislative requirements until the requirements are repealed.
- 1.4 That the constitution be amended to confirm the Leader of the Council's power to determine the size of the Executive, appoint members of the Executive, allocate all Executive functions and serve for a four year term of office.
- 1.5 That the constitution be amended to confirm the method by which the Leader may be removed from office.
- 1.6 That the constitution be amended to allow the Leader of the Council to make changes to the scheme of delegation, however these will not take effect until, they are reported to Council.
- 1.7 That the constitution be amended with regard to the procedure to be followed at Annual Council in light of the above proposals.

### **Conclusion**

- 1.7 The 2007 Act raises a number of issues regarding governance arrangements which the council is required by legislation to address. This report sets out a measured approach to enable the council to meet these requirements whilst not incurring additional expenditure and allowing it to continue to operate in a way which has proved effective without unnecessary change, until the legislation is repealed.

## **Background Information**

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### Executive Arrangements

Section 11 of the Local Government Act 2000 provided a number of different models of governance and this Council opted for the Leader and Executive model. The legal requirement was (and still is) for the Council to elect a Leader of the Council. The Council then had a choice of the appointment of between 2 to 10 Councillors to the Executive to be either appointed by the elected Leader (the 'strong' leader model) or by the council (the 'weak' leader model).

Under Part 3 of the Local Government and Public Involvement in Health Act 2007, Section 62 of the Act introduces a so-called "new style" Leader and Executive, provides for the continuance of directly elected mayor and Executive arrangements but abolishes the mayor and council manager style of executive.

In the case of a local authority electing by thirds, the Leader of the Council is to be a councillor elected by the authority for their four-year term. The Leader of the Council appoints two or more councillors to form the Executive which has a maximum number of 10 (i.e. the 'strong' leader model).

All leaders are required to be 'strong' leaders and must –

- (a) determine the size of the Executive;
- (b) appoint members of the Executive;
- (c) allocate all executive functions; and
- (d) have a four-year term of office.

This Council chose the former the strong leader model when the 2000 act was implemented. Therefore arguably there is no need for the Council to change it's Executive governance arrangements or to consult on any change and therefore no need for a special meeting of Council to be called to make any changes.

Any districts which do not currently operate a strong Leader model will be required to go through this process by December 2010.

### Executive Delegations

Under the provisions of the Local Government Public and Involvement in Health Act, all executive powers are to be vested in the Leader of the Council who is responsible for delegating decision making as appropriate (e.g. collective Executive decisions, decisions reserved to the Leader of the Council, decisions delegated to Executive Portfolio Holders, decisions delegated to individual members and decisions delegated to other executive decision-making bodies). Executive functions are those that by law must be the responsibility of the Executive.

Currently, these delegations are set out in the constitution and agreed by full Council following consideration and referral from the Executive. Therefore, it will be necessary to amend our processes and constitution to reflect this new power of the Leader of the Council, which transfers to him from full Council.

However, the current constitutional amendment process in terms of delegations has served the Council well and protected the Council from sudden changes in delegation which could prove problematic as this also affects all delegations to

officers and Executive members. It is therefore recommended that the constitution be amended to allow the Leader of the Council to make changes to the scheme of delegation, however these will not take effect until they are reported to Council.

#### Changes to Annual Council and Appointment of Leader of the Council

There will also be a need to change aspects of the Annual Council meeting and the appointment of Leader.

Currently the Leader of the Council is the leader of the majority party group and holds office as long as they are leader of that group; this is endorsed annually at Council.

It is proposed that in order to comply with the new requirements, that the Leader of the Council be appointed for a four year term, holding office until they resign, are removed by Council or complete the remainder of their term of office as a Councillor.

The Leader of the Council would be eligible for re-election.

Annual Council would no longer annually appoint or note the appointment of Leader. Additionally, Annual Council would no longer have to agree portfolios or Executive members. If the proposal as recommended above is adopted they would merely be reported by the Leader of the Council at any Council meeting (usually Annual Council) before taking effect.

#### Consultation

As no change is proposed in the Executive governance arrangements, there is no statutory duty on the Council to consult, additionally as this change is compulsory it is questionable whether consultation is meaningful or what value it can add. This has been acknowledged in the letter from the Minister for Housing and Local Government as set out at Appendix 1.

However, as changes are proposed to the method of amending the Scheme of Delegation it is proposed that a summary of the proposed changes should be placed on the internet and any responses received reported to Council.

#### **Key Issues for Consideration/Reasons for Decision and Options**

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The following options have been identified. The approach in the recommendations is believed to be the best way forward

**Option One**                      To agree the recommendations

**Option Two**                      To amend the recommendations

#### **Consultations**

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**Public Consultation**              Comments will be provided for council

## Implications

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- Financial:** There are no financial implications arising directly from this report.  
Comments checked by Karen Curtin, Head of Finance 01295 221551
- Legal:** The proposed course of action is in line with legislation and proportional given the clear government indication to repeal the legislation.  
Comments checked by Liz Howlett, Head of Legal and Democratic Services 01295 221686
- Risk Management:** The measures set out in the report mitigate any risk to the council in light of the legislative requirement  
Comments checked by Karen Curtin, Head of Finance 01295 221551

## Wards Affected

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All

## Corporate Plan Themes

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None

## Executive Portfolio

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**Councillor Barry Wood**  
**Portfolio Holder for Policy, Community Planning and Community Development**

## Document Information

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Appendix No	Title
Appendix 1	Letter from Minister for Housing and Local Government
Background Papers	
None	
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