
NEW POLITICAL MANGEMENT ARRANGEMENTS

To: **Constitutional Review Working Party - 26 January 2011**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Summary: To approve amendments to the Constitution, following adoption of a new, "Leader and Cabinet Executive" model, by Council at its extraordinary meeting on 16 December 2010

For Decision

1.0 Introduction and Background

- 1.1 In accordance with the provisions of the Local Government & Public Involvement in Health Act 2007 ("the 2007 Act"), the Council consulted on the two political governance models which the Act prescribed, namely the "Leader and Cabinet Executive" model and the (Elected) "Mayor and Cabinet Executive" model, and, at its extraordinary meeting on 16 December 2010, agreed to draw up, adopt and publish a proposal for revised political governance arrangements consisting of a Leader with a Cabinet Executive (Minute No. 242 refers).
- 1.2. Although the new Leader and Cabinet Executive model closely reflects the Council's former political governance arrangements, there are three significant differences:
- I. Under the 2007 Act the Cabinet must be appointed by the Leader. Formerly, the Council appointed the Leader and Deputy Leader and the Leader appointed the Cabinet.
 - II. Under the 2007 Act, the Leader's term of office is for four years. However, Council can still remove the Leader "in term" by Council resolution and Council would then appoint a new Leader for the four year term. Formerly, the Leader was appointed for one year only.
 - III. Under the "old style" arrangements, it was possible for the Constitution to make provision with respect to the allocation of executive functions amongst the Cabinet – that is to say, the Constitution could specify the terms of reference and portfolios of the Leader, the Cabinet collectively and individual Cabinet members. Under the 2007 Act, the Cabinet Leader will decide these matters, i.e., the position will be the same for a Leader as for a directly elected Mayor. In practice, this means that in future the Leader will determine the portfolio allocation of executive functions without the input of full Council.

2.0 The Current Situation

- 1.3 In view of the changes outlined at 1.2 above, it will be necessary to change the following sections of the Constitution, in order to bring them in line with the new, Leader and Cabinet Executive model:
- 1.3.1 Part 1 - Summary and Explanation, Section 3.0, "How the Council Operates" (See **Annex 1**)

- 1.3.2 Part 2, Article 7 – The Executive (“The Cabinet”) (See **Annex 2**)
- 1.3.3 Part 4 - Council Procedure Rules, Section 1.0, “Annual Meeting of the Council” (See **Annex 3**)
- 1.4 The Working Party is asked to consider the proposed changes shown in the Annexures underlined in bold.

3.0 Corporate Implications

3.1 Financial

There are no direct financial implications arising from this report.

3.2 Legal

Council must approve any alteration to the Executive Functions contained within the Constitution.

3.3 Corporate

None specific

3.4 Equity and Equalities

None specific

4.0 Recommendation(s)

- 4.1 That the Working Party recommends to the Standards Committee that the changes to the Constitution, as outlined at Annex 1, be approved.

5.0 Decision Making Process

- 5.1 The recommendation of the Working Party will be made to the Standards Committee, who will then make a final recommendation to Council.

Meeting of Standards Committee	Date: 8 February 2011
Meeting of Council	Date: 24 February 2011

Contact Officer:	Harvey Patterson, Head of Legal & Democratic Services and Monitoring Officer
Reporting to:	Sue McGonigal, Interim Deputy Chief Executive

Annex List

Annex 1	Suggested amendments to Part 1, Section 3.0 of the Constitution (How the Council Operates”)
Annex 2	Suggested amendments to Part 3, Section 3 of the Constitution (“Responsibility for Executive Functions”)
Annex 3	Part 4, Section 1.0 of the Constitution, Council Procedure Rules – Annual Meeting of the Council

Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	N/A
Legal	N/A