
Local Government and Public Involvement in Health Act 2007 - Adoption of Revised Political Management Arrangements

To: **Constitution Review Working Party - 7 October 2009**

By: **Harvey Patterson, Monitoring Officer**

Classification: **Unrestricted**

Summary: To consider the available options and steps to be taken in order to adopt new political management arrangements

For Decision

1.0 Background

- 1.1 By virtue of Part 3 and Section 64 of the Local Government & Public Involvement in Health Act 2007 ('the Act') the Council will be required to consult on and adopt one of the two political governance models prescribed by the Act, namely the Leader and Cabinet Executive model and the Mayor and Cabinet Executive model .
- 1.2 The Leader and Cabinet Executive model under the 2007 Act differs slightly from what that Act calls the "old style" Leader and Cabinet model (under the LGA 2000). The main differences are:
- (i) Under the "old style" arrangements a Leader could be "strong" or "weak". With a "strong" Leader the Cabinet is appointed by the Leader. With a "weak" Leader the Cabinet is appointed by the full Council. Under the 2007 Act the Cabinet must be appointed by the Leader. TDC currently appoints the Leader and Deputy Leader and the Cabinet Leader then elects the Cabinet
 - (ii) 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.
 - (iii) Under the "old style" arrangements the Constitution "may include provision with respect to...the election and term of office of the executive leader" – that is to say, the Leader's term of office is for the full Council to decide when approving the Constitution. Under the 2007 Act the Leader's term of office (in the case of a Council operating whole-council elections) will be four years.
- 1.3 In the Mayor and Cabinet Executive model the Mayor is directly elected for four years, appoints the Cabinet and determines their portfolios. He or she cannot be removed from office by the Council

Implementation Time Scale and Requirements

- 2.1 The Council must consult the public and other interested person for a minimum 12 week period before drawing up proposals for a change in its political governance arrangements. In drawing up its proposals the Council will have regard to the responses to the public consultation as well as the extent to which the proposals if implemented, would be likely to assist in securing continuous improvement in the way in which the Councils functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 2.2 The Council must then resolve by not later than **31 December 2010** which of the two available governance models it proposes to adopt and the Council must pass this resolution at an Extraordinary General Meeting specifically convened for this purpose. The new governance arrangements will then come into force on the third day following 'a relevant election' - in the case of Thanet the whole Council elections in May 2011 will be a relevant election.
- 2.2 Give that there must first be a minimum three months consultation period before the Council publishes a proposal, that the proposal must include an adoption timetable (and may include a proposal to hold a referendum) and given also the requirement to complete the process and adopt the preferred model by 31 December 2010, it may be advisable for the Council to begin the process in this cycle of meetings by considering and developing a reasoned preference for one of the available models as this would form the basis of the public/interested person consultation exercise. If this is agreed the Head of Legal and Democratic Services, will report to the next meeting of the Working Party with a short paper on the advantages and disadvantages of each model. In addition, although the recommendations of the Working party will be considered by the Standards Committee and full Council so all members will have the opportunity of influencing the decision, it would be appropriate to consult the party groups via the Group Leaders on their preferred model.

3.0 Corporate Implications

3.1 Financial

- 3.1.1 There will be a consultation cost for which no discrete budget exists, However if consultation is deferred until the next financial year it will be possible to include an appropriate amount in the budget build for 2010/11.

3.2 Legal

- 3.21 As set out in the report

3.3 Corporate

- 3.3.1 Research indicates that Councils with strong leader executive arrangements tend to be higher performing than Councils with weak leader executive arrangements. As both models are "strong leader" models, either has the capacity to support the 'Modern Council' Corporate Plan theme.

3.4 Equity and Equalities

- 3.4.1 None Specific

4.0 Recommendation(s)

- 4.1 That the report be received and noted.

4.2 That the Working party determines whether to begin the processes necessary to change the Councils political governance and management arrangements in this cycle of meetings.

5.0 Decision Making Process

5.1.1 The recommendations of the Constitution Review Committee are considered by the Standards Committee who make final recommendations to Council. Council must first consult the public before drawing up its proposal and adopting them at and Extraordinary General Meeting.

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Annex List

None

Background Papers

Title

No background papers

Details of where to access copy