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## **Adoption of Revised Political Management Arrangements**

To: **Council – 15 July 2010**

By: **Harvey Patterson, Monitoring Officer**

Classification: **Unrestricted**

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

### **For Decision**

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#### **1.0 Background**

- 1.1 By virtue of Part 3 and Section 64 of the Local Government & Public Involvement in Health Act 2007 ('the 2007 Act') the Council is 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. Although the new government is committed to allowing local authorities to return to the pre Local Government Act 2000 committee system, this will require primary legislation and does not affect the timetable for the implementation of the 2007 Act reforms.
- 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 appoints 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.

- 1.4 In fact, the TDC Constitution is already very close to the 'strong' Leader and Cabinet Executive model in that the Leader determines the size of the Cabinet within the prescribed legal limits, appoints members to the Cabinet (other than the Deputy Leader), determines the allocation of portfolio responsibilities between members of the Cabinet and determines which executive functions may be discharged by individual Cabinet members.

### **Implementation Time Scale and Requirements**

- 2.1 The Council must consult the public and other interested persons 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' - for Thanet the whole Council elections in May 2011 will be a relevant election.
- 2.3 Given 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 is recommended that Council begins the process by expressing a 'pre-consultation preference' for one of the two available models which can then form the basis of public/interested person consultation exercise.

### **3.0 Constitution Review Working Party - 17 June 2010**

- 3.1 The Constitution Review Working Party considered these issues on 17 June 2010. Given the high degree of alignment between the Thanet Constitution and the Leader and Cabinet Executive model, the Working Party recommended this as the Council's pre-consultation preference. The Working Party also considered that in addition to public consultation, the Party Group Leaders should be formally consulted on the options.

### **4.0 Standards Committee - 29 June 2010**

- 4.1 In summary the Standards Committee endorsed the approach of the Constitution Review Working Party, namely that the Council's pre-consultation preference should be the Leader and Cabinet Executive model and that the Party Group Leaders should be consulted on the options. Members also questioned the wisdom of a system which would give substantial executive power to a retiring Cabinet Leader during the period beginning on the date of normal retirement of councillors to the date of the annual meeting of Council following a local government election. The Head of Legal & Democratic Services advised that the intention of the legislation was to place the Cabinet Leader in the same position as the Chairman of the Council, who currently remained in office over an election period to the date of the annual meeting of Council, regardless of whether they were standing for office again.

## **5.0 Consultation Approach - Corporate Management Team - 29 June 2010**

5.1 On 29 June 2010 Corporate Management Team considered the manner in which the public and interested persons would be consulted. It would be essential that any consultation exercise was informative as well as balanced and neutral between the two options. It also had to represent a reasonable test of public opinion as well as value for money. It was agreed that a web based consultation exercise would be developed as this could largely be delivered from within existing budgets.

## **6.0 Corporate Implications**

### **6.1 Financial**

6.1.1 If consultation costs cannot be met from within existing budgets, Corporate Management Team will be asked to identify the necessary resources.

### **6.2 Legal**

6.21 As set out in the report

### **6.3 Corporate**

6.3.1 Research indicates that Councils with strong Leader and Cabinet Executive arrangements tend to be higher performing than Councils with weak Leader and Cabinet Executive arrangements. As both the proposed models are "strong leader" models, either has the capacity to support the 'Modern Council' Corporate Plan theme.

### **6.4 Equity and Equalities**

6.4.1 None Specific

## **7.0 Recommendation(s)**

7.1 That the report be received and noted

7.2 That the recommendations of the Constitution Review Working Party and the Standards Committee be adopted, namely that the Council expresses a pre-consultation preference for the adoption of Leader and Cabinet Executive political management arrangements.

7.3 That the public and interested persons be now consulted on the available options for a period of not less than twelve weeks.

7.4 That the party Group Leaders be also consulted on the available options

7.5 That the consultation responses be considered at an Extraordinary General Meeting of the Council convened not later than 31 December 2010 at which proposals for the future political management arrangements of the Council will be drawn up considered and adopted having regard to the consultation responses as well as the extent to which the proposed arrangements 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.

## **8.0 Decision Making Process**

8.1 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 proposals and adopting them at an Extraordinary General Meeting.

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### ***Annex List***

*None*

### ***Background Papers***

#### **Title**

*No background papers*

#### **Details of where to access copy**