

London Borough of Sutton

CMT 26th August 2009

The Executive – 14th September 2009

Report of the Head of Legal Services

THE NEW EXECUTIVE ARRANGEMENT

Ward Location: Not Applicable

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Area Served: Borough wide

Executive Councillor: Sean Brennan

Summary

Under the Local Government and Public Involvement in Health Act 2007, the Council is required to adopt a new style executive arrangement which comprises “a directly elected mayor and cabinet executive” or “an indirectly elected leader and cabinet executive” after the May 2009 Council elections. To adopt the new arrangement, the Council must prepare and publish its proposals for change, undertake reasonable consultation with residents and other interested parties and pass a resolution at a meeting of Full Council before 31st December 2009. This report considers the changes in the executive arrangements introduced by the Act. The Executive is required to decide on the proposals for the new executive arrangement for public consultation.

Recommendations/Decision

1. There should be public consultation on the options for the new executive arrangement, with the preferred option being the “new style leader and cabinet executive”.
2. The outcome of the public consultation should be reported to the Community Leadership Advisory Group.
3. There should be a further report to the Executive on the recommendations of the Community Leadership Advisory Group and the outcome of the public consultation.

1. Background

- 1.1 Under the Local Government Act 2000, local authorities were required to adopt one of the following forms of executive arrangements; elected mayor and cabinet, leader and cabinet, and elected mayor and council manager.
- 1.2 The Government has expressed concern at the slow pace of change towards the model of a directly elected mayor, and the Local Government and Public Involvement in Health Act 2007 can be seen as an attempt to breathe fresh life into this model of local governance. However, there appears to be very limited interest in this issue amongst the general public and few (if any) councils are currently planning to opt for this model. One of the small number of councils that has had a

directly elected mayor – Stoke on Trent City Council – is set to return to the more widespread “leader and cabinet” executive.

- 1.3 This Council, in common with the majority of local authorities, adopted a leader and cabinet executive model following the 2000 Act. The Council’s Constitution provides for the Leader and the Cabinet to be appointed annually by the full Council. The Council appoints the cabinet which currently comprises 8 members. The Leader and Cabinet exercise their executive functions collectively and no individual members can take decisions.
- 1.4 Under the 2007 Act, the Council’s current executive arrangement must change to the new style arrangements. There are only two options available. The Council must decide whether it wishes to adopt the indirectly elected leader and cabinet executive or directly elected mayor and cabinet executive model of governance.

2. The New Style Leader and Cabinet

- 2.1 This new arrangement provides for full Council to appoint the Leader for a fixed term of 4 years. The aim is to give the leadership greater stability and mandate to take through those difficult but essential decisions that may be unpopular in the short term.
- 2.2 The Leader then appoints members of his/her cabinet and ultimately determines the size of his cabinet. This is capped at 10 members. A Deputy Leader should be appointed by the Leader with the power to act in the Leader’s absence.
- 2.3 The Leader alone may discharge the functions of the executive. This gives the Leader power to determine how the executive functions are discharged. The Leader may arrange (through delegation) for the functions to be discharged by the cabinet, by another member of the cabinet, by a committee of the executive or by an officer of the authority.
- 2.4 This new arrangement should include a provision for full Council to remove the Leader by resolution. If the Council passes a resolution to remove the Leader, a new Leader is to be appointed at the same meeting or at a subsequent meeting. The Secretary of State may make regulations as to the terms of office of a Leader and the filling of vacancies in the office of the leader. When these regulations will be passed is still unknown.
- 2.5 The new style leader and cabinet model is not a significant departure from the current leader and cabinet arrangement.

3. Directly Elected Mayor and Cabinet

- 3.1 In the mayor and cabinet executive, the Mayor would be directly elected by voters in Sutton for a fixed term of 4 years. The Mayor would lead the Council in the discharge of the executive functions.
- 3.2 The Mayor would have the same powers as a Leader in the leader and cabinet arrangement. The Mayor appoints the cabinet and a Deputy. The Mayor alone may discharge the executive functions or may choose to delegate it to members of the cabinet or to officers.

- 3.3 The main difference with the leader and cabinet executive is that the elected Mayor is not a Councillor and does not have an electoral ward to represent. Further, the Mayor cannot be removed by full Council during his term of office.
- 3.4 Most authorities have a ceremonial mayor that normally chairs meetings of full Council. An elected Mayor may carry out this ceremonial function or the council may decide to keep the ceremonial mayor as well. If authorities decide to keep the ceremonial mayors, he or she will have a new title and the directly elected Mayor will hold the formal title of 'mayor'.
- 3.5 Changing to a mayor and cabinet model would be a radical shift in governance and culture for the Council. Most authorities in England operate with the leader and cabinet executive. There are only about 12 Councils operating the Mayor and cabinet model.
- 3.6 Many local authorities had to change their governance arrangements in May 2009 following local elections. There is no evidence to suggest that any Council has made any changes to its governance method.

4. Implementation of the New Arrangement

- 4.1 The Council must change its current governance arrangement to the new style arrangement. There is a prescribed procedure to change to the new arrangement.
- 4.2 The Council must draw up proposals for change. The proposals must include an implementation timetable and details of any necessary transition arrangement.
- 4.3 Before drawing up the proposals, the Council must take reasonable steps to consult with residents and other interested parties in its area.
- 4.4 When drawing up the proposals, the Council must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 4.5 After drawing up a proposal, the Council must make copies available at the Civic Centre for inspection. The details of the proposals and its availability for inspection should be published in the local newspapers.
- 4.6 By December 2009, the Council must pass a resolution at a special meeting of full Council on the governance arrangement it intends to adopt.

5. Public Consultation and Implementation Timetable

- 5.1 The Council is required to take "reasonable steps" to consult with the public before formal publication of its proposals for the new executive arrangement. The consultation paper should contain sufficient information about current arrangement and the new arrangements to enable the public to make an informed decision on their preferred option. The Council could seek the views of the public by posting notice of the consultation on its website and drawing attention to this in Sutton Scene. This approach is recommended because there is no evidence to suggest local interest in this issue, and there are many other, more pressing issues on

which the Council wants to engage with local residents. However, if the Executive prefers a more high profile consultation, this could of course be organised.

5.2 The following timetable is suggested for implementation of the new arrangement;

14 September 2009 The Executive agrees consultation on the new Executive Arrangement.

15 September - 30 October 2009 Public Consultation.

November 2009 Community Leadership Advisory Group considers the results of the public consultation and makes a recommendation to the Executive

1 December 2009 The Executive considers the recommendations and the outcome of the consultation and makes a recommendation to full Council

7th December 2009 Full Council passes a resolution to adopt the new Executive Arrangement.

5.3 Following the decision of full Council, amendments will have to be made to the Constitution to take into account the new governance arrangement post June 2010.

4. Financial Implications

The cost of posting notice of the consultation paper will be met from existing budget. Other than this, there are no financial implications arising from the recommendations.

5. Influence of the Council's Core Values

5.1 The new governance arrangements should contribute to help build a community in which all can take part and all can take pride. It could also ensure a more responsive and quicker decision making.

6. Equality Impact Assessment

6.1 The proposed changes in the governance arrangement would not have an adverse effect on any particular minority or other disadvantaged groups.

7. Background Papers

None