REPORT TO COUNCIL

REPORT OF: Access and Engagement Portfolio Holder

REPORT NO: DEM039

DATE: 22 APRIL 2010

TITLE:	**New Executive Arrangements under the Local Government & Public Involvement in Health Act 2007**	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Ray Auger Access and Engagement Portfolio Holder	
CONTACT OFFICER:	Lena Shuttlewood, Democracy Services Manager	
INITIAL IMPACT ASSESSMENT: **Equality and Diversity**	Carried out and Referred to in paragraph (7) below: N/A	Full impact assessment Required: No
FREEDOM OF INFORMATION ACT:	This report is publicly available from the Your Council and Democracy page on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None – published statute	

1. RECOMMENDATIONS

That the Council agree:

(1) To the proposed consultation methods of SKToday and the Council's website for consulting electors and other interested persons about the new executive arrangements;

(2) The proposed timetable attached to this report for the consultation and implementation of the new executive arrangements.

2. PURPOSE OF THE REPORT

The Council is statutorily required to consult on and implement new executive arrangements as detailed in Part 3 of the Local Government and Public Involvement in Health Act 2007.

3. DETAILS OF REPORT

The Local Government Act 2000 required most local authorities to operate executive arrangements using one of three model forms of executive provided for in the Act:

- elected mayor and cabinet
- leader and cabinet
- elected mayor and council manager

South Kesteven District Council, like most district authorities, opted for the leader and cabinet model. Part 3 of the 2007 Act has abolished two of these models – the old-style leader and cabinet and the elected mayor and council manager. Local authorities in England are now required to operate one of two models, either:

- elected mayor and cabinet; or
- "new style" leader and executive

No other form of executive arrangement is permitted.

There are transitional provisions which allow councils to continue operating the old style leader and cabinet models For district councils this transitional period ends on the third day after the May 2011 district and parish elections.

The 2007 Act provides for a different from of executive and as such all local authorities must go down the administrative route of changing their form of executive to one of the two prescribed arrangements.

Under the new arrangements, the leader in a leader and cabinet executive (i.e. new "style leader") makes arrangements for the discharge of functions in the same way as a mayor in a mayor and cabinet executive. The maximum permitted number of members in a cabinet (including the leader) remains ten.

The main differences between South Kesteven DC's current executive model and the two options under the 2007 Act is summarised in the following table:

	Current leader and cabinet model (As is)	**New style council leader and cabinet model**	**Directly elected mayor and cabinet model**
Appointment and term of office	Leader appointed by full council annually	Leader appointed by full council for a 4 year term subject to resignation or disqualification.	Elected directly by the electorate for a 4 year term
Status	Leader is a member or councillor for all purposes	Leader is a member or councillor for all purposes	Directly elected mayor is not to be considered a member or councillor unless legislation indicates otherwise

	Current leader and cabinet model	New style council leader and cabinet model	Directly elected mayor and cabinet model
Executive functions	Size of cabinet determined by the annual meeting of council. Leader assigns portfolios	Leader decides size of cabinet. All executive functions would be vested in the leader who can then delegate	All executive functions would be vested in the mayor who can then delegate
Appointment of cabinet	Full council appoints the size of the cabinet; Leader nominates portfolio holders	Council appoints leader who then appoints his/her cabinet members and allocates responsibility	Mayor appoints his/her cabinet members and allocates responsibility
Deputy	No legal requirement to have a deputy leader but constitution vests power in leader	Legal requirement to have a deputy leader appointed by the leader	Legal requirement to have a deputy mayor appointed by the mayor

South Kesteven DC will need to adopt one or other of the new models even if it wishes to retain a leader and cabinet executive model.

CONSULTATION PROCESS

The 2007 Act requires the authority to take reasonable steps to consult the local government electors for, and other interested persons in, the authority's area before drawing up proposals. The act does not specify the type of consultation that should be carried out or how long the consultation process should take.

Information collected from other authorities who have already been through the process indicate that the most common consultation methods used have been:

- Articles in the council's own publications;
- Online consultation through the council website;
- Written consultation with partner organisations and/or community groups;

The period of consultation is not prescribed in the legislation.

Where authorities have already undertaken consultations, the detail of the consultation has typically taken the following form:

- Summary of why the consultation is taking place;
- What system of governance the authority is currently working under;
- A summary of the two governance models;
- The key differences between the two models (as set out in the table above).

In order to keep the consultation process straightforward, it is suggested that South Kesteven District Council uses its own magazine SKToday and the website as the

consultation methods. The period of consultation is recommended as 6 weeks.

A suggested timetable for carrying out the consultation process and implementing the new arrangements by the statutory deadline is appended to this report.

Feedback from the consultation will be taken into account when making the final decision as to the executive arrangements for the council. When drawing up the proposals, the council must consider to what extent the governance models, if implemented, "*would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency, and effectiveness.*"

4. OTHER OPTIONS CONSIDERED

This is a statutory requirement.

5. RESOURCE IMPLICATIONS

Using the council's own publication and website to carry out the consultation process will be contained within existing budgets.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

The Council is legally required to confirm new executive arrangements by 31 December 2010 in accordance with the legislation.

If the council fails to adopt the either of the new executive model arrangements, the Secretary of State will draw up proposals for the authority and they will be deemed to be implemented on the last day of the transitional period.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

An EIA is required for the consultation process.

8. CRIME AND DISORDER IMPLICATIONS

No crime and disorder risks have been identified.

9. COMMENTS OF SECTION 151 OFFICER

It has been confirmed by the Service Manager that any associated expenditure relating to this decision can be meet from existing approved budget provisions.

10. COMMENTS OF MONITORING OFFICER

This report will assist to provide members of the council and the public with an overview of the proposed changes to the executive arrangements of this Council. As no consultation process is prescribed, it is essential the Council consider the proposed consultation process at its annual meeting to ensure the time table for the introduction as specified in legislation can be met. The next edition of SK Today will be published at the end of May. Articles for that edition need to be available by the end of April.

11. APPENDICES: Proposed timetable

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PROPOSED TIMETABLE

22 April 2010	Initial report to be considered by Council and agree process for and length of consultation
1 June to 9 July 2010	public consultation via SKToday and the website for 6 weeks
6 September 2010	Report to Cabinet on outcome of consultation and draft proposals prepared as a result of public consultation
September 2010	Report to Constitution Committee on outcome of consultation and draft proposals to amend the Constitution prepared as a result of public consultation
28 October 2010	Report to Council on outcome of public consultation, to include recommendations from Cabinet and Constitution Committee on draft proposals. Council to authorise the publication of its proposals and pass a resolution to make the change in governance arrangements based on the preferred model
November 2010	Publication of proposals.
May 2011	The new arrangements must be operative no later than the third day following the local government elections currently scheduled for 5 May 2011.