

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Reporting Officers: Head of Democratic Services and Borough Solicitor

SUMMARY

At its 5 November 2009 meeting, full Council resolved that the Head of Democratic Services be authorised to arrange a special meeting of the Council on Thursday 10 December 2009 for the purpose of confirming a change in the Council's governance arrangements. This report has been prepared in accordance with this resolution for the consideration of all Members of the Council.

RECOMMENDATIONS: That:

- 1. Council resolves to adopt the "new-style" Leader and Cabinet Executive [England] form of governance, as provided for by the Local Government and Public Involvement in Health Act 2007, with effect on the third day after the date on which the 2010 local elections are held;**
- 2. the Head of Democratic Services be authorised to take the following steps in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007:**
 - [a] to secure that copies of a document setting out the provisions of the new governance arrangements are available at the Civic Centre for inspection by members of the public at all reasonable hours, and**
 - [b] to arrange to publish a Notice in a local newspaper circulating in the borough which complies with the requirements of section 29[2] [b] of the Local Government Act 2000;**
- 3. Council makes the amendments to the Constitution, as previously approved by Council on 6 November 2008, and attached as Appendix B, be confirmed.**

INFORMATION

Background

1. At its meeting on 5 November 2009, full Council considered a report on the new governance arrangements as prescribed by the Local Government and Public Involvement in Health Act 2007 [LGPIHA]. A copy of this report is attached at Appendix A.
2. Members will recall that they were asked to note the outcome of a public consultation exercise which the Council undertook and they also approved the Council's formal proposals that the executive model which it wishes to adopt is the "new-style" Leader and Cabinet Executive [England].

3. Members, at this meeting, are now being asked to resolve that this executive model is adopted with effect on the third day after the date on which the 2010 local elections are held.
4. This model represents only a minor change from the current model which has been in operation at the Council since May 2002. It involves a Councillor elected as Leader and two or more Councillors appointed by the Leader [not elected by the Council AGM as at present] to serve as the Executive of an authority [up to a maximum of ten Members as at present]. The Leader of the Council will be elected at the AGM immediately following the 2010 local elections and will serve for a period of four years, subject to the fact that he/she could be removed by a resolution of full Council prior to that date.
5. The LGPIHA requires that a resolution of a local authority is required in order for the authority to make a change in governance arrangements. Such a resolution has to be passed at a meeting of the authority "which is specifically convened for the purpose of deciding the resolution" by no later than 31 December 2009. In order for the resolution to become effective, it requires a majority of at least two thirds of Members present at the meeting voting on it. The "new-style" Leader and Cabinet model will come into effect at exactly the same time that the old model expires i.e. three days after the 2010 local elections.

The Local Government Act 2000

6. Once full Council has passed a resolution for new governance arrangements, it must ensure that it complies with the requirements of section 29[2] of the Local Government Act 2000 which provides that " A local authority must -

[a] secure that copies of a document setting out the provisions of the arrangements are available at their principal office for inspection by members of the public at all reasonable hours, and

[b] publish in one or more newspapers circulating in their area a notice which-

[i] states that they have resolved to operate the arrangements,

[ii] states the date on which they are to begin to operate the arrangements,

[iii] describes the main features of the arrangements,

[iv] states that copies of a document setting out the provisions of the arrangements are available at their principal office for inspection by members of the public at such times as may be specified in the notice, and

[v] specifies the address of their principal office.

The Council's Constitution

7. A number of minor amendments are required to be made to the Council's Constitution once the "new-style" Leader and Cabinet Executive model comes into effect in May 2010. These amendments, which are attached at Appendix 2, were previously approved by full Council at its 6 November 2008 meeting and Members of the Council are being asked at this meeting to confirm them.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

LEGAL IMPLICATIONS

All relevant legal implications are contained in the body of the report.

BACKGROUND PAPERS

- DCLG Consultation Paper: ' Changing Council Governance Arrangements - Mayors and Indirectly Elected Leaders'.
- The Council's Constitution
- Responses to Consultation 'Have your Say - new governance arrangements for the Council'.