

**ROTHERHAM BOROUGH COUNCIL**

**COUNCIL SUMMONS**

Notice is hereby given that a Special Meeting of the Council of the Borough of Rotherham will be held at the Town Hall, Rotherham, on Wednesday, 9th December, 2009 at 2.0 p.m.

**A G E N D A**

1. To submit for approval the minutes of the Council Meeting held on 21st October, 2009 - Pages 27A to 34A (Section A)
2. Local Government and Public Involvement in Health Act, 2007 - Executive Arrangements (report herewith)

**T. C. MUMFORD**

Assistant Chief Executive, Legal and Democratic Services

30th November, 2009

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>Council</b>
<b>2.</b>	<b>Date:</b>	<b>9<sup>th</sup> December 2009</b>
<b>3.</b>	<b>Title:</b>	<b>Local Government and Public Involvement in Health Act 2007 – Executive Arrangements</b>
<b>4.</b>	<b>Directorate:</b>	<b>Chief Executive</b>

#### **5. Summary**

The Local Government and Public Involvement in Health Act 2007 makes new provisions for the executive arrangements for local authorities.

Following consultation, the Council at its meeting on 21<sup>st</sup> October 2009, confirmed its preference for the Strong Leader and Cabinet Model of Executive. Proposed changes to existing governance arrangements were considered by Cabinet on 18<sup>th</sup> November 2009 and advertised on 27<sup>th</sup> November 2009.

This report recommends adoption of the changed governance arrangements on the basis of the proposals as advertised.

#### **6. Recommendations**

- (a) **That in accordance with Section 33F of the Local Government Act 2000, the Council makes a change in governance arrangements by adopting the proposals as published for a Leader and Cabinet Executive (England) Model, under Section 11 of the Local Government Act 2000.**
- (b) **That the Assistant Chief Executive (Legal and Democratic Services) be authorised to publicise the resolution.**
- (c) **That the Assistant Chief Executive (Legal and Democratic Services) submit a further report recommending detailed changes to the Constitution to include the revised governance arrangements.**

## 7. Proposals and Details

On 22<sup>nd</sup> July 2009, the Council considered a report on the provisions of the Local Government and Public Involvement in Health Act 2007, which makes new provisions for the executive arrangements for local authorities. The Council is required by 31<sup>st</sup> December 2009, to change its governance arrangements so as to adopt one of the following forms of executive:-

- The Mayor and Cabinet Model where the Mayor is directly elected by the public for four year terms and Cabinet Members are appointed by the Mayor from Members of the Council; or
- The Leader and Cabinet Executive (England) Model where the Leader is elected from among the Members of the Council for a period of four years or until the Leader's current term of office as a Councillor ends. Cabinet Members are appointed by the Leader from Members of the Council. This is often referred to as the "Strong" Leader Model.

The new executive arrangements will come into force on the third day after the Council elections in 2010. The Council resolved that the "Strong" Leader and Cabinet Model be determined for consultation.

On 21<sup>st</sup> October 2009, the Council received a report on the consultation undertaken and the outcome. As was stated in that report, there was only a very limited response from the public and from partner organisations to the consultation and associated publicity. There have been five further responses to the consultation from Parish Councils which were not received in time to include in the report to the previous Council meeting. Two of these favoured the Mayor and Cabinet Model and three favoured the Leader and Cabinet Model.

At the meeting of 21<sup>st</sup> October, the Council resolved to confirm its preference for the "Strong" Leader and Cabinet Model of Executive. They authorised the Assistant Chief Executive (Legal and Democratic Services) to draw up proposed changes to existing governance arrangements on the basis contained in the report and to publicise the proposed changes following their consideration by Cabinet on 18<sup>th</sup> November 2009. It was further resolved that a report be submitted to Council in December recommending that the Council formally adopts the new executive arrangements.

At their meeting on 18<sup>th</sup> November 2009, Cabinet noted the proposed changes and recommended the proposed new executive arrangements for adoption by the Council.

Following this, the Assistant Chief Executive (Legal and Democratic Services) gave public notice in a local newspaper that the Council had drawn up proposals, describing the main features and stating where a copy could be inspected. The proposals were also made available on the Council's website. Appendix 1 to this report sets out the proposals of which notice has been given.

The main features of the proposals are:-

- The Leader shall be elected by the Council at their annual meeting following the Local Government elections in May 2010.
- The Leader will hold office for a four year term or until the first Council meeting after he or she retires as a Councillor, whichever is the sooner.
- The Council may by resolution remove the Leader during his or her term of office and must then elect a new Leader.
- The Leader shall appoint a Deputy Leader who shall hold office for the same term as the Leader unless removed from office by the Leader.
- The Leader shall appoint all Members of the Cabinet up to a maximum of ten in all and shall determine their portfolios and delegated powers.
- Existing arrangements regarding Overview and Scrutiny and the Council's other Committees are not affected by these proposals.
- The allocation of functions as between the Council and the Executive, where the Council has a choice, is not affected by these proposals.

There is already provision in the Council's Constitution that the Leader may be removed from office by resolution of the Council. This provision should be retained as under the legislation it is the only means whereby a Leader may be removed during his or her term of office.

If the Council resolves to adopt the proposals, the Assistant Chief Executive (Legal and Democratic Services) should be asked to submit a further report containing detailed amendments to the Constitution to incorporate the proposals, prior to the proposals taking effect on the third day after the Council elections in May 2010.

### **8. Finance**

There are no financial implications arising from this report other than the cost of publicising the resolution to adopt the proposals.

### **9. Risks and Uncertainties**

The Council would be in breach of the Act if it failed to bring into effect the change in executive arrangements within the timescale specified.

The Act provides if the Council fails to implement the provisions, the Secretary of State may intervene and by order prescribe the application of the strong Leader and Cabinet model with effect from the third day after the day of the May 2010 elections.

## **10. Policy and Performance Agenda Implications**

The Government's policy direction for these changes was set out in the White Paper "Strong and Prosperous Communities", published in October 2006. Adoption of one of the two permitted forms of executive is a statutory requirement.

The Council should 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.

## **11. Background Papers and Consultation**

"Strong and Prosperous Communities" White Paper  
The Local Government and Public Involvement in Health Act 2007 (c. 28)  
RMBC Local Government Reform Implementation Plan  
Reports to Council on 22<sup>nd</sup> July and 21<sup>st</sup> October 2009 and to Cabinet on 18<sup>th</sup> November 2009

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**ROTHERHAM BOROUGH COUNCIL****Proposals to make a change in governance arrangements**

The Local Government and Public Involvement in Health Act 2007 makes new provisions for executive arrangements for local authorities.

Following a consultation exercise, the Council has confirmed its preference for the Leader and Cabinet Executive (England) Model, often referred to as the "Strong" Leader Model. The Council is now required to draw up and publish proposals for changes to its governance arrangements and formally to adopt the new arrangements no later than 31<sup>st</sup> December 2009.

In drawing up these proposals, the Council has considered the extent to which, if implemented, they would be likely to assist in securing continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

The proposals will be considered for adoption by the full Council at a special meeting to be held at 2.00 p.m. on 9<sup>th</sup> December 2009, prior to the scheduled Council meeting. The features of the proposals are as follows:-

1. The Leader shall be elected by the Council at their annual meeting following the Local Government elections in 2010 and will hold office until the day when the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor.
2. The Council may by resolution remove the Leader during his or her term of office whereupon his or her term of office as Leader shall end on the day of that Council meeting. The Leader shall otherwise continue to hold office as above unless he or she ceases to be a Councillor otherwise than by retirement.
3. If the Council removes a Leader by resolution, the Council must elect a new Leader at the same meeting or at a subsequent meeting.
4. The Leader shall determine the number of Councillors who may be appointed to the Cabinet subject to a maximum of ten.
5. The Leader shall appoint one of the Members of the Cabinet to be his or her deputy.
6. The Deputy Leader shall hold office for the same term as the Leader unless he or she is removed from office by the Leader, or ceases to be a Councillor otherwise than by retirement.
7. The Leader shall allocate Cabinet portfolios to other Cabinet Members. The Leader shall determine the powers of individual Cabinet Members and approve the scheme of delegation of executive powers to officers.

8. The Leader shall report to the Council on all appointments to and changes to the Cabinet.
9. If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in place of the Leader.
10. If for any reason the Leader and Deputy Leader are both unable to act or their offices are vacant, then the Cabinet must act in the Leader's place or arrange for a Member of the Cabinet to do so.
11. Existing arrangements regarding Overview and Scrutiny and the Council's other Committees are not affected by these proposals.
12. Existing arrangements for the allocation of functions which may be the responsibility of the Executive are not affected by these proposals.

These proposals will come into effect on the third day after the Borough Council elections in May 2010. The existing form of Leader and Cabinet Executive Arrangements will continue in operation until then.

Detailed changes to the Council's existing Constitution to include the above proposals will be agreed by the Council prior to the date on which the proposals come into effect.

Timetable for implementation of the proposals

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|-------------------------------|--|
| November 2009                 | - Proposals publicised.  |
| 9 <sup>th</sup> December 2009 | - Formal adoption of proposals considered by a special meeting of the Full Council.                          |
| May 2010                      | - The new governance arrangements come into operation on the third day after the Local Government Elections. |

The Leader is elected at the annual Council meeting.

These proposals have been advertised and are available at Council Offices, Doncaster Gate, Doncaster Road, Rotherham S65 1DJ and on the Council's website.

T.C. Mumford  
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Rotherham Borough Council, Council Offices, Doncaster Gate, Doncaster Road, Rotherham S65 1DJ.