

Agenda Item 5 (b)

By: Alex King - Deputy Leader
Peter Sass - Head of Democratic Services and Local Leadership

To: Selection & Member Services Committee – 26 November 2008

Subject: The Local Government and Public Involvement in Health Act 2007
– confirmation of executive arrangements

Summary: To consider recommending to the County Council the passing of a resolution to confirm and reaffirm the “Leader and Cabinet Executive” model of decision-making, in accordance with the Local Government and Public Involvement in Health Act 2007 and to approve the necessary amendments to the Constitution.

Unrestricted

Background

1. The Local Government Act 2000 radically altered the decision making structures of local government in England. Central to these reforms was the requirement that local authorities adopt a new governance structure, moving away from decisions being taken by cross party committees and introducing an executive with a wide-ranging leadership role and separate overview and scrutiny functions. The Act offered a choice of three specific executive models for local authorities:

- (a) Mayor and Cabinet
- (b) Leader and Cabinet
- (c) Mayor and Council Manager

2. The Local Government and Public Involvement in Health Act 2007 takes things a stage further, requiring local authorities to adopt one of a prescribed range of executive leadership models.

Revised Executive arrangements

3. KCC’s Constitution already provides for its executive to take a form substantially the same as that specified in the 2007 Act, viz. the 'strong leader and cabinet executive (England)' model whereby:

- (i) The Leader is appointed by the Council to hold office for four years unless voted out of office, or his term of office as a councillor comes to an end
- (ii) The Leader determines the number of councillors who may be appointed to the executive and is able to direct the cascade of delegated executive powers without control by the Council, i.e. he has the authority to appoint the other members of the Cabinet

(iii) The Leader appoints one of the members of the executive to be his Deputy

(iv) Subject to point (v) below, the Deputy Leader, unless he resigns or ceases to be a Member of the authority, holds office until the end of the term of office of the Leader

(v) The Leader may, if he thinks fit, remove the Deputy Leader from office

(vi) Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his place

(vii) If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his place

(viii) If for any reason:

(a) the Leader is unable to act or the office of Leader is vacant, and

(b) the Deputy Leader is unable to act or the office of Deputy Leader is vacant,

the Cabinet must act in the Leader's place or must arrange for a Member of the Cabinet to act in his place.

4. In order to comply with the 2007 Act requirements, therefore, all that is required is for the existing Constitutional provisions regarding the Deputy Leader to be slightly amended to incorporate/clarify points (iv)-(viii), above.

5. Subject to a formal resolution of the County Council confirming and reaffirming the adoption of the Leader and Cabinet Executive model, points (iv)-(viii) above will need to be included in Article 8 and Appendix 2 of Part 4 of the Constitution.

Recommendation:

6. The Committee is invited to recommend to County Council that it formally confirm and reaffirm the adoption of the Leader and Cabinet Executive model in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and approve the appropriate alterations to the Constitution outlined in paragraphs 4 and 5 above.

Mr Alex King – Deputy Leader

Peter Sass – Head of Democratic Services and Local Leadership

November 2008