

By: Alex King - Deputy Leader  
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To: County Council – 11 December 2008

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

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Summary: To consider passing a formal resolution of the Council 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

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## **Background**

1. The Local Government Act 2000 radically altered the decision making structures of local government in England. Central to these reforms was the clear separation between executive Members and the majority of other Members. The Act required local authorities to 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 larger authorities to have a leader who has been elected for the full term of the Council (rather than being elected annually, as under the 2000 Act), whether that is directly by the electorate (i.e. a Mayor) or by the Council Members (a Leader). In addition, the requirement in the 2000 Act for a referendum to take place before a shift to an elected mayor form of leadership takes place has been dropped, although councils may still choose to hold a referendum.

## **Revised Executive arrangements**

3. The 2007 Act required the Council to formally resolve to discontinue its current executive arrangements and consider which of the two models available it wishes to adopt going forward. These are either:

- (a) A directly elected Mayor and Cabinet; or
- (b) A new style Leader and Cabinet.

4. KCC's constitution already reflects an executive in a form specified in the 2007 Act, i.e. a leader and cabinet executive model, with the Leader being elected by the

full Council for a term expiring until the next election of all Members of the Council. The requirements in the 2007 Act for a Leader and Cabinet Executive model are:

- (a) The executive arrangements must include provision which enables the executive leader to determine the number of councillors who may be appointed to the executive
- (b) The executive arrangements must include provision which requires the executive leader to appoint one of the members of the executive to be his deputy
- (c) Subject to point (d) below, the deputy executive leader, unless he resigns as deputy executive leader or ceases to be a member of the authority, is to hold office until the end of the term of office of the executive leader
- (d) The executive leader may, if he thinks fit, remove the deputy executive leader from office
- (e) Where a vacancy occurs in the office of deputy executive leader, the executive leader must appoint another person in his place
- (f) If for any reason the executive leader is unable to act or the office of executive leader is vacant, the deputy executive leader must act in his place
- (g) If for any reason:
  - 1. the executive leader is unable to act or the office of executive leader is vacant, and
  - 2. the deputy executive leader is unable to act or the office of deputy executive leader is vacantthe executive must act in the executive leader's place or must arrange for a member of the executive to act in his place.

5. Subject to a formal resolution of the Council confirming and reaffirming the adoption of the Leader and Cabinet Executive model, points 4 (b) to (g) above will need to be included in Article 8 and Appendix 2 of Part 4 of the Constitution, so that KCC is fully compliant with the requirements of the 2007 Act. This report was considered by the Selection and Member Services Committee on 26 November 2008 and the recommendation approved, subject to consideration by the County Council

**Recommendation:**

6. The Council is invited to 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