

17 December 2008

New Executive Arrangements



Report of Cabinet

1 Purpose of Report

To seek the Council's approval of changes to the Council's executive arrangements in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.

2 Background

On 1 October 2008 the Council considered a report of the Acting Director of Corporate Services explaining the implications of the 2007 Act. The Council resolved to undertake a process of public consultation on proposals to change to the new style Leader and Cabinet Executive arrangements. These Proposals are attached at Appendix 2 to this report.

3 Consultation was undertaken via the Council's website and the local media over a 4 week period from 6 October to 2 November 2008. The response to the consultation is summarised in paragraph 2 of Appendix 2.

4 Notice of the Proposals has been published in the local press and the proposals placed on deposit for public inspection.

Recommendation

5 That the Proposals set out at Appendix 2 be adopted and implemented with effect from 1 April 2009.

COUNCILLOR S HENIG
Leader

Appendix 1: Implications

**Local Government Reorganisation
(Does the decision impact upon a future Unitary Council?)**

If adopted, the Proposals will be implemented on 1 April 2009.

Finance

None

Staffing

None

Equality and Diversity

None

Accommodation

None

Crime and disorder

None

Sustainability

None

Human rights

None

Localities and Rurality

None

Young people

None

Consultation

Consultation has been carried out as set out in the Proposals.

Health

None

DURHAM COUNTY COUNCIL

PROPOSALS FOR CHANGES TO EXECUTIVE ARRANGEMENTS

This document sets out Durham County Council's proposals for changing its executive decisions as required by the Local Government and Public Involvement in Health Act 2007 (2007 Act). The proposals have been drawn up after consultation with local government electors and other interested persons in the area as required by the Local Government Act 2000 (2000 Act) as amended by the 2007 Act.

1 FORM OF EXECUTIVE

The Council proposes to adopt the form of executive set out in Section 11(2A) of the 2000 Act, i.e. a councillor of the authority elected by the Council as leader of the executive, and between 2 and 9 councillors of the authority appointed to the executive by the executive leader.

2 CONSULTATION

The Council has undertaken consultation with electors and other interested persons via the Council's website and the local press. Five responses were received. One response appears to relate purely to the Durham City Mayor and requests that the role is continued. The remaining responses are evenly divided between favouring the leader with cabinet model and the elected mayor with cabinet model.

3 EXECUTIVE STRUCTURE

3.1 The executive will consist of the executive leader and between 2 and 9 other councillors.

3.2 The executive leader will be elected at the annual meeting of the Council in 2009 and will (subject to paragraph 3.3 below) hold office until the day of the post-election annual meeting of the Council which follows his election as leader.

3.3 The Council may by resolution remove the executive leader from office. The procedure for this will be set out in the Council's constitution. If such a resolution is passed the Council will elect a new executive leader at the same meeting or a subsequent meeting of the Council.

3.4 The remaining members of the executive will be appointed by the executive leader, who will determine the number of councillors to be so appointed.

3.5.1 The executive leader will appoint one of the members of the executive to be his deputy (the deputy executive leader).

- 3.5.2 Subject to paragraph 3.5.3 below the deputy executive leader, unless he resigns as deputy executive leader or ceases to be a member of the Council, will hold office until the end of the term of office of the executive leader.
- 3.5.3 The executive leader may, if he thinks fit, remove the deputy executive leader from office.
- 3.5.4 Where a vacancy occurs in the office of deputy executive leader the executive leader must appoint another person in his place.
- 3.5.5 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.
- 3.5.6 If for any reason -
- (a) the executive leader is unable to act or the office of executive leader is vacant, and
 - (b) the deputy executive leader is unable to act or the office of deputy executive leader is vacant,

the executive must act in the executive leader's place or must arrange for a member of the executive to act in his place.

4 LOCAL CHOICE EXECUTIVE FUNCTIONS

In addition to the mandatory functions for which it must be responsible, the executive will be responsible for those local choice executive functions set out in Annex A to these proposals.

5 CONTINUOUS IMPROVEMENT

The Council has been operating the leader with cabinet model of executive arrangements since 2001. The changes set out in these Proposals will continue to ensure that the executive leader has the support of the full Council. In addition the changes will provide the opportunity to ensure that executive roles are undertaken by those councillors who will be most effective. The new leader with cabinet executive is one of the options considered by the Government to provide strong leadership in local authorities. Under the current similar executive model the Council has consistently been a high performing authority in the delivery of services and community leadership, assessed as four star and improving well by its external assessors.

6 TIMETABLE

Subject to all necessary legislation being in force, the Council intends to implement the changes set out in these Proposals on the 1 April 2009.

Local Choice Executive Functions

- The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority
- The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.
- The appointment of any individual -
 - (a) to any office other than an office in which he is employed by the authority;
 - (b) to any body other than –
 - (i) the authority;
 - (ii) a joint committee of two or more authorities; or
 - (c) to any committee or sub-committee of such a body;

and the revocation of any such appointment.

- Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements.