

AGENDA ITEM

**CHANGES TO THE COUNCIL'S EXECUTIVE ARRANGEMENTS  
REQUIRED BY THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT  
IN HEALTH ACT 2007**

Report of the Director of Law and Administration

1. Purpose of the Report

To advise members of the committee of the requirement to make changes to the Council's executive arrangements pursuant to the Local Government and Public Involvement in Health Act 2007 which amends the Local Government Act 2000

2. Members will find attached at Annex A a draft report to be considered at the Extraordinary Meeting of Council on 19<sup>th</sup> November 2008.

3. Members are invited to consider the report and to provide comments which will then be considered by the Director of Law and Administration in drawing up the final report to Council.

RECOMMENDED THAT:

1. Members note the draft report.

Nigel Roberts  
Director of Law & Administration  
27<sup>th</sup> October 2008

**Report to Council in respect of Proposals for amendments to the Council's Executive Arrangements.**

**1. Purpose of the Report:**

To bring the council's executive arrangements into line with the amended requirements of Sections 11 and 14 of the Local Government Act 2000.

**2. Recommendations.**

**That:**

1. For the purpose of section 33F(1) of the Local Government Act 2000 the Council resolves to vary its current executive arrangements in accordance with section 33 of the Local Government Act 2000 so as to adopt a leader and cabinet executive (England) as set out in the Proposals and Timetable in paragraphs 4 and 5 below.

2. The Director of Law and Administration makes the necessary amendments to the Council's Constitution under his delegated authority.

**3. Background**

3.1 Under the Local Government Act 2000 when formal executive arrangements were first introduced local authorities were given the option of adopting one of three different types of executive model – these were

Leader and Cabinet

Elected Mayor and Council Manager

Elected Mayor and cabinet

3.2 In 2001 with its first Constitution Gloucestershire County Council adopted a Leader and Cabinet Executive, the Leader and other members of the Cabinet being appointed annually by all the Council Members.

3.3 The Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") amended the Local Government Act 2000 and brought in changes to the types of executive arrangements permitted by law. Essentially the changes remove the

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option of elected mayor and council manager; they also require the executive leader to be appointed for a four year term, and to have responsibility himself/herself for the appointment of, and delegations to, the remaining Cabinet members. This type of arrangement is referred to colloquially as the strong leader and cabinet model, and in the legislation as a leader and cabinet executive (England) (there being separate provisions for Wales).

3.4 The 2007 Act requires the Council to draw up proposals and a timetable (including transitional arrangements as appropriate) for making these changes which must be adopted by a resolution of full council, passed at a special meeting called for that purpose, before 31<sup>st</sup> December 2008, then implemented after the annual meeting of the Council following next year's local government elections.

#### **4. Proposals**

That:

1. Gloucestershire County Council adopt a leader and cabinet executive (England) so as to bring the current executive arrangements into line with the amendments to the Local Government Act 2000
2. The Leader of the Council ("the Leader") is elected by all Council members at the annual meeting of the Council following the whole council election, or if the Council fails to elect the leader at that post election annual meeting, at a subsequent meeting of the Council. The term of office of the Leader starts on the day of his election as leader and ends on the day of the post-election annual meeting which follows his election as leader unless he is removed from office in the interim.
3. The Leader shall appoint two or more members of the Council, up to nine in number, to the Cabinet. The Leader shall determine the scheme of delegation for the discharge of the executive functions of the Council.
4. The Council's executive arrangements continue to include provision for the Council to remove the Leader by resolution. If the Council passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office or at a subsequent meeting.

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5. The Leader shall appoint one of the members of the Cabinet to be his deputy, to hold office until the end of the term of office of the Leader, unless he resigns as deputy leader or ceases to be a member of the Council or is removed from office by the Leader under the following provision.
6. The Leader may if he thinks fit, remove the deputy leader from office, and must then appoint another person in his place.
7. If for any reason the Leader is unable to act or the office of executive leader is vacant, the deputy leader must act in his place.

### **5. Timetable**

27 <sup>th</sup> October 2008	Issue Members' Briefing Note
5 <sup>th</sup> November 2008	Meeting of the Constitution Committee to consider the Proposals and provide a forum for feedback from Members
19 <sup>th</sup> November 2008	Special meeting of full Council to pass the resolution to adopt changes to the executive arrangements
4 <sup>th</sup> June 2009 (date to be confirmed by central government)	Local Government Elections
On the third day after the local government elections	Implementation of the amended executive arrangements.
June/July 2009 (Date to be determined following a final decision on the date of local government elections)	Post election Annual meeting at which the Leader of the Council will be elected and his term of office commences

### **Transitional Arrangements.**

The Council will continue to operate its current executive arrangements until the implementation of the amendments described above.

Nigel Roberts

Director of Law & Administration

November 2008