

	
Special Council	9th December 2010
Report of the Monitoring Officer	

New Executive Arrangements

Summary

1. The law currently requires all local authorities that presently operate an “old-style” leader and cabinet form of executive, including the City of York Council, to change their form of executive to either a “new-style” Leader and Cabinet form of executive, or an Elected Mayor and Cabinet form of executive. This report seeks formal approval to adoption of the “new-style” Leader and Cabinet Executive and to the related governance arrangements detailed in the Recommendations. The new form of executive arrangements must come into operation no later than the third day after the local government elections on 5th May 2011.
2. The anticipated Decentralisation and Localism Bill, is expected to propose the removal of many of the requirements of the 2007 Act. However, the Council is still obliged to comply with the existing requirement to pass a resolution by 31st December 2010 in respect of executive arrangements which are to operate from the date of the local elections in 2011.

Background

3. At its meeting on 7th October 2010 the Council received a report in relation to changes to the Council’s Executive Arrangements, which the Council is obliged to make in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.
4. Taking into account both the outcome of a public consultation process which preceded the meeting and the Council’s “best value” duty, Council approved the Draft Proposals for change, including the proposal that there be a “new style” Leader and Cabinet Executive.
5. In accordance with the statutory requirements, the Council published its Proposals by way of Notice in the York Press.
6. The Council is now required to formally resolve to change its executive

arrangements. Legally the Council is required to pass a resolution to make the change before the 31st December 2010 at a specially convened meeting. This legal requirement remains notwithstanding the fact that Government proposes the removal of many of the requirements of the existing legislation in respect of executive arrangements.

7. The current executive arrangements will continue to apply until the third day after the elections due to be held in May 2011. There will therefore be a change-over period before a Leader is formally elected at the annual meeting. The published draft proposals provide for the Leader in Office at the date of the election, to continue as Leader up until the Annual meeting, so long as he remains a councillor.

Constitutional amendments

8. Constitutional amendments will be required in order to reflect the change in executive arrangements. The main constitutional amendments which will be required are:
 - Article 7 (which relates to the Executive) - This will need amending to indicate that the Leader is appointed for his or her term of office unless removed earlier by Council, the Leader appoints his or her own Cabinet.
 - Responsibility for the Council's executive functions - This will need amending to show that the Leader has responsibility for exercising or allocating Executive functions.
 - Council Procedure Rules - These will need references to the annual appointment of the Leader to be amended and references to the appointment of other members of the Executive to be removed.
9. There will also be a number of consequential minor amendments throughout the Constitution.
10. The Monitoring Officer will bring forward the necessary amendments to the Constitution of the Council to a meeting of Council before the end of the Municipal Year.
11. No changes are proposed to the current arrangements for "local choice" functions. These are the small number of functions set out in the Constitution where the Council can determine whether the functions should be exercisable by the Executive or not.
12. Until such time as the new Leader allocates responsibility for decision making across his Cabinet, transitional arrangements are proposed which continue the existing scheme of delegations.

Consultation

13. Public consultation was undertaken before the Council agreed its draft proposals and these proposals have been published in accordance with legal requirements.

Options

14. Council may resolve to adopt proposals for either a new style Leader and Cabinet Executive or an elected Mayor and Cabinet Executive. Council may decide whether or not to make constitutional provision for early removal of the Leader and whether or not to agree transitional arrangements.

Analysis

15. Council is required to pass a resolution by law.

Corporate Priorities

16. The Council's leadership and governance arrangements are central to achieving the objectives within the corporate strategy.

Implications

17. The legal implications are set out in the report. There are no other specific implications arising.

Recommendations

18. The Council is recommended to resolve that the following changes in the Council's governance arrangements, to come into operation on 8th May 2011, be approved:
 - That the Council's Executive form should be the "new style" Leader and Cabinet Executive (England).
 - That the Council should have the power to remove the Leader by way of resolution by a simple majority.
 - That the "local choice" functions should be discharged as set out in the Constitution in force at the date of the election.
 - That the councillor who holds the office of Leader of the City of York Council who is in office on 8th May 2011 should remain in office until the annual meeting of Council provided that he remains a Councillor.
 - The scheme of responsibility for the City of York Council's executive functions listed in the Council's Constitution in force at the date of the election should remain in force until such time as the Leader appointed at the annual meeting directs otherwise.

- That the Monitoring Officer be requested to bring forward the necessary amendments to the Constitution of the Council to a meeting of Council prior to the end of the Municipal Year.

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Specialist Implications Officer(s) None				
Wards Affected:				All
For further information please contact the author of the report				

Background Papers

None

Annexes

None