



**Report to: Cabinet**

**Subject: Local Government and Public Involvement in Health Act 2007**

**Date: 4 November 2010**

**Author: Head of Democratic and Community Services**

**1. PURPOSE OF THE REPORT**

To review the Council's governance arrangements and to consider the adoption of the proposed models for governance of the Council set out in the Local Government and Public Involvement in Health Act 2007. (LGPIHA).

**2. BACKGROUND**

Following the Local Government Act 2000, the Council was required to adopt one of the three forms of governance:

Elected Mayor and Cabinet  
Leader and Cabinet  
Mayor and Council Manager

Following a public consultation exercise the Council adopted the Leader and Cabinet model.

The LGPIHA has now abolished the Mayor and Council Manager option and each local authority is required to consult on which of the two remaining models it will adopt as part of a review of its arrangements. The "new style" Leader and Cabinet model implements a four year fixed term for the Leader, rather than an annual appointment.

The LGPIHA clearly was enacted prior to the last General Election and the new Coalition government has indicated that the provisions will be revisited to allow Councils to consider a return to a Committee system rather than the Executive model and to remove the necessity to appoint a Leader for

four years. For the moment, however, the LGPIHA remains in force and the Council must comply with it. This may mean that any governance model adopted to be brought into force in May 2011 may be further changed within a year or so.

The recommendation from the Minister for Housing and Local Government has been that consultation should take place now but at a minimal cost option.

The Local Democracy Scrutiny Working Group has considered these issues and recommended consultation be carried out through a press advert and by inclusion on the Council's website. The working group has resolved to recommend that the Council continue with the Leader and Cabinet model of governance for the future. This model can be reviewed when the new legislative provisions become operative.

The new style Leader and Cabinet model does provide for the election of a Leader for a period of four years although constitutional provisions may be included for the removal of the Leader before the expiry of the four year term. The Council's constitution provides for annual election of the Leader and contains provision for earlier removal. It is proposed therefore that this is changed to election to the position of Leader of the Council for the four year term of the Council but to leave the provisions relating to the loss of office in place.

The legislation requires that full Council considers the proposals at a special meeting called for that purpose.

## **RECOMMENDATION**

It is therefore recommended that Council is recommended:

1. to adopt the Leader and Cabinet Model of governance pursuant to 5.11 Local Government Act 2000 with effect from 8 May 2011.
2. that Article 7 of the Council's constitution be amended by the deletion of Article 7.03.01(a) and substituted by the insertion of the following:
  - a) the expiry of four years from the date of his/her election to the office of Leader of the Council or until the first Council meeting after he/she stands for re-election as a Borough Councillor, whichever is the sooner, or....