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**NEW POLITICAL ARRANGEMENTS**

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**Responsible Cabinet Member - Councillor John Williams, Leader**

**Responsible Director - Paul Wildsmith, Director of Corporate Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To inform members about the results of the consultation about the new political arrangements required by the Local Government and Public Involvement in Health Act 2007 and seek approval to the constitutional changes so far as they are the responsibility of the Executive.

**Summary**

2. The report outlines the provisions regarding new executive arrangements contained within the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”); and sets out the requirement for Members to agree a form of new arrangements. .
3. The Council must pass a resolution at a Special Council meeting by the end of this year to adopt one of the new forms of political arrangements set out in the 2007 Act. They are:
  - (a) Directly Elected Mayor and Cabinet, or
  - (b) Council Leader and Cabinet
4. Although we currently have a Leader and Cabinet model the new form operates differently to the one currently used by this authority. If the Council is to adopt a Mayor and Cabinet model it will need to hold a referendum. Because this authority held a referendum in September 2007 it cannot hold another one within the period required. The Council was required to carry out consultation on the form of arrangements that will be adopted. The Cabinet meeting in July agreed that the results of the consultation be referred to Cabinet on 2 November 2010 and to a Special Meeting of Council on 25 November 2010
5. Given that a Referendum had been held within the last few years the consultation was limited to whether there should be a provision in the arrangements to remove the Council Leader during his four year term of office. Government correspondence had urged authorities to take a light touch approach to the consultation. The Council confined consultation to website presence. One response was received on the consultation which agreed with the proposal to include a provision to remove the Leader during his or her term of office.

6. There are some slight changes to the Constitution to reflect the new political arrangements. It is recommended that the changes set out at **Appendix 2** so far as they are the responsibility of the Executive be approved to be included in the Constitution.

### **Recommendation**

7. It is recommended that Members:
- (a) Recommend to Council that a Leader and Cabinet form of Executive be implemented following the local elections in May.
  - (b) Recommend to Council that the arrangements include provision for the Leader to be removed during the four year term of office by a vote of the majority of Council Members.
  - (c) That the changes to the Constitution set out in **Appendix 2** so far as they are the responsibility of the Executive be approved.

### **Reasons**

8. The recommendations are supported in order to comply with new legislation.

**Paul Wildsmith**  
**Director of Corporate Services**

### **Background Papers**

No Background papers were used in the preparation of this report.

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S17 Crime and Disorder	There are no specific implications for Crime and Disorder
Health and Well Being	There are no specific implications for Health and Wellbeing
Sustainability	There are no specific implications for Sustainability
Diversity	There are no specific implications for Diversity
Wards Affected	All Wards are affected equally
Groups Affected	All Groups are affected equally
Budget and Policy Framework	This does not represent a change to the Budget and Policy Framework
Key Decision	This is not an Executive Decision
Urgent Decision	This is not an Urgent Decision
One Darlington: Perfectly Placed	This is a legislative requirement
Efficiency	There are no specific implications for efficiency.

## MAIN REPORT

### Information and Analysis

9. Part 3 of the 2007 Act has revised the Local Government Act 2000 (2000 Act) provisions and introduced new executive arrangements requirements.
10. Authorities operating an “old-style Leader and Cabinet executive” as provided for in the 2000 Act, must make a change in governance arrangements in accordance with the 2007 Act’s requirements.
11. This means that the Council must change its present arrangements, and look to introduce a different form of executive as provided for and permitted by the 2007 Act and pass a resolution under s29(2) 2000 Act. In default the Leader and Cabinet Executive (England) model would be imposed.
12. The 2007 Act now allows for only two specific executive models:
  - (a) Directly elected Mayor and cabinet, or
  - (b) Council Leader and cabinet
13. The Mayor and Cabinet model remains the same as that introduced by the 2000 Act. Authorities currently operating that model (eg Middlesbrough and Hartlepool) are unaffected by the new 2007 Act provisions and will not have to change their present arrangements. In Darlington the old style Leader and Cabinet form of arrangements must change to a new style arrangement or a Mayor. As we held a referendum in 2007 which rejected the mayoral option the only option available is the new style Leader and Cabinet.

### The Leader and Cabinet Executive Model

14. This model is defined in the 2007 Act as an executive consisting of:
  - (a) a Councillor of the authority elected as Leader of the executive by the authority; and
  - (b) two or more Councillors of the authority appointed to the executive by the executive leader
15. Other key features of the model include the following:
  - (a) the executive leader makes the arrangements for the discharge of the functions which are the responsibility of the Cabinet.
  - (b) The leader is elected at a post election annual meeting
  - (c) The leader’s term of office is for four years, but the executive arrangements may include provision for the Council to remove the leader by resolution before then. It is recommended that this provision be adopted in Darlington.
  - (d) the executive leader must have the power to be able to determine the number of Councillors which may be appointed to the executive (although this must be at least

two, but cannot exceed nine unless the Secretary of State increases the maximum in regulations)

- (e) a deputy executive leader must be appointed by the executive leader, and the deputy will hold office until the end of the term of office of the executive leader (although the deputy may be removed by the executive leader at any time but, if so, there would have to be a replacement).

16. A chart setting out the key differences between the current model and the new model is attached at **Appendix 1**.

### **Transitional Provisions**

17. The 2007 Act enables the Council to continue to operate its present “old style Leader and Cabinet” executive arrangements until the end of the transitional period. This period is from the end of December 2007 (when the new provisions came into force) and ends on 8 May 2011.
18. The Council must have drawn up and have adopted a different form of executive arrangements by the end of this period (ie three days after the 5 May 2011 elections in Darlington).
19. The 2007 Act required the authority to carry out consultation before changing its governance arrangements. Correspondence from the current government has indicated that consultation could be light touch. Consultation consisted of a website presence inviting views from members of the public. One response was received which commented on the limited range of options available, but did support the ability to remove a Leader during the form year term of office.

### **Implementation**

20. The results of the consultation must be presented to Council and the new executive model must be recommended to a Special Meeting of the Council. Implementation of the resolution will follow next year’s local elections.
21. In Darlington’s case, the resolution has to be passed after 30 September, 2010 and by no later than 31 December, 2010. The new form of executive model must be in operation by 8 May 2011. To implement the new model it is necessary to make some minor changes to the Constitution and to ensure the inclusion of the provision to remove the Leader. Some of these changes require decisions from the Executive and therefore Cabinet approval is sought. The changes will also be referred to full Council. These changes are set out in **Appendix 2**.

### **Outcome of Consultation**

22. The report sets out the results of the consultation.

## Differences between Executive Models

<b>Option Available Under the New Act</b>	<b>NO</b>	<b>YES</b>
	<b>Current Arrangements</b> (Old Style Leader & Cabinet)	<b>New Arrangements</b> (Leader and Cabinet)
<b>Appointment and Term of Office</b>	Leader appointed by the Council every year	Leader appointed by the Council every four years
<b>Removal</b>	Can be removed at any time by council	Councils can choose to adopt procedures which would allow the removal of the Leader by Council at any time
<b>Appointment of Cabinet</b>	Council decides the size of Cabinet and appoints Cabinet and Leader allocates responsibility	Leader decides the size of Cabinet and appoints Cabinet and allocates responsibility
<b>Executive functions</b>	Leader does not make decisions alone. Most decisions are made by Leader and Cabinet. Cabinet recommends the budget and policy framework A simple majority can reject a proposal from Cabinet	Leader can make most decisions on his/her own Leader draws up budget and new policies alone or with Cabinet A simple majority is required to reject a proposal from the Leader/Cabinet.
<b>Delegations</b>	Delegations to Officers and Committees are made by Cabinet	Delegations are made by the Leader he/she can decide to do this with Cabinet.