



<b>REPORT OF:</b>	<b>CHIEF EXECUTIVE &amp; DIRECTOR OF LEGAL SERVICES</b>
<b>TO:</b>	<b>POLICY COUNCIL</b>
<b>ON:</b>	<b>3<sup>RD</sup> December 2009</b>

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**SUBJECT: New Executive Arrangements**

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**1. PURPOSE OF THE REPORT**

The Local Government and Public Involvement in Health Act 2007 requires all councils to agree and implement a new leadership model.

**2. RECOMMENDATIONS**

That the council decide one of two choices:

- a) leader with a 4 year term or
- b) elected mayor with a 4 year term.

**3. BACKGROUND**

The Local Government Act 2000 put in place a new decision making framework which introduced a separation of the decision making and scrutiny roles of local authorities. Blackburn with Darwen, in common with the majority of councils, adopted a Leader and cabinet style of executive.

The Local Government and Public Involvement in Health Act 2007 now requires local authorities to choose one of 2 new models of executive leadership, either a directly elected Mayor and Cabinet, or a new style 'strong' Leader and Cabinet. The requirement to hold a referendum before proceeding with the option of a directly elected Mayor has now been removed.

The 2007 Act does not change the requirement for the council to have arrangements to review and scrutinise executive decisions and any actions taken as a result of them. Other 'non-executive' functions (e.g. planning and regulatory functions and Standards) also remain unaffected.

This change in executive arrangements must come into effect from May 2010. The Council must pass a resolution giving effect to the change by 31 December 2009

#### **4. NEW LEADERSHIP MODEL**

Once in office, there is little difference between what a new 'strong' Leader and an elected Mayor can do. In both cases the elected Mayor or Leader will continue in office for a full four year term and will have the Council's executive powers formally vested in him/her. (The term of office of the Leader is from the date of election as Leader to the first annual meeting after their normal day of retirement as a councillor i.e. up to 4 years). The main difference between the models is the method of selection and the ability to remove him/her: The Leader can be removed by a vote of no confidence requiring a simple majority of the Council: In this event the motion must be set out in the agenda for the meeting. An elected Mayor is elected separately and in addition to the 64 Councillors.

Whether the Leader is a directly elected Mayor or a Council appointed Leader, they will initially hold all the Councils executive functions under their persona; control. It will then be for him/her to choose whether to exercise some or all of these functions personally or to make arrangements for their discharge by the executive, by an individual member of the executive, or by officers.

As now, executive members must be appointed from amongst elected councillors, but it will be for the Council Leader or elected Mayor to choose how many members to appoint to the Cabinet (between two and nine). He / she will also decide what (if any) executive functions are delegated to Cabinet portfolio holders. The Mayor or Leader must appoint at least one deputy who, unless they resign or cease to be a councillor, will hold office until the end of Mayor/Leader's term (but a deputy can be removed and replaced mid-term by the Leader or Mayor). The Act specifies that the deputy will take up the role of the Leader/Mayor if the latter is unable to act or the office becomes vacant.

Those functions which are the remit of the full Council remain unchanged by the 2007 Act, so setting the budget and major policies remain a decision for all Council Members.

The Council will continue to elect a traditional Civic ceremonial Mayor and deputy Mayor of the Borough on an annual basis and their roles will not be altered by either of the new forms of executive. The Civic Mayor will continue to preside over meetings of the Council and carry out the ceremonial and civic duties attached to the office.

#### **5. MATTERS TO CONSIDER**

The new legislation means that the Council must come to a formal resolution on its new executive arrangements before the end of December 2009. A table summarising the main differences between Blackburn with Darwen's current executive model and the two options available under the Local Government and Public Government in Health Act 2007 is below in Appendix 1.



If the Council wishes to retain the Leader and Cabinet model, the Constitution will still need to be amended so that its arrangements are compliant with the new requirements.

This will make very little practical difference to the Council's way of working as the governance model adopted by Blackburn with Darwen following the 2000 Act gave a strong roles to the Leader and Cabinet members. Already some executive decisions are made collectively by the full Cabinet and some functions and decision making are delegated by the Leader and taken by individual Cabinet members. Under the current constitution the Leader is elected annually by the full Council. The Council appoints the Cabinet and determines the portfolio allocated to each individual Cabinet Member. However, it is the Leader who currently determines the scheme of delegation of executive functions to the Cabinet Portfolio holders and to Officers.

Although the Council effectively has a strong Leader model at the moment, it will still be required to formally implement the strong Leadership model in full by passing a formal resolution to adopt the Leader and cabinet Executive model before 31<sup>st</sup> December 2009 for implementation at the Annual meeting in May 2010.

If, following consultation, the Council resolves to implement the Leader and cabinet executive model, it will need to consider changes to its executive arrangements which provide that the Leader is elected for a four year term, that the Leader determines the number of members of the cabinet and also appoints members of the Cabinet.

## **6. CONSULTATION**

The council is consulting the local government electors and other interested persons within the borough. The Council must draw up proposals to make a change in its executive arrangements and, in so doing, must consider the extent to which the proposals would be likely to help in securing continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. These proposals will be approved at a meeting of Council in December. After the Council has drawn up its proposals it must make copies available for public inspection and publish them in a local newspaper.

## **7. FINANCIAL IMPLICATIONS**

None at this stage

## **9. LEGAL IMPLICATIONS**

The actions outlined in the report are required in order for the Council to comply with the provisions of the Local Government and Public Involvement in Health Act 2007.

**Chief Officer**

Contact Officer: Graham Burgess, Chief Executive & Linda Comstive, Director of Legal Services

Date: 19<sup>th</sup> November 2009

Background Papers: None

## Appendix 1

### Summary of main differences between current executive model and the two options available under the LG&PIH Act 2007.

		Options available under the Local Government and Public Involvement in Health Act 2007.	
	Current leader and cabinet model	New 'strong leader' and cabinet model	Elected mayor and cabinet model
Appointment and term of office	Leader appointed by full council annually	Leader appointed by full council for a 4 year term (or until the expiry of the leader's term of office as a councillor).	Elected directly by the electorate for a 4 year term.
Removal	The Council may, by resolution, remove the Leader from office	Councils can choose to adopt procedures which would allow the removal of the leader from office during the 4 year period by resolution of the council: It is suggested that this is by voting at full council, which requires only a simple majority.	Cannot be removed during his/her term of office.
Executive functions	Leader agrees the delegation of executive functions.	All executive functions would be vested in the leader who can then delegate.	All executive functions would be vested in the mayor who can then delegate.
Appointment of cabinet	Full council appoints the cabinet members.	Council appoints leader who then appoints his/her cabinet members and allocates responsibility.	Mayor appoints his/her cabinet members and allocates responsibility.
Deputy	No legal requirement to have a deputy leader.	Legal requirement to have a deputy leader.	N/A