

**IMPLEMENTATION EXECUTIVE  
26 NOVEMBER 2008**

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**NEW EXECUTIVE ARRANGEMENTS**

**Executive Summary**

This report outlines the requirements of the Local Government and Housing Act 2007 in relation to new executive arrangements and asks the Implementation Executive (IE) to adopt new executive arrangements that will apply to Wiltshire Council from the third day after the elections in June 2009 in accordance with the proposals contained in the Council's bid for unitary status.

**Proposals**

That the Implementation Executive:

- a) adopt new executive arrangements as set out in paragraphs 13 -16 of the report to apply to Wiltshire Council from 7 June 2009, based on the decision previously made by the Council on 16 January 2007 and incorporated within the Council's bid for unitary status.
- b) authorise the Head of Legal & Democratic Services to arrange publication of the arrangements in accordance with the requirements of the 2007 Act.
- c) note that the new executive arrangements will be incorporated in the revised constitution which will go before the IE in January and the Council in February.

**Reason for proposals**

The Council is required to change its executive arrangements in accordance with the Local Government and Public Involvement in Health Act 2007 with effect from 7 June 2009.

**Ian Gibbons**

Head of Legal and Democratic Services

## **NEW EXECUTIVE ARRANGEMENTS**

### **Introduction**

1. To ask the Implementation Executive (IE) to adopt the new executive arrangements that will apply to Wiltshire Council from the third day after the elections in June 2009 in accordance with the proposals contained in the Council's bid for unitary status.

### **Background**

2. The Local Government Act 2000 introduced new decision-making arrangements for most local authorities, moving away from decisions being taken by cross party committees to an executive with a wide ranging leadership role. The Act provided a choice of three types of executive model for local authorities:

- Mayor and Cabinet
- Leader and Cabinet
- Mayor and Council Manager

3. Wiltshire County Council adopted a Strong Leader and Cabinet Model which it has operated to the present day. Under Wiltshire's executive arrangements the Leader:

- is elected annually by the Council at its annual general meeting;
- appoints up to 9 members to the Cabinet;
- decides how Cabinet functions are exercised;
- may be removed from office by resolution of the Council;
- must appoint one of the members of the Cabinet as Deputy Leader;

The arrangements also provide that in the event of the office of Leader becoming vacant the Deputy Leader must assume the office of Leader until the vacancy is filled by the Council.

4. The Local Government and Public Involvement in Health Act 2007 discontinues the Mayor and Council Manager option and provides for two specific executive models:

- a directly elected mayor and cabinet executive
- a new style leader and cabinet executive

The term of office for a leader or mayor under the new arrangements is four years.

5. The Council is required to change its current executive arrangements (referred to in the 2007 Act as an "old style leader and cabinet executive") to one of the new executive models. The Act lays down a process for doing this, which includes:

- taking reasonable steps to consult local government electors;
  - drawing up proposals;
  - publicising the proposals;
  - passing a resolution before 31 December 2008 adopting the new executive arrangements.
  - publicising the arrangements so adopted.
6. If a local authority fails to make a change in its governance arrangements within the permitted period - in Wiltshire's case before 31 December 2008 - the Secretary of State may by order specify executive arrangements which provide for a leader and cabinet executive. Such arrangements are then treated as having been made by the local authority itself.

### **Wiltshire Council's Position**

7. The provisions of the 2007 Act requiring a change to be made in the Council's executive arrangements should be viewed in the context of Wiltshire County Council's bid for unitary status, which proposed that the new unitary council should operate on the basis of a leader and cabinet executive with the leader being appointed for a term of four years.
8. At an extraordinary meeting of the Council on 16 January 2007 the Council resolved to make a submission to the Department of Communities and Local Government (DCLG) for unitary status in Wiltshire. The Council agreed that the submission should include (amongst other things) a proposal for an executive model of indirectly elected leader elected by the Council for four years.
9. The Council's bid, which was submitted to the DCLG on 25 January 2007, provided that the new Council will be based on strong, visible accountability at the strategic and local level and proposed that the Council will elect a Leader for the first four years.
10. The bid proposals were the subject of an extensive consultation process. This was carried out in conjunction with the DCLG. DCLG identified key stakeholders who they would contact directly. The Council then proceeded to consult with other interested groups. This consisted of 70 plus meetings with town and parish councils, meetings with each Chamber of Commerce as well as local community and district-based partnerships. Alongside this a further 70 or 80 other key stakeholders were contacted and invited to forward their response to the DCLG.
11. The Council also took steps to ensure that the public were informed of the content of the bid. This was done through the Council magazine and leaflets distributed through libraries and other County Council offices.
12. The Council's bid was approved by the Secretary of State in December 2007 and implemented through the enactment of the Wiltshire (Structural Change) Order 2008.

## **Main Issues for Consideration**

13. It is submitted, therefore, that the Council has agreed through the unitary bid process to adopt a new style leader and cabinet executive. On this basis the 2007 Act requires that the new unitary council's executive arrangements provide for the following:

- appointment by the council of an executive leader for a term of four years, commencing with the day of election as leader;
- the executive leader to determine the number of councillors who may be appointed to the executive, subject to a minimum of two and a maximum of nine (excluding the leader);
- the executive leader to appoint one of the members of the executive to be his or her deputy;
- the deputy executive leader to hold office until the end of the term of office of the executive leader, unless the deputy executive leader resigns as deputy or ceases to be a member of the council;
- the executive leader to have power to remove the deputy executive leader from office if he or she thinks fit;
- the executive leader to appoint a deputy executive leader when a vacancy occurs in that office;
- the deputy executive leader to act in place of the executive leader if for any reason the executive leader is unable to act or the office of executive leader is vacant;
- the executive to act or arrange for a member of the executive to act if for any reason both the executive leader and the deputy executive leader are unable to act or their respective offices are vacant.

14. The arrangements may also provide for removal of the executive leader by resolution of the Council. This power already exists in the Council's constitution and it is proposed that this remains.

15. In addition the executive arrangements must provide for the allocation of "local choice" functions as between the executive and the Council. Details of the local choice functions which may be but need not be the responsibility of the executive are set out in Appendix A. The arrangements adopted under the present constitution are set out in Appendix B. It is proposed that the current arrangements continue, with the exception of paragraph 1.16 relating to best value reviews, which is now obsolete. The position may then be reviewed by the new unitary council.

16. It is proposed that these arrangements will be incorporated in the revised constitution which will be considered by the IE in January and the Council in February.

### **Environmental Impact of the Proposal**

17. None.

### **Equalities Impact of the Proposal**

18. None.

### **Financial Implications**

19. None

### **Legal Implications & Risk Assessment**

20. The Council is required to change its executive arrangements in accordance with the Local Government and Public Involvement in Health Act 2007 with effect from 7 June 2009.

21. The risks associated with this report are considered to be low. As stated above the Secretary of State has power to direct the imposition of a leader and cabinet new style executive in the event of default by a local authority to determine executive arrangements within the prescribed period.

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**Background Papers:** Local Government and Public Involvement in Health Act 2007

### **Appendices**

Appendix A – Schedule 2 Local Authorities (Functions and Responsibilities)  
(England ) Regulations 2000

Appendix B – Extract from Part 3 Wiltshire County Council's Constitution