

**APPOINTMENT OF CABINET MEMBERS
(Report by Head of Democratic and Central Services)**

1. INTRODUCTION

- 1.1 When the Structure Review Working Party reported to Council in April 2009 with recommendations to amend the structure of the Council, it proposed changes to the form of leadership of the Council necessitated by the Local Government and Public Involvement in Health Act 2007. It has since become apparent that those changes may not be implemented until the annual meeting of the Council in 2011 and the Working Party has therefore proposed that interim changes be made in May 2010 which will take the Council along the path towards the new form of leadership required by the Act.

2. CHANGE REQUIRED BY THE ACT

- 2.1 The 2007 Act requires the Council to implement either an elected mayor or an executive leader in May 2011. The powers of both positions are broadly similar, except that the mayor is directly elected by the electorate whereas the executive leader is a serving councillor. Both terms of office are for a period of 4 years.
- 2.2 The Act requires the various tiers of councils, counties, metropolitans and districts, to move to the new form of leadership on a phased basis. In the case of district councils, the change cannot be made before the annual meeting in May 2011.

3. INTERIM ARRANGEMENTS

- 3.1 As the change cannot be made as envisaged in 2010, the Democratic Structure Working Party has proposed that, in the interim, the Leader of the Council be authorised to determine the membership of the Cabinet with effect from May 2010 as opposed to this being a decision of the Council. This is an option that has been available since the Local Government Act 2000 was introduced and which many authorities have adopted.
- 3.2 The change will require various alterations to the constitution and to the Council Procedure Rules. Such changes would normally be subject to discussion by the Corporate Governance Panel with a recommendation to the Council. However a meeting of the Panel has not been held since the Working Party met.
- 3.3 Council Procedure Rules require any motion to vary the Rules to stand adjourned without discussion to the next ordinary meeting of the Council. The latter will take place on 21st April which will enable details of the change to be discussed by the Corporate Governance Panel at its meeting to be held on 24th March.

4. CONCLUSION

- 4.1 Both the elected mayor and executive leader forms of leadership enable the holders of those positions to determine the size and membership of the Cabinet. The Council must adopt one of those formats with effect from May 2011 but in the interim can move to the 'strong leader' model of leadership provided for by the 2000 Act whereby the Leader, rather than the Council, chooses the membership of the Cabinet.
- 4.2 A report which lists all of the changes required to the current constitution to accommodate the change will be submitted to the Corporate Governance Panel meeting to be held on 24th March but, if this is to be implemented in May 2010, a motion to amend the relevant Council Procedure Rules must be submitted to and adjourned at the Council meeting on 17th February.

5. RECOMMENDATIONS

- 5.1 **The Democratic Structure Working Party therefore recommends that**
- (a) **that the following Council Procedure Rules be deleted with effect from the annual meeting of the Council in May 2010 –**
- '1.1(vii) appoint the Deputy Leader;**
- 1.1(viii) agree the number of members to be appointed to the Cabinet and appoint those members to the Cabinet;'** and
- (b) **that a report on the consequential changes to the constitution be submitted to the Corporate Governance Panel meeting to be held on 24th March 2010 for subsequent consideration at the Council meeting to be held on 21st April 2010.**

BACKGROUND PAPERS

Nil

Contact Officer: Roy Reeves, Head of Democratic and Central Services
☎ 01480 388003