

Leicester  
City Council

## **SPECIAL MEETING OF THE CABINET**

**DATE: WEDNESDAY, 22 DECEMBER 2010**  
**TIME: 9:30 am**  
**PLACE: THE COUNCIL CHAMBER - FIRST FLOOR, TOWN HALL,  
TOWN HALL SQUARE, LEICESTER**

### **Members of the Committee**

Councillor Patel (Chair)  
Councillor Dempster (Vice-Chair)

Councillors Bhatti, Dawood, Naylor, Osman, Russell, Westley, Wann  
and one vacancy.

Members of the Committee are invited to attend the above meeting to  
consider the items of business listed overleaf.

for Director, Corporate Governance

### **MEMBERS OF THE PUBLIC:**

**YOU ARE VERY WELCOME TO ATTEND TO OBSERVE THE PROCEEDINGS.  
HOWEVER, PLEASE NOTE THAT YOU ARE NOT ABLE TO PARTICIPATE IN  
THE MEETING.**

*Officer contact: Julie Harget/Heather Kent  
Democratic Support,  
Leicester City Council*

*Town Hall, Town Hall Square, Leicester LE1 9BG  
(Tel. 0116 229 8809/ 8816 Fax. 0116 229 8819)*

Email: [julie.harget@leicester.gov.uk](mailto:julie.harget@leicester.gov.uk) / [heather.kent@leicester.gov.uk](mailto:heather.kent@leicester.gov.uk)

## **INFORMATION FOR MEMBERS OF THE PUBLIC**

### **ACCESS TO INFORMATION AND MEETINGS**

You have the right to attend Cabinet to hear decisions being made. You can also attend Committees, as well as meetings of the full Council. Tweeting in formal Council meetings is fine as long as it does not disrupt the meeting. There are procedures for you to ask questions and make representations to Scrutiny Committees, Community Meetings and Council. Please contact Democratic Support, as detailed below for further guidance on this.

You also have the right to see copies of agendas and minutes. Agendas and minutes are available on the Council's website at [www.cabinet.leicester.gov.uk](http://www.cabinet.leicester.gov.uk) or by contacting us as detailed below.

Dates of meetings are available at the Customer Service Centre, King Street, Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

### **WHEELCHAIR ACCESS**

Meetings are held at the Town Hall. The Meeting rooms are all accessible to wheelchair users. Wheelchair access to the Town Hall is from Horsefair Street (Take the lift to the ground floor and go straight ahead to main reception).

### **BRAILLE/AUDIO TAPE/TRANSLATION**

If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

### **INDUCTION LOOPS**

There are induction loop facilities in meeting rooms. Please speak to the Democratic Services Officer at the meeting if you wish to use this facility or contact them as detailed below.

**General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Julie Harget or Heather Kent, Democratic Support on (0116) 229 8809/8816 or email [julie.harget@leicester.gov.uk](mailto:julie.harget@leicester.gov.uk) or [heather.kent@leicester.gov.uk](mailto:heather.kent@leicester.gov.uk) or call in at the Town Hall.**

**Press Enquiries - please phone the Communications Unit on 252 6081**

## **PUBLIC SESSION**

### **AGENDA**

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

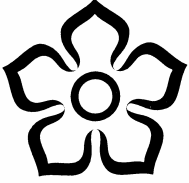
**3. NEW EXECUTIVE ARRANGEMENTS**

**Appendix A**

Councillor Patel submits a report that update Council on the actions taken since the meeting held on 9 December 2010, to ask Council to consider which of the models of governance, available within the Local Government and Public Involvement in Health Act 2007 (the 2007 Act), it wishes to adopt and to consider the actions to be taken to implement the consequent changes to the Council's Constitution. Cabinet is recommended to consider the report and make comments to Council as it sees fit and request the Director of Corporate Governance to bring forward any necessary proposed amendments to the Constitution .

**4. ANY OTHER URGENT BUSINESS**

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Leicester  
City Council

**WARDS AFFECTED**  
All

## **FORWARD TIMETABLE OF MEETINGS**

Cabinet  
Council

22 December 2010  
22 December 2010

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## **NEW EXECUTIVE ARRANGEMENTS**

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### **Report of the Director of Corporate Governance**

#### **1. PURPOSE OF REPORT**

To update Council on the actions taken since the meeting held on 9 December 2010, to ask Council to consider which of the models of governance, available within the Local Government and Public Involvement in Health Act 2007 (the 2007 Act), it wishes to adopt and to consider the actions to be taken to implement the consequent changes to the Council's Constitution

#### **2. SUMMARY**

Leicester City Council is required to adopt a new model of governance as set out in the 2007 Act.

The two models available are:

- 1) Leader and Cabinet Executive (England) model (often described as the "strong leader" model);
- 2) Mayor and Cabinet Executive model

The Council, at a Special meeting on 19 November 2010, agreed a timetable for consultation and implementation and agreed to commence consultation. At a further Special meeting on 9 December 2010 Council considered the results of the consultation and resolved that its preferred model of governance was the Mayor and Cabinet Executive model.

Under the terms of the 2007 Act, Council must now pass a resolution to adopt a new model of executive arrangements by 31 December 2010.

The 2007 Act does not affect the requirement on the Council to hold a referendum if at least 5% of the local electorate petitions for a referendum on the Council's governance arrangements.

### 3. RECOMMENDATIONS

#### 3.1 Cabinet is recommended to

- 1) Consider the report and make comments to Council as it sees fit.
- 2) Request the Director of Corporate Governance to bring forward any necessary proposed amendments to the Constitution.

#### 3.2 Council is recommended to:

Adopt the elected Mayor and Cabinet Executive model of executive governance with effect from the third day after the local government elections in May 2011.

### 4. REPORT

4.1 The Local Government Act 2000 introduced the requirement for local authorities to adopt a prescribed model for executive arrangements. Following this, Leicester City Council adopted the "Leader and Cabinet Executive" model. The 2007 Act introduced a new Leader and Cabinet Executive model which differs from the existing in some key areas. Councils have been required to take steps to adopt one of the two current models available i.e. Strong Leader and Cabinet Executive or elected Mayor and Cabinet Executive.

Although the Decentralisation and Localism Bill may require the Council to hold a referendum on the introduction of an elected mayor, as one of the 12 largest cities without an elected mayor, the Government has advised Councils that work needs to continue on adopting one of the models required by the 2007 Act, but that attempts should be made to contain costs. A separate briefing will be provided for Members on the Bill and any possible implications for this.

#### 4.2 **Key features of each model**

##### *Leader and Cabinet Executive*

- Leader is elected for a four-year term at the next Annual Council following the Local Elections.
- The Leader will be able to appoint up to nine other Councillors to the Cabinet Executive. The Leader can change these appointments within the four-year term.
- The Leader is responsible for the allocation and discharge of all executive functions.
- The Leader can discharge any function of the executive, or determine whether the Cabinet, officers, or Council committees can discharge executive functions.
- The Council can make provision in the Constitution for the removal of the Leader by a resolution of full Council.

Current arrangements differ from this model in that the Leader and Cabinet are appointed by Council annually, and executive functions are allocated by Council.

### *Mayor and Cabinet Executive*

- The Mayor is directly elected by the local electorate for a four-year term.
- The Mayor will be able to appoint up to nine other Councillors to the Cabinet Executive.
- The Mayor is responsible for all executive decisions of the authority.
- The Mayor can discharge any function of the executive, or determine whether the Cabinet, officers, or Council committees can discharge executive functions.
- The Mayor cannot be removed by a resolution of full Council during their period of office.
- The Mayor cannot also be a Councillor. If elected to both, a vacancy arises for the position of Councillor.

#### 4.3 **The process for adopting a new model**

The 2007 Act gives detail of the implementation process to be followed. This is summarised below.

- 1) Agreement by Council on timetable for consultation and implementation.
- 2) Carry out consultation.
- 3) Prepare proposals following consultation and submit to Council for agreement.
- 4) Make the proposals available, and put a notice in the Leicester Mercury.
- 5) Report to a Special Council before 31 December 2010, to obtain a resolution to adopt the new model.
- 6) Make available for public viewing the provisions of the new arrangements and place a notice in the Leicester Mercury.
- 7) Changes to Constitution to be agreed by Council.
- 8) If the Mayoral model is adopted, hold mayoral election on 5 May 2011 at the same time as the Local Elections.
- 9) 8 May 2011 – new executive governance arrangements come into effect.
- 10) If Strong Leader model is adopted, the Leader would take position at Annual Council in May 2011.

#### 4.4 **Publication of proposals**

As statutorily required, following the resolution of Council on 9 December 2010 to adopt the Mayor and Cabinet Executive model as its preferred model of governance, proposals were prepared by the Director of Corporate Governance in consultation with the Leader of the Council in accordance with the requirements of the Act.

As required by the Act in drawing up the proposals consideration was given to the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness and included a timetable with respect to the implementation of the proposals and details of any necessary transitional arrangements. A copy of the proposals is attached at Appendix A.

Copies of the proposals have been made available in the Customer Service Centre and a notice placed in the Leicester Mercury which:

- Stated that the Authority has drawn up the proposals;
- Described the main features of the proposals;
- Stated that copies of the document setting out the proposals are available at the Customer Service Centre for inspection by members of the public at such times as specified in the notice, and
- Specified the address of the Customer Service Centre.

A copy of the notice placed in the Leicester Mercury is attached at Appendix B.

Details of any representations received following the publication of proposals will be reported at the meeting of Council on 22 December 2010

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications**

1. There are additional costs associated with the mayoral model in the form of a mayoral election. The cost of the Council election in 2007 was around £183,000, and the costs of a separate election are likely to be similar. However, if the mayoral election took place at the same time as the Council election in 2011, costs for the mayoral election itself would be minimal.

2. Should the Elected Mayor already be a Councillor, he/she would not be able to take up the seat, necessitating a by-election. A by-election costs approximately £17,000.

3. The scheme of allowances payable to Councillors and the Mayor remain a matter for the Council, after considering the recommendations of the Independent Panel.

4. It is too soon to say what the results of such deliberations would be. However, given the Elected Mayor's role will be exclusively leadership (not having their own ward), and the likely public profile, this may be reflected in the scheme of allowances.

5. Under a mayoral model, the Mayor will be additional to the current 54 Councillors. Under the Strong Leader model, the Leader will be one of the 54 Councillors. Consequently, should the Council decide on an Elected Mayor model, there will be costs associated with an additional elected representative. The basic allowances and support package for paying a "supplementary" Councillor amount to £11,000 per annum on average.

6. Under both models the Mayor/Strong Leader will appoint a deputy, which will also be reflected in the scheme of allowances.

7. Both models envisage the Elected Mayor/Leader directly appointing between 2 and 9 Cabinet members (unlike the present system where appointments are made by Council). Each Cabinet member would be entitled to allowances as determined by Council. It is conceivable that, under either model, the mayor or Leader will wish to streamline decision making and reduce the current Cabinet membership of 9.



8. Scrutiny arrangements will continue, and their form be a matter for the Council to determine. This would need a review whichever model was adopted. It is assumed the Council would wish to adopt a model which was complementary to the Mayor/Leader and Cabinet arrangements.

9. Under either model, the Mayor/Leader may decide to take personal accountability for decisions currently delegated to officers, and that the senior management structure will change to reflect this. It is possible that the mayoral model, with its direct democratic mandate and reduced powers of Council veto, will give greater impetus to such changes (and this appears to be the government expectation).

10. Such changes are likely to be accompanied by the need for the establishment of a greater level of direct support (ie a mayoral/leader's office).

*Mark Noble, Chief Finance Officer, x29 7401*

## 5.2 Legal Implications

Leicester City Council is required to adopt a new model of governance as set out in the Local Government and Public Involvement in Health Act, 2007:

- \* Leader and Cabinet Executive model, known as the "Strong Leader model".
- \* Mayor and Cabinet Executive model.

Consultation undertaken between 20th November to 6th December was designed to meet the requirement to "consult the Local Government electors for, and other interested persons in, the Authority's area" (Section 33E6) Local Government Act, 2000).

Proposals may provide for the change in governance arrangements to be subject to approval in a referendum but this is not obligatory and full Council decided not to have one.

In drawing up its proposals the Council was obliged to consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Local Authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

At its meeting on 9th December full Council decided on its preferred model i.e. the Elected Mayor and Cabinet Executive. Following this, proposals were published and an appropriate notice placed in the local press. The public were entitled to submit any representations to the Council and these must be considered before the Council passes a final resolution on the 22nd December. A decision must be made by the 31st December 2010.

Section 245 of the Local Government Act, 1972, as amended, provides that where a Council decides to operate an Elected Mayor and Cabinet Executive, then the "style of

Mayor" previously used by the Chairman of the Council shall no longer be used. This means that the current Lord Mayor position may have to be re-titled but every effort can be made to retain civic traditions within the current legal framework.

The Decentralisation and Localism Bill was published on the 13th December 2010. A separate briefing on the legal implications of this draft Bill and any implications for this report will be circulated to Members as soon as possible.

*Peter Nicholls, Director of Legal Services x29 6302*

### 5.3 Climate change implications

This report does not contain significant climate change implications and therefore should not have a detrimental effect on the Councils climate change targets.

*Claire Pipe, Senior Environmental Consultant - Climate Change x 29 6776*

## 6. OTHER IMPLICATIONS

OTHER IMPLICATIONS	YES/NO	Paragraph Within the Report	References
Equal Opportunities	No		
Policy	No		
Sustainable and Environmental	No		
Crime and Disorder	No		
Human Rights Act	No		
Elderly/People on Low Income	No		
Corporate Parenting	No		

## 7. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972

Local Government Act 2000

Local Government and Public Involvement in Health Act 2007

Letter to Council Leader from the Rt Honourable Grant Shapps MP, Minister for Housing and Local Government, 7 July 2010

## 8. REPORT AUTHOR

John Thorpe  
Democratic Support  
229 8810

**Leicester City Council  
Proposals for a change in governance arrangements  
(Section 33E Local Government Act 2000)**

**Introduction**

In accordance with Schedule 4 of the Local Government and Public Involvement in Health Act 2007 (the Act), Leicester City Council must resolve before 31 December 2010 to move to a new form of executive. The Council currently has an “old-style” Leader and Cabinet form for its executive. As a minimum, the Council must move to a “new-style” Leader and Cabinet form. Alternatively, the Council could choose to move to a directly Elected Mayor and Cabinet form.

A report considered by Council on 19 November 2010 set out the main differences between the forms, which are:

- the **Elected Mayor** is directly elected, has a four year term and cannot be removed by resolution of the Council; but
- the **Leader** is elected by the Council, will generally have a four year term, and may be removed by resolution of the Council.

On 9 December 2010, the Council drew up these proposals for a change in form. In drawing up the proposals, the Council considered the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness.<sup>1</sup>

It also considered the outcome of its consultation about its executive arrangements.

**Consultation**

The procedure for changing executive arrangements required the Council to consult residents and interested parties before drawing up proposals for a change in form. The consultation took place between 20 November and 6 December 2010.

A detailed report on the consultation process and its outcome was considered by the Council on 9 December 2010.

**The new form**

It is proposed that the Council moves to the ‘Mayor and Cabinet’ model as defined in section 11 of the Local Government Act 2000 (as amended).

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<sup>1</sup> Section 33E(7) Local Government Act 2000

The Executive will comprise of:

- A Mayor, directly elected by electors of the City in May 2011; and
- Between two and nine other cabinet members

The Mayor shall serve for a term of four years or until the next mayoral election, unless he/she dies, resigns or is otherwise disqualified from office.

The Mayor elected at the May 2011 mayoral election will decide, rather than the Council as at present, how many cabinet members there shall be (subject to the statutory minimum of two and maximum of nine plus the Mayor him/herself) and shall appoint those cabinet members from among the serving councillors and may allocate to each cabinet member a portfolio of responsibilities.

The Mayor cannot also be a Councillor. If elected to both, a vacancy arises for the position of Councillor.

The Mayor will have power to replace or remove cabinet members and to vary or delete their Portfolio responsibilities at any time.

The Mayor shall appoint a Deputy Mayor from among the cabinet members. The Mayor may replace the Deputy Mayor at any time but otherwise the Deputy Mayor shall remain in post for the duration of the Mayor's term of office. The Deputy Mayor shall have authority to exercise the Mayor's powers only in the event that the Mayor is unable to act at any time.

All executive functions of the Council shall be vested in the Mayor. The Mayor may exercise those functions him/herself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a cabinet committee, an individual cabinet member or an officer. The Mayor may revoke any such delegations at any time.

The executive delegations in place on 5 May 2011 (election day) as set out in the Council's constitution at that time shall continue under the new executive arrangements until such time as the Mayor elected in May 2011 shall amend those delegations.

In the event that the Mayor from May 2011 wishes to delegate decision-making powers to an individual member or members, he/she will be advised as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so delegated.

### **The allocation of functions between the Council and the Executive (Mayor)**

Section 13 of the Local Government Act 2000 and associated regulations make provision for a division of the authority's functions between the Council and the Executive. Most functions are the responsibility of the Executive, whichever form that takes. The exceptions are in two categories - (i) certain specific functions that must be reserved to the Council or to non-executive committees (these include agreeing the budget and policy framework,

amending the constitution, development and licensing functions etc); and (ii) a further list of functions each of which the Council can choose either to reserve to itself or to allocate to the Executive. These latter functions are known as 'local choice' functions.

The powers and duties of non-executive councillors, including overview and scrutiny and regulatory functions, and the delegation of non executive functions to committees of the Council and to officers will not be affected by the change in executive arrangements.

### **Constitution amendments**

There will also be a number of consequential amendments throughout the constitution. It is proposed that these amendments to the constitution are considered by full Council in March 2011. The amendments would be of effect from the date the new arrangements are to be implemented, that is, three days after the elections in 2011.

### **Timetable**

The current executive arrangements will cease on the day of elections (ie 5 May 2011), and the new model will take effect three days thereafter.

### **Transitional arrangements**

The executive delegations in place on 5 May 2011 as set out in the Council's constitution at that time shall continue under the revised executive arrangements until such time as the Mayor elected at the mayoral election in May 2011 shall amend those delegations.

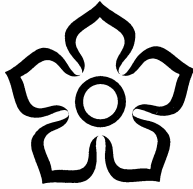
The Chief Executive shall have delegated power to exercise all the executive functions of the council but shall only take executive key decisions in cases of genuine urgency and after consultation with the Mayor-elect. This delegation to the Chief Executive shall cease upon the Mayor-elect taking office.

### **Next steps**

These proposals will be considered by full Council at a special meeting on 22 December 2010 at which the Council must pass a final "resolution" declaring the governance model to be adopted for Leicester City Council.

If you require any further information, or wish to comment on these proposals please contact Democratic Support, Town Hall, Leicester or [leaderormayor@leicester.gov.uk](mailto:leaderormayor@leicester.gov.uk) by **21 December 2010**.

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Leicester  
City Council

## Appendix B

### LEICESTER CITY COUNCIL

#### ADOPTION OF ELECTED MAYOR AND CABINET MODEL

Notice is hereby given that, in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007, Leicester City Council resolved at its meeting on 9 December 2010 that its preferred model of governance is Elected Mayor and Cabinet Executive and it intends to consider the final approval of this model at its meeting on 22 December 2010.

The main features of the Elected Mayor and Cabinet Executive model are:

- The Mayor is directly-elected by the local electorate for a four-year term.
- The Mayor will be able to appoint up to nine other Councillors to the Cabinet Executive.
- The Mayor is responsible for all executive decisions of the authority.
- The Mayor can discharge any function of the executive, or determine whether the Cabinet, officers or Council committees can discharge executive functions.
- The Mayor cannot be removed by a resolution of full Council during their period of office.
- The Mayor cannot also be a Councillor. If elected to both, a vacancy arises for the position of Councillor.

A copy of the Council's proposals is available, and can be viewed at the Council's Customer Service Centre, Leicester City Council, B Block, New Walk Centre, King Street, Leicester, LE1 6ZG. The Centre is open Monday to Wednesday 8.30am to 5.00pm and Thursday to Friday 8.30am to 4.30pm.

DATED, This 13<sup>th</sup> day of December 2010.

P Holmes  
Director of Corporate Governance

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