

**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.¹

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).

¹ 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 by **21 December 2010**.