

Leeds 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, Leeds City Council must resolve before 31 December 2009 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 the Council’s General Purposes Committee on 30 October 2008 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 term¹, and may be removed by resolution of the Council².

On 16 September 2009, 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.³

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

Consultation

The procedure for changing executive arrangements required the Council to consult before drawing up proposals for a change in form.

The principal consultation through Talking Point, (the Council’s on-line community engagement resource), took place between 11 May 2009 and 3 July 2009. The Council consulted with:

- General public;

¹ This Council has election by thirds, so this will not be the case if the Leader has less than 4 years left as a councillor when elected as Leader.

² if the Council makes provision to do this in its executive arrangements.

³ Section 33E(7) Local Government Act 2000

- Key Partners;
- Parish and Town Councils;
- Leeds Members of Parliament;
- Independent and co-opted Members of the Leeds City Council; and
- Leeds City Council Councillors.

A detailed report on the consultation process and its outcome was considered by the Council's General Purposes Committee on 8 September 2009.

The new form

It is proposed that the Council moves to the "new-style" Leader and Cabinet form.

The main features of this form are that the Leader is responsible for:

- deciding how many Executive Members to appoint (within statutory limits);
- appointing Executive Members;
- allocating portfolios or areas of responsibility to Executive Members;
- allocating decision-making powers to the Executive Board and individual Executive Members; and
- removing and replacing Executive Members.

The Leader must be elected for a 4-year term of office (or up until the Leader's ordinary term of office as a councillor expires, where the Leader is elected at a time when he/she has less than 4 years still to run).

The Council may make arrangements for the Leader to be removed from office. Article 7 of the Constitution (which relates to the Executive) currently provides for in-term removal of a Leader by resolution of the Council. This is by a simple majority, in accordance with Council Procedure Rules. It is proposed that the Council retains this existing arrangement.

Local Choice Functions

It is proposed that responsibility for functions specified in regulations under Section 13(3) (b) of the Local Government Act 2000 (known as "local choice functions") will remain unchanged from the current allocation between the Council and the executive. These are set out in the attached Appendix 1 to these proposals.

Constitution Amendments

Constitutional amendments will be required to implement the new form of executive. The main amendments would be to:

- Article 7 to make reference to insert provision for a deputy Leader;
- Council Procedure Rules, to reflect the change in term of office of the Leader from one year;
- an amendment to reflect that the Leader may choose to delegate functions to individual Executive Members⁴.

⁴ Currently, the Council precludes this, but will no longer be able to do so

There will also be a number of consequential minor amendments throughout the constitution.

It is proposed that these amendments to the constitution are considered by full Council when full Council meets to approve the new form. The amendments would be of effect from the date the new arrangements are to be implemented, that is, three days after the elections in 2010.

Timetable

Attached as appendix 2 to these proposals is a timetable setting out how the proposals will be implemented.

Transitional arrangements

It is proposed that the Leader in office at the time of the elections in 2010 should remain in place until the annual meeting in 2010 (even though the form itself would change before the annual meeting)⁵.

Next steps

These proposals will be considered by full Council at a special meeting on 18 November 2009. If you require any further information, or wish to comment on these proposals please contact Governance Services, Civic Hall, Leeds, LS1 1UR or exec.arrangement.consultation@leeds.gov.uk by *(date to be inserted)*

⁵ By convention, the Leader would not take any decisions in this interim period, save in the most exceptional circumstances.