

**Committee: FULL COUNCIL**

**Agenda Item**

**Date: 14 December 2010**

**8**

**Title: EXECUTIVE GOVERNANCE**

**Author: John Mitchell, Chief Executive, 01799  
510400**

Item for decision

---

## Summary

1. At the extraordinary meeting of the Council on the 19 October 2010 members resolved to agree the provisions of draft proposals for executive governance. That resolution followed an earlier resolution on 30 September 2010 that the Council agree in principle to an executive form of government. This report sets out the steps that members will now need to take if they wish to adopt an executive form of administration.

## Recommendations

2. Members determine whether they wish to move to an executive administration.
3. In the event that members do resolve to operate executive arrangements that members resolve to revoke the existing constitution and adopt a new constitution in the form of the draft appended to the report to Full Council on 19 October 2010 with effect from 8 May 2011.

## Financial Implications

4. As set out in the report to the Council meeting on 19 October 2010

## Background Papers

5. None.

## Impact

- 6.

Communication/Consultation	As set out in the report to the Council meeting on 19 October 2010
Community Safety	As set out in the report to the Council meeting on 19 October 2010
Equalities	As set out in the report to the Council meeting on 19 October 2010
Health and Safety	As set out in the report to the Council

Full Council item 8, Executive Arrangements

	meeting on 19 October 2010
Human Rights/Legal Implications	As set out in the report to the Council meeting on 19 October 2010
Sustainability	As set out in the report to the Council meeting on 19 October 2010
Ward-specific impacts	As set out in the report to the Council meeting on 19 October 2010
Workforce/Workplace	As set out in the report to the Council meeting on 19 October 2010

**Situation**

7. The Council has for some time been examining different governance models which are available to it. These deliberations culminated in the resolutions of the 30 September 2010 which required officers to draw up proposals for consideration and on the 19 October 2010 adopting those proposals.
8. In accordance with the legislation, notification of the proposals has been published in a local newspaper. At the time of the preparation of this report no response has been received to the advertisement although it is right to say that this stage of the statutory procedure is not intended to be part of the consultation process (which has already been undertaken) but merely a notification of the Council’s intention.
9. Under the Local Government Act 2000 if members now wish to move to an executive form of administration it is necessary for the Council to pass a resolution under section 35F of the Act that with effect from the 8 May 2011 the Council operate executive arrangements in accordance with the proposals adopted by the Council on the 19 October 2010. The timing of the move to executive arrangements is governed by statute and cannot be amended. In order to be effective, such a resolution must be passed before 31 December 2010.
10. In the event that members resolve to operate executive arrangements, the Council’s current constitution (which was drawn up to facilitate the operation of alternative arrangements) does not contain provisions necessary to deal with a cabinet form of administration. A new constitution for the Council would therefore be required.
11. A draft new constitution was appended to the report before the Council on the 19 October 2010. This needs to be considered in accordance with the Council’s existing constitution which requires amendments to the constitution to be moved and seconded and for the motion then to stand adjourned without discussion to the next ordinary meeting of the Full Council. In the event that such a proposal is moved and seconded members any suggested

## Full Council item 8, Executive Arrangements

amendments to the draft constitution may be moved at the meeting of Full Council on the 17 February 2011.

### **Risk Analysis**

12. As set out in the report to the Council meeting on 19 October 2010

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.