

APPENDIX 2- Report to Full Council Proposals for Executive Governance

UTTLESFORD DISTRICT COUNCIL PROPOSALS FOR THE OPERATION OF EXECUTIVE ARRANGEMENTS

The Local Government Act 2000 ("the Act) contains provisions permitting local authorities to change their governance arrangements from alternative arrangements (committee structure) to executive arrangements being either an elected mayor and cabinet or an executive leader and cabinet. Uttlesford District Council has drawn up proposals to adopt a leader and cabinet style of governance. To be effective the council must adopt the proposals by 31 December 2010 and the arrangements would take effect on the 3rd day after the elections scheduled for May 2011. The proposals are as follows:-

Leader

1. At the annual meeting of the council after the next ordinary election of councillors (or at a subsequent meeting) the council shall elect one of its members to be the executive leader.
2. The council will have power to remove the leader from office during his term of office under s.44C of the Act by way of a vote of no confidence under the constitution of the council.
3. The term of office of the leader commences on the date of his election and ends on the day of the annual general meeting of the council following the next ordinary election of councillors or on the date he is removed from office by a vote of no confidence.
4. The leader may resign from the position of leader during his term of office and will cease to be leader if for any reason he ceases to be a councillor.
5. The leader may not act in that capacity during any period for which he is suspended as being leader of the council or a councillor but may resume office at the end of such suspension.

Appointment of the executive (cabinet)

1. The leader determines the size of the executive which comprises the leader and at least 2 but no more than 9 other councillors.
2. Members of the executive hold office until such time as they are removed from that office by the leader, they retire or cease for any reason to be a councillor. An executive member may not act in that capacity during any period for which he is suspended as a member of the executive or a councillor but may resume office at the end of such suspension.
3. In the event that the leader and deputy leader are both unable to act for any reason or both offices are vacant then the executive must act in the

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position of leader as a whole or must appoint one of the executive to act as leader in his place.

4. The leader shall report all appointments to and changes to the executive to the council.

Deputy leader

1. The leader shall appoint one of the executive to be deputy leader.
2. The deputy leader shall hold office until the end of the leader's term of office or until he is removed from office by the leader, resigns as deputy leader or for any reason ceases to be a councillor.
3. The deputy leader may not act in that capacity during any period for which he is suspended as being deputy leader of the council or a councillor but may resume office at the end of such suspension.
4. In the event that the leader is unable to act for any reason or if the office of leader is vacant (other than by virtue of the term of office of the leader having come to an end) the deputy leader must act in his place.

Delegation

1. The leader may exercise all executive functions himself or may delegate them to the executive, a committee of the executive, members of the executive or officers.
2. Where functions have been delegated to the executive then it may delegate those functions to a committee of the executive or officers.
3. A committee of the executive may delegate functions to officers
4. The leader will report on the scheme of delegation to the annual meeting of council next following an ordinary election of councillors and will inform the council of any variations thereto.
5. Full council may delegate functions which are not executive functions to a committee or sub-committee of the council or to officers.
6. Committees of the council may delegate functions within their remit to sub-committees or officers.
7. Sub-committees may delegate functions within their remit to officers.
8. The delegation of a function in no way inhibits the power of the delegator to take the decision or exercise the function himself or itself

Overview and scrutiny

1. It is proposed that there should be 2 committees of the council appointed to undertake the overview and scrutiny functions set out in s.21 of the Act.
2. Members of the executive will not be entitled to be members of the committees exercising these functions.

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Local choice functions

1. s.13 of the Act and regulations made thereunder prescribe certain functions which may be the responsibility of the executive or may be reserved to full council
2. In the event of any of these functions being reserved to full council they may be performed by the council itself or the functions may be delegated to a committee or sub-committee of the council or to officers.
3. Appendix A sets out the local choice functions and shows which are to be functions of the executive and which are reserved to the council.

Referendum

1. Under the Act the council has the option of making its proposals the subject of a referendum. A referendum would require registered electors to endorse the council's proposals.
2. The costs of a referendum would be substantial (approximately £86000.00). Given the low level of interest shown by the public about the council's governance arrangements it is considered that there is insufficient justification to undertake a referendum in addition to the consultation exercise.
3. Accordingly it is proposed that no referendum be held as to the proposed governance arrangements for the council.

Timetable for implementation

19 October 2010	Members adopt proposals
w/c 25 October 2010	Publication of notice of proposals
14 December 2010	Members resolve to adopt executive arrangements
31 December 2010	Deadline for resolution to adopt
17 February 2011	Members adopt new constitution to give effect to executive arrangements
5 May 2011	District council elections
8 May 2011	Executive arrangements come into effect

Transitional arrangements

1. The Act requires the council to lay down transitional arrangements for the period from the district council elections until the annual meeting of council following the elections.

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2. Under alternative arrangements it is not possible to delegate functions to individual members but the current committee structure cannot continue beyond 8 May 2011 when the new arrangements are required to take effect.
3. It is therefore proposed that for the period between the election and the annual meeting of council the scheme of delegation to officers existing as at the date of the election should remain unchanged.
4. With regard to all other matters the chief executive (or if he should be unable to act for any reason either of the directors of the council) should have delegated authority to take any decisions or to undertake any functions of the council save for those which must by law be taken or undertaken only by full council. Such delegated power should be exercised only in consultation with the group leader of the political group with the most members of the council after the election. In the event that 2 or more political groups are equal in the highest number of members then this delegated power shall be exercised in consultation with the group leaders of those groups.

General information

1. There are 3 governance models which the council can legally chose from. These are the current alternative arrangements (committee system), an elected mayor and cabinet and a leader and cabinet.
2. There are currently only 32 district councils operating alternative arrangements and some of these are proposing to change to alternative arrangements after the May 2011 elections.
3. The council is of the view that alternative arrangements are no longer “fit for purpose” and that an executive administration will give the council the greatest potential for improvement in the future.
4. Of the 2 types of executive models available there is no evidence to suggest that one is inherently better than the other. Typically elected mayors (of which there are only 12) are found in large urban areas. Members considered that this form of administration was not suitable for a rural district such as Uttlesford. Although the response to the consultation was admittedly limited there was no support for an elected mayor. Members therefore resolved to proceed with the leader and cabinet option as being the most appropriate form of executive administration for the district.

Continuous improvement

1. In drawing up these proposals the council must consider the extent to which, if implemented, they would be likely to assist in securing continuous improvement in the way the council’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
2. Members considered that an executive administration would offer:-

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- a. More responsiveness to changing events than the current committee system whereby committees meet 5 times a year with virtually no meetings during the months of July and August and with decisions frequently needing to be referred to more than one committee and full council
 - b. More responsibility for individual portfolio holders who would drive policy and direction by presentation of reports
 - c. More checks and balances through enhanced scrutiny review
 - d. A common system of governance with partner authorities
 - e. Greater opportunities for other members and guests to inform debate
 - f. A better foundation for shared service working with other executive run councils
 - g. Greater confidence for portfolio holders in representing the council
3. It is considered that the council will demonstrate greater improvement under these proposals than it has achieved under the alternative arrangements and that the leader and executive model offers the best value for residents, businesses and visitors in Uttlesford.

The Constitution

1. In order to move to executive arrangements a new constitution will be required.
2. A copy of the draft constitution is available on the council's website at www.uttlesford.gov.uk. Subject to the council agreeing to adopt executive arrangements it is intended that the draft constitution will be adopted with or without amendment at the council meeting on 17 February 2011 to take effect from 8 May 2011.

Publicity

1. The Act requires these proposals to be advertised.
2. Notice of the proposals will be published in a newspaper circulating within the district.
3. Copies of the proposals may be inspected by the public at any time between 9.00 am and 4.30 pm Monday to Thursday and between 9.00am and 4.00 pm Friday at the Council Offices London Road Saffron Walden Essex CB11 4ER.
4. The proposals are also published on the council's website at www.uttlesford.gov.uk.

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APPENDIX A – LOCAL CHOICE FUNCTIONS

Function	Decision making body
The determination of an appeal against any decision made by or on behalf of the authority	The council
Any function relating to contaminated land	The executive
The discharge of any function relating to the control of pollution or the management of air quality	The executive
The service of an abatement notice in respect of a statutory nuisance	The executive
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 [<i>power to require consent to the operation of load speakers in the street</i>] should apply in the authority's area	The council
The inspection of the authority's area to detect any statutory nuisance	The executive
The investigation of any complaint as to the existence of a statutory nuisance	The executive
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The executive
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The executive
The appointment of any individual—	The executive
(a) to any office other than an office in which he is employed by the authority;	
(b) to any body other than—	
(i) the authority;	
(ii) a joint committee of two or more authorities; or	
(c) to any committee or sub-committee of such a	

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body,
and the revocation of any such appointment

The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities

The executive

Functions under sections 106, 110, 111 and 113 of the 2007 Act relating to local area agreements

The executive

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