

Committee: STANDARDS

Agenda Item

Date: 22 November 2010

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**Title: IMPLICATIONS OF THE PROPOSED
CHANGES TO THE DISTRICT COUNCIL
GOVERNANCE ARRANGEMENTS FROM
2011**

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Item for decision

Summary

1. On the 19 October, the Council resolved to adopt proposals for an executive form of administration. These are now being advertised in accordance with the statutory requirements. At the Council meeting on the 14 December, members will have the opportunity of voting to move to an executive form of administration. If this is approved, then the new arrangements must take effect on the 8 May 2011, 3 days after the election. This report is to inform members of the nature of the changes which would arise from such a resolution.

Recommendations

2. That members note this report.

Financial Implications

3. None arising from this report.

Background Papers

4. None.

Impact

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Communication/Consultation	None.
Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.

Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. The Local Government Act 2000 required the majority of local authorities to adopt an executive form of administration. Initially four forms of executive were designated, namely an elected mayor and a cabinet of councillors appointed by the mayor (Mayor and Cabinet), a councillor elected as leader of the council by the council together with a cabinet of two or more councillors appointed either by the Leader or by the Council (Leader and Cabinet) or an elected mayor and an officer of the authority appointed by the authority as a council manager (Mayor and Council Manager). (The only options now available in England are the Mayor and Cabinet and the Leader and Cabinet model referred to below). However, the Act did contain an exemption for local authorities with a population of less than 85,000 as at the 30 June 1999. Such authorities were permitted to operate under alternative arrangements namely a committee system. Uttlesford District Council adopted the fourth option.
7. Under alternative arrangements, decisions must be taken by Full Council, a committee of the council, a sub-committee of the council or by officers. There is a scheme of delegation approved by Full Council although committees and sub-committees can further delegate any powers delegated to them unless such sub-delegation is excluded from the scheme by the Council. Any matters not covered by the scheme of delegation are by default the function of Full Council. No individual members may take any decisions or enter into any commitment on the part of the Council. There is a practice of delegating functions to officers in consultation with the chairman of a particular committee. In such cases, the decision is that of the officer and not the chairman.
8. With regard to committees there is a statutory requirement these be politically balanced. Whilst the rules on political balance are complex, broadly speaking it means that the political make-up of committees should reflect the overall political make-up of the council. The only committees which are not required to be politically balanced are the committee established under the Licensing Act 2000 and the Standards Committee. Having determined the make-up of the committees in terms of political balance the council must then appoint members of the respective political groups to those committees in accordance with the wishes of those groups.
9. The position is different under an executive administration. There is no requirement for the cabinet to be politically balanced. Under the current legislation relating to leader and cabinet administrations the option of the council appointing the executive has been removed. It is a responsibility of the Leader to appoint the cabinet.

10. Under the legislation, certain functions are reserved to the council. These functions must be performed by the council as a whole or in some cases may be performed by a committee or sub-committee of the council. Such committees are still subject to the rules of political balance. In some other cases, the legislation gives the council a choice as to whether functions may be performed by the council or the executive. Any functions not reserved for the council by legislation or by resolution (in the case of local choice functions) must be performed by the executive.
11. The Leader has power to perform any of the executive functions of the council. He may delegate those functions to the executive, a committee of the executive, an individual member of the executive or to an officer. The executive may delegate to a committee of the executive or an officer. A committee of the executive or an individual member of the executive may delegate to an officer. A delegation may exclude the power to delegate further but unless excluded the power of sub-delegation is implied. Delegation does not prevent the delegator exercising the function which has been delegated.
12. It is anticipated that Overview and Scrutiny will have a higher profile with an executive administration. Overview and Scrutiny committees are subject to the rules of political balance but members of the executive may not be members of such committees.
13. A copy of the Chief Executive's report to Full Council on the 19 October, together with a copy of the proposals annexed thereto are attached for further information.

Risk Analysis

14. There are no risks arising from this report.