

## **CARLISLE CITY COUNCIL - EXECUTIVE ARRANGEMENTS FROM MAY 2011<sup>1</sup>**

The Local Government and Public Involvement in Health Act 2007 requires Carlisle City Council to make changes to its current governance and decision making arrangements. The new arrangements will come into operation immediately after the elections in May 2011. The Council is required by the Act to publish its proposals following the conclusion of the consultation exercise. It has been resolved by the Council that, with effect from the third day after the May 2011 elections, the Council adopts the following proposals:

### **Election of Leader**

The Leader is elected by Full Council at its post-election annual meeting (or, if the Council fails to elect a Leader at that meeting, at a subsequent meeting of the Council). The term of office of the Leader starts on the day of his/her election as Leader and ends on the day of the next post election annual meeting (under whole Council elections) or the day when the Council holds its first annual meeting after the Leader's normal day of retirement as a Councillor (under elections by thirds) unless he/she is:

- Removed from Office or resigns;
- Ceases to be a Councillor; or
- Is disqualified from being a Councillor before that day.

### **Appointment of the Cabinet (Executive) and Scheme of Delegation**

The Leader:

- Determines the size of the Cabinet (Executive);
- Appoints between 2 and 9 Members of the Council to the Cabinet (Executive) in addition to himself/ herself);
- Allocates any areas of responsibility (Portfolios) to them;
- May remove them from the Cabinet (Executive) any time;
- Determines the scheme of delegation for the discharge of the executive functions of the Council; and
- Will report to the Council on all appointments and changes to the Cabinet (Executive).

### **Appointment of Deputy Leader:**

The Leader must appoint one of the Members of the Cabinet (Executive) to be his/her deputy, to hold office until the end of the Leader's term of office (unless the person resigns as Deputy Leader, ceases to be a Councillor or is disqualified or removed from office by the Leader). The Leader may, if he/she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his/her place.

### **Absent Leader:**

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/ her place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet (Executive) must act in the Leader's place or arrange for a Member of the Cabinet (Executive) to do so.

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<sup>1</sup> The new executive arrangements are to operate from the third day after the May 2011 local government elections.

### **Removal of the Leader:**

Section 44c of the Local Government Act 2000 (as amended) states that the executive arrangements which provide for a Leader and Cabinet Executive may include provision for the Council to remove the Leader by resolution. It is proposed that The Council should have the power to remove the Leader by way of resolution by a simple majority, with provision for the removal of the Leader to be included in the Constitution. The Act specifies that, if the Council passes a resolution to remove the Leader, a new Leader is to be elected:

- (a) at the meeting at which the Leader is removed from office; or
- (b) at a subsequent meeting.

### **Timetable for Implementation –**

<b>Stage</b>	<b>Date</b>
New Executive arrangements to be agreed at Special Meeting of the Council	Before 31 December 2010
Publicise new arrangements	When drafted
Constitution reviewed in light of new executive arrangements	Before May 2011
Constitution approved by Council	Before May 2011
New form of Executive arrangements and revised Constitution comes into operation	3 days after the elections in May 2011
Leader elected at Full Council	Annual meeting of Council in May 2011
Appointment of Deputy Leader Appointment of Cabinet Members; and Allocation of responsibilities	Following the Leader's election at the Annual Meeting of the Council in May 2011
Revisions to the Constitution to take into account the new Leader's Scheme of Delegation	Following the Leader's election at the Annual Meeting of the Council in May 2011

### **Transitional Arrangements**

Under the Act, the Council must agree transitional arrangements for the period following the local elections up until the Annual meeting of the Council. It is recommended that the existing Leader would remain in place (provided he/she is still a Councillor) until the Annual meeting after the 2011 elections, at which the new Leader will be elected. Whoever acts in place of the new Leader therefore (i.e. the existing Leader under the transitional arrangements) will have to act in accordance with the existing constitution and within the parameters of the relevant regulations and statutory provisions.

**The Constitution**

Detailed changes to the Council's existing Constitution to include the above proposals need to be agreed by Council prior to the date on which the proposals come into effect. The Act makes it clear that the Council must state the extent to which the functions specified in the Local Government Act 2000 (S13 (3)(b)) are to be the responsibility of the Executive which will be operated if the proposals are implemented. It is suggested that the allocations of functions will continue as for the current Council until revised by the Leader or Council under the new governance arrangements.