

REPORT FOR DECISION

MEETING: THE COUNCIL

DATE: 18 MAY 2010

SUBJECT: LEADER OF THE COUNCIL AND MEMBERSHIP OF THE EXECUTIVE

REPORT FROM: DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

CONTACT OFFICER: DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

TYPE OF DECISION: COUNCIL

FREEDOM OF INFORMATION/STATUS: [This paper is within the public domain]

SUMMARY: To elect the Leader of the Council and note that the Leader will appoint the Deputy Leader, decide the composition of the Executive Cabinet and appoint the Membership of the Cabinet

OPTIONS & RECOMMENDED OPTION

Council is requested to:

1. elect a Leader of the Council and note the term of office.
2. note that the Leader is expected to agree that the Executive Cabinet shall comprise the Leader of the Council plus up to 9 councillors.
3. note that the Leader proposes to appoint the membership of the Executive Cabinet, including the appointment of a Deputy Leader, as set out in the Appendix to the report.

IMPLICATIONS:

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? Yes

The proposals in this report do not affect the Policy Framework. However, issues within this report require approval by the full Council.

Statement by Director of Finance and E-Government:

There are no financial implications arising from this report.

Equality/Diversity implications

The proposals in this report do not directly affect any of the Equality/Diversity Policies and Strategies of the Authority.

Considered by Monitoring Officer:

Yes

Are there any legal implications?

Yes No

The Council is under a statutory duty to maintain a Constitution. These changes are required as a result of statutory provisions changing the Council's executive arrangements. These were the subject of a previous report to Council on 19 December 2009. The statutory provisions are set out in the Local Government and Public Involvement in Health Act 2007

Staffing/ICT/Property:

There are no staffing/ICT/Property issues from this report.

Wards Affected:

All Wards

Scrutiny Interest:

All

TRACKING/PROCESS

DIRECTOR: JAYNE HAMMOND, DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

1.0 BACKGROUND

1.1 At its meeting on 19th December 2009, the Council approved a new style 'strong' Leader and Cabinet model of executive leadership, in accordance with the Local Government and Health Act 2007. The Act required changes to the leadership of Councils giving only two options, both of which place all executive powers in the hands of one individual, who, in the normal course of events, will serve an uninterrupted 4 year term. The Council's new Executive Arrangements came into operation on 6th May 2010 (and the Council approved transitional arrangements up to this meeting of Council on 18 May 2010).

2.0 NEW STYLE LEADER AND CABINET

- 2.1 Under this model the Council appoints the Leader for a fixed term of office of 4 years. The Leader then appoints a Cabinet but also determines the size of the Cabinet (within the statutory minimum and maximum of 3 and 10). Under these executive arrangements provision must be made for the appointment of a Deputy Leader with power to act in the Leader's absence. Again the Deputy Leader is appointed (and may also be removed) by the Leader.
- 2.2 The term of office of the Leader is from the date of election as Leader, to the first annual meeting after their normal day of retirement as a councillor i.e. up to 4 years. (Thus, a Leader needing to seek re-election as a councillor before the end of the maximum 4 year term will be elected for a shorter term).
- 2.3 The Council includes provisions in its Constitution whereby the Council may remove the Leader from office at any time (if the Council did not include such provision for the in term removal of the Leader, the Leader would remain in office for a full term).The Council's Constitution states that the Leader shall hold office until:
- (a) he/she resigns from the office; or
 - (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - (c) he/she is no longer a councillor; or
 - (d) the first Annual Meeting after their normal day of retirement as a councillor;
 - (e) that the Council may by resolution remove him/her from office
- 2.4 The Leader will be vested with all the Council's executive functions, initially holding all these under their personal control. It is then for him/her to choose whether to exercise some or all of these functions personally or to make arrangements for their discharge by the Executive Cabinet, a committee of the Cabinet, by an individual member of the Cabinet, or by officers.

3.0 RECOMMENDATIONS

- 3.1 Council is requested to:
1. elect a Leader of the Council and note the term of office.
 2. note that the Leader is expected to agree that the Executive Cabinet shall comprise the Leader of the Council plus upto a councillors.
 3. note that the Leader proposes to appoint the membership of the Cabinet, including the appointment of a Deputy Leader; with the responsibilities/delegations to individual members as attached in the Appendix to this report.

Contact Details:-

Jayne Hammond, Director of Legal and Democratic Services.

Tel No: 0161 253 5002

Email: j.m.hammond@bury.gov.uk

MEMBERSHIP OF THE CABINET 2010/11

PORTFOLIO

(Leader)

All

(Deputy Leader)

Communities

Resource, Human Resources and
Performance

Children and Young People

Environment and Transport

Health and Well Being