



TITLE: EXECUTIVE ARRANGEMENTS

TO/ON: FULL COUNCIL 13TH JULY 2005

BY: MARK WESTON, HEAD OF LEGAL AND DEMOCRATIC SERVICES

LEAD MEMBER: DUNCAN RUDDICK

STATUS: FOR PUBLICATION

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the results of the public consultation exercise in respect of the Council's proposed new governance arrangements and for members to consider and adopt proposals for the new arrangements for notification to the Office of the Deputy Prime Minister.

2. RECOMMENDATIONS

- 2.1 That the Council approve the proposal for its new governance arrangements for notification to the Office of the Deputy Prime Minister, as attached at Appendix 1.
- 2.2 That the Head of Legal and Democratic Services draw up a constitution for the Council that reflects the adopted proposal for consideration by the Council at its meeting on 24th August.
- 2.3 That members approve the revised project plan as attached at appendix 2.

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 The Council on the 16th February 2005 resolved that it be minded to move to permanent Executive arrangements and that a report be brought to a future Council meeting setting out an Action Plan with a view to implementing permanent Executive arrangements and that the Council continues with its pilot Executive arrangements until the Council is able to move to a permanent arrangement.
- 3.2 Full Council on the 30th March approved the Project Plan for the transfer to new Governance arrangements and a public consultation exercise on the 4 options has been carried out.

3.3 The consultation exercise consisted of the following:-

- the consultation document being delivered to households within the Borough
- the consultation document being posted on the Council's web site
- presentations at the 4 area forums and the Community Involvement Working Group
- a full page notice in the Rossendale Free Press on 16th June and a ½ page notice in the Rochdale Observer on 16th June
- the consultation document being sent to:- Whitworth Town Council; the Assembly, Executive, Chairs and members of the Local Strategic Partnership Theme Groups; members of Rossendale Community Network; Rossendale County Councillors; members of the Town Centres Working Group and the Transport Working Group;
- consultation with the senior management team and members;
- consultation with staff

3.3.1 The notices in the Free Press and the Rochdale Observer informed readers that if they did not receive a copy of the consultation document a copy could either be down loaded from the Council's web site or obtained from the Council's offices.

3.3.2 The Haslingden Area Forum expressed a preference for option A the leader cabinet model.

3.3.3 The Community Involvement Working Group did not express a preferred option.

3.3.4 The results of the consultation exercise to date are as follows. To date 136 questionnaires have been returned. 47 were in favour of option A, 34 in favour of option B, 19 in favour of option C and 35 in favour of option D, and one that had no stated preference.

3.3.5 In light of the results of the consultation exercise and the Council's previously stated preference for the Leader Executive model (Option A); the proposal as set out in Appendix 1 is recommended. The key constituents of the proposal are set out below.

3.4 The Executive:

3.4.1 The Executive will consist of the leader together with 5 councillors appointed to the executive by the council. The leader will be a Councillor elected to the position of leader by the Council.

3.4.2 **Other executive members**

3.4.2.1 Only Councillors may be appointed to the executive. There may be no co-optees and no deputies or substitutes for executive members. Neither the Chairman nor Vice-Chairman of the Council may be appointed to the executive

and members of the executive (including the leader) may not be members of an overview and scrutiny committee.

3.5 **Role of the Executive**

3.5.1 The Executive will carry out all the local authorities functions which are not the responsibility of the Council whether by law or under these executive arrangements. The Executive, in exercising these functions will do so within the policy framework and budget set by the full Council in accordance with these arrangements.

3.5.2 The executive portfolios will be as follows:- HR and Member Development, Regeneration, Finance and Risk Management, Street Scene and Liveability, Housing and Customer Services.

3.6 **Functions of the Executive**

3.6.1 The Executive will have all those functions assigned to it by law and also those local choice functions assigned to the Executive as set out in the Proposals.

3.7 **Executive Decisions**

3.7.1 Decisions of the Executive are subject to 'call-in'. No executive decisions will take effect until after five working days have elapsed since the date of the decision or where the decision has been called in, until the matter has been resolved in accordance with the detailed call-in procedure, to be included in the Constitution, except in cases of urgency where the Chairman of the relevant Scrutiny Committee has indicated that he or she is content that the decision takes effect.

3.8 **The Forward Plan**

3.8.1 A Forward Plan setting out details of key decisions which it is known are due to be taken by the Executive over a four month period will be prepared and made available for inspection. The Plan will be updated on a monthly basis and will be published on the Council's Web Site.

A key decision will be one that either:-

- a) is, in value worth more than £100,000, or
- b) has a **significant impact** because (for example) it either:
 - (i) affects individuals or organisations outside the Borough;or
 - (ii) will have a long term (more than 5 years) or permanent effect on the council or the borough

3.9 Responsibility for Local Choice Functions

3.9.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended by The Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2005 give effect to sections 13 and 105 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive, which may (but need not) be the responsibility of the executive (the 'local choice functions') and which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive. These executive arrangements set out the allocation of local choice functions to make it clear which are:-

- (a) the responsibility of the Council and/or its committees; or
- (b) the responsibility of the Executive; or
- (c) not, the responsibility of the Executive to a specified extent.

3.10 Responsibility for Council Functions

3.10.1 The Council will appoint the following committees:

regulatory committees comprising a development control committee (11 members), and a licensing committee (15 members)

a standards committee

an appointment and appeals committee, and

4 area forums

3.11 Responsibility for Executive Functions

3.11.1 The Executive will have all those Executive functions assigned to it by law and also those local choice functions that have been assigned to the Executive .The details of the allocation of executive responsibilities will be included in the constitution.

3.12 Role of the full Council

3.12.1 The Council will be responsible for the determination of the Local Authority's policy framework and budget. The Council as a whole is also responsible for regulatory and other non-executive functions.

3.13 OVERVIEW AND SCRUTINY COMMITTEES

3.13.1 The Council will appoint two overview and scrutiny committees. One committee will take on the functions of the current audit committee and will also manage performance and deal with any call ins. The other committee will review and develop policy.

3.13.2 Each Overview and Scrutiny Committee will consist of 11 Councillors.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1 FINANCE AND RISK MANAGEMENT

4.1.1 The cost of consultation and revising the Council's constitution in line with the adopted proposals has been provided for in the budget.

4.2 MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2.1 Member training will be given in respect of the new Governance arrangements

4.3 HUMAN RESOURCES

4.3.1 It will be noted from the Action Plan that a period of time has been set aside for training officers in respect of any new Governance arrangements.

4.4 ANY OTHER RELEVANT CORPORATE PRIORITIES

4.4.1 None.

5. RISK

5.1 There is a risk that if adequate training on the new provisions is not provided then the new arrangements will not be as effective as they should be.

6. LEGAL IMPLICATIONS ARISING FROM THE REPORT

6.1 As set out in the report

7. EQUALITIES ISSUES ARISING FROM THE REPORT

7.1 It is important that the Council's new arrangements are accessible to all sectors of the Community.

8. WARDS AFFECTED

8.1 All.

9. CONSULTATIONS

9.1 As set out in the report.

Background documents: None

For further information on the details of this report, please contact: Mark Weston, Head of Legal and Democratic Services on 01706 244502 markweston@rossendalebc.gov.uk