

APPENDIX 2

CONSULTATION ON NEW CABINET MODEL

In accordance with the Local Government and Public Involvement in Health Act 2007, Epping Forest District Council is required to consult on its arrangements for the governance of its Executive Body with effect from the District Council elections in May 2011. The Council must decide which of two prescribed options it favours in this regard and is asking the community for their views in order to help it to make a final decision.

Options available

Option 1 (Leader and Cabinet)

The Leader is elected by the members of Epping Forest District Council for a term of up to four years until he or she ceases to be a councillor or is removed as Leader by a resolution of the Council.

The Leader appoints up to nine councillors to the Executive (or Cabinet) and decides which areas of responsibility (portfolios) they should have. The Leader can dismiss members of the Cabinet or change their portfolios at any time.

When first elected the Leader holds all the powers and responsibilities of the Executive but he or she can decide to delegate some or all of those powers, to the Cabinet, to a committee, to individual members or to officers.

Option 2 (Elected Mayor and Cabinet)

Electors in the District vote to decide who should be elected as Mayor to run the Council.

The Mayor is elected for four years unless he or she resigns or becomes disqualified. That person need not be a member of the Council but if a serving councillor is elected as Mayor his or her seat on the Council automatically becomes vacant.

The Mayor initially holds all the Council's executive powers (except for those reserved to the Council by its Constitution).

He or she appoints between two and nine members of the Council to the Executive and decides what, if any, executive powers they will exercise. The Mayor may dismiss any executive member at any time and appoint a replacement.

The Mayor appoints one of those executive members as Deputy Mayor and that person will exercise the powers of the Mayor in his or her absence or if he or she no longer holds office.

The Mayor's budget proposals can be overturned only by a two thirds majority of the Council.

What is the Executive Body?

The Executive Body is known as the Cabinet and may consist of no less than three and no more than ten councillors. One of those councillors must be elected by the full Council as Leader. The Cabinet is responsible for a wide range of Council activities and only the members of the Cabinet are allowed to vote on those matters. However the Cabinet operates within a financial and policy framework set by the Council (ie all 58 Councillors).

However, provided the Cabinet keeps within the budget and policy set by the Council it has discretion on how services are to be administered.

Are there any services which are not exclusively the responsibility of the Cabinet?

Yes. Certain activities (known as regulatory functions) are not the responsibility of the Cabinet e.g. Planning, Enforcement, Licensing. Some matters may be considered by the Cabinet but must be submitted to the full Council for approval e.g. the budget, the Council Tax levy, the strategic planning framework and other specified policy documents.

What is the timescale?

Consultation on and adoption of executive arrangements is a requirement of the Local Government and Public Involvement in Health Act 2007 and the Council must make a decision on the two governance options set out in the consultation by 31 December 2010 and have the new executive arrangements adopted from May 2011.

The new Government has said it intends to repeal this Act at some point but has made it clear that Councils need to carry out this consultation and the adoption process to comply with the present law. The Government points out, however, that as a result of new legislation the Council may need to reconsider their governance system again some time soon. A copy of the letter to the Leader of Epping Forest District Council from the Government Minister Mr Grant Shapps MP setting out the situation is enclosed.

How does Epping Forest District Council currently run its Executive Body?

The Council currently has a Cabinet which consists of nine members including a Leader of Council and a Deputy Leader. Each of the Cabinet members has a portfolio which represents a grouping of Cabinet services for which they are personally responsible. Currently the Leader of Council appoints those Cabinet members and determines the content of each of the portfolios. Portfolios are akin to ministerial responsibilities in the Government. For further details see the Council's Website.

Other factors – Petition for an Elected Mayor Referendum

The District Council is aware that a petition for a referendum to be held on an elected mayor for the District is being collected. This petition, which would have to be signed and verified in respect of 5% of the local electorate. A successful petition would lead to a referendum on whether an elected mayor should be introduced in the future. Respondents to this consultation should be aware that by indicating on the return form that they favour the elected mayor option, they can still sign the petition if one is presented to them.

Closing Date for Consultation

This is 16 November 2010