

Report to the Cabinet

Report reference: C/021/2007-08.

Date of meeting: 16 July 2007.



**Epping Forest
District Council**

Portfolio: Leader of the Council.

Subject: Local Government and Public Involvement in Health Bill.

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Recommendations/Decisions Required:

(1) To commission the Overview and Scrutiny Committee to conduct a review of executive governance in conjunction with other aspects of the Act which the Committee is already dealing with once the Local Government and Public Involvement in Health Act is in force;

(2) To authorise a further awareness session for members and senior officers of the Council on the provisions of the Act once these are approved by Parliament.

1. This Bill covers a wide range of governance issues affecting the Council. Some of these relate to Overview and Scrutiny, others to the electoral cycle and electoral wards together with proposals for the ethical framework and the Standards Committee. There is also an important section of the Bill which relates to new forms of executive governance.

2. Those matters relating to the Executive of the Council are the subject of this report. Matters relating to elections and Overview and Scrutiny are already included in the work programme of the Overview and Scrutiny Committee and will be dealt with by the Constitutional Affairs Standing Scrutiny Panel once the final shape of the Act is known.

3. The Cabinet needs to determine how it wishes to deal with executive governance. These matters could be dealt with by the Cabinet (or a new Cabinet Committee or a Portfolio Holder Advisory Group) or by the Overview and Scrutiny Committee. The latter is the recommended route as it will ensure that all the issues are dealt with by a single member group. The Leader and other members of the Cabinet will of course have access to those meetings.

4. The main issues are:

- (a) New Forms of Executive;
- (b) Single Member Decision-Making; and
- (c) Awareness Session.

New Forms of Executive:

5. The Bill provides for local authorities to choose one of three executive options. The previous option of the Mayor and Council Manager seems likely to be replaced.

6. The first new model is a directly-elected executive. Under this model, voters will have to choose not between individual candidates but between proposed executive teams. Each party therefore will put up a 'slate' comprising their proposed Leader and his/her chosen

Cabinet for election for the next four years. The Leader and Cabinet members may not be Councillors in the accepted sense.

7. The second option (not new) is an elected Mayor and Cabinet.

8. The third option is a variation on the present Leader and Cabinet model (chosen by this Council in 2000) where the Bill proposes to give the Leader of a Council all the attributes of a 'strong' Leader: serving for four years with authority to make decisions such as the appointment of members to the Cabinet, defining Portfolios and delegation of powers to Portfolio Holders.

Single Member Decision Making:

9. The Bill contained a very broad provision which will enable the Elected Mayor or Leader (for executive functions) or the Council or any committee or sub-committee (for non executive functions) to allow a councillor to make decisions for their own wards but also to take actions necessary to implement them. It is not clear whether this provision will survive as the Bill may be subject to change as it progresses through Parliament.

Awareness Session:

10. It is also recommended that once the final provisions of the Act are known, a further awareness session should be held for members similar to the one which took place in January 2007.

Statement in Support of Recommended Action:

11. Arrangements need to be put in place now in order to consider the implications of the Act when it becomes law. There are various methods available under the constitution to facilitate this discussion.

Other Options for Action:

12. The Cabinet could leave the matter in abeyance until the Act has been finalised. The Cabinet could also undertake the review of executive governance itself.

Consultation Undertaken:

13. None at this stage.

Resource implications:

Budget/Personnel/Land: None at this stage.

Community Plan/BVPP reference: Leader Portfolio - Aims for 2007/8.

Relevant statutory powers: Local Government and Public Involvement in Health Bill (when enacted), Local Government Act 2000.

Background papers: None.

Environmental/Human Rights Act/Crime and Disorder Act Implications: None.

Key Decision reference (if required): None.