

Winchester City Council

New Executive Arrangements

The Local Government and Public Involvement in Health Act 2007 requires the City Council to make changes to its decision-making arrangements. The new arrangements will come into effect immediately after the elections in May 2011. The Council is publishing its new arrangements following the conclusion of a consultation exercise which supported the introduction of the Leader with Cabinet option and was agreed at a Special Meeting of Council held on 3 November 2010.

New Executive Arrangements

With effect from the third day after the May 2011 elections, Winchester City Council will adopt the strengthened Leader and Cabinet Executive (England) model, as set out in the provisions of the Local Government Act 2000 (as amended).

The key elements are: -

1. 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 they will hold office for a four year term, which ends on the day the Council holds its first annual meeting after the Leader's normal day of retirement as a councillor unless he/she: -

- is removed from office or resigns
- ceases to be a councillor
- is disqualified from being a councillor before that day.

2. Appointment of Cabinet and Scheme of Delegation

The Leader determines the size of and appoints between 2 and 9 members of the Council to the Cabinet in addition to himself/herself; allocates any areas of responsibility (portfolios) to them, and may remove them from the Cabinet at any time. The Leader determines the scheme of delegation for the discharge of the executive functions of the Council.

The Leader may at any time remove Portfolio Holders from the Executive and change Portfolio Holder's areas of responsibility.

The Leader will report to the Council on all appointments and changes to the Cabinet.

3. Appointment of Deputy Leader

The Leader appoints one of the members of the Cabinet (a Portfolio Holder) to be his/her deputy, to hold office until the end of the term of office of Leader (unless the person resigns as Deputy Leader, ceases to be a councillor or is disqualified or removed from Cabinet 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.

4. 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 the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

5. Removal of Leader from Office

Section 44C of the Local Government Act 2000 (as amended) states that executive arrangements providing for a Leader and Cabinet Executive may include provision for the Council to remove the executive leader by resolution.

The Leader may be removed during their four year term of office by way of resolution by a simple majority, and such provision will be included in the Constitution. The Act specifies that, if the Council passes a resolution to remove the executive leader, a new executive leader is to be elected: -

(a) at the meeting at which the Leader is removed from office, or

(b) at a subsequent meeting.

6. Timetable for Implementation

Timetable	
Stage	Date
Leader with Cabinet Executive option agreed at a Special Meeting of Council	3 November 2010
Statutory Advertisement of Arrangements	16 December 2010
Constitution revised in the light of the new arrangements	March to April 2011 – approval at Council on 6 April 2011
New arrangements come into effect	8 May 2011 - 3 days after elections of 5 May 2011
Leader elected at full Council	Annual Meeting of Council on 18 May 2011
Appointment of Deputy Leader Appointment of Cabinet Members Allocation of responsibilities	At Cabinet on 19 May 2011, or as soon as possible thereafter
Further revisions to the Constitution to reflect the Leader's Scheme of Delegation	As soon as possible following the Leader's election

7. Transitional Arrangements

Under the Act, the Council must agree transitional arrangements for the period following the local elections up until the Annual Meeting of Council. Under these arrangements, it is proposed that there will be provisions enabling urgent decisions to be taken by the Chief Executive until such time as a Leader is appointed by Council on 18 May 2011.

8. Continuous Improvement

In drawing up these arrangements, the City Council has considered how they are likely to assist in securing continuous improvement to the way in which the local authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

9. Allocation of Functions

The Act requires a statement of the extent to which the local choice functions (which may be exercised by either the Council or Executive) are to be specified as the responsibility of the Executive (Cabinet). The allocation of functions will continue as currently operated within the Constitution until revised by the strengthened Leader or by the Council under the new Executive Arrangements.

10. Public Inspection

Notice of these arrangements has been advertised in the Hampshire Observer dated 16 December 2010. They are available for public inspection at the offices of the City Council, Colebrook Street, Winchester SO23 9LJ during normal office hours between 8.30am and 5.00pm, Monday to Thursday, 8.30pm and 4.30pm Fridays. A copy is also available for inspection on the City Council's website at www.winchester.gov.uk.

Stephen Whenall
Corporate Director (Governance)
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

Further Information

If you have any questions, please contact the Democratic Services Team on 01962 848264 or email democracy@winchester.gov.uk