

EXTRACT

THE EXECUTIVE

MEETING, 26TH OCTOBER, 2009

Councillor Morris	Leader of the Council – Strategy and External Relations
Councillor Adia	Children's Services
Councillor J. Byrne	Development, Regeneration and Skills
Councillor Peel	Housing, Neighbourhoods and Regulation
Councillor Bashir - Ismail	Cleaner, Greener, Safer
Councillor Ibrahim	Environmental Services
Councillor Kay	Human Resources, Organisational Development and Diversity
Councillor Murray	Looked After Children
Councillor Sherrington	Adult Services
Councillor Mrs Thomas	Corporate Resources and Health

Non-Voting Members

Councillor Spencer
Councillor White
Councillor J. Walsh
Councillor Ashcroft
Councillor Shaw
Councillor Morgan
Councillor Mrs Fairclough
Councillor Mrs Brierley
Councillor Hayes
Councillor D. A Wilkinson
Councillor Mrs Ronson

Officers

Mr. S. Harriss	Chief Executive
Mr. S. Arnfield	Director of Corporate Resources
Ms M. Asquith	Director of Children's Services
Mrs M. Stoney	Assistant Director Legal
Mr. A. Jennings	Democratic Services Manager

43. MINUTES

The minutes of the proceedings of the meeting of the Executive held on 19th October, 2009 were submitted and signed as a correct record.

44. AGMA EXECUTIVE BOARD – KEY DECISIONS

The Director of Chief Executive's Department submitted a report that detailed the key decisions taken by the AGMA Executive Board at its meeting on 25th September, 2009.

Resolved – That the decisions taken by the AGMA Executive Board be noted.

45. OUTCOME OF PUBLIC CONSULTATION AND SUBMISSION OF DRAFT PROPOSALS REGARDING NEW EXECUTIVE ARRANGEMENTS

The Director of the Chief Executive's Department submitted a report that advised the Executive of the results of the public consultation on the proposed changes to the Council's Executive Arrangements; presented draft proposals for changing the Council's Executive arrangements drawn up by the Director of Chief Executive's, in consultation with the Leader of the Council and the Leaders of the Opposition Groups and, based upon the results of the public consultation exercise and other statutory considerations, set out the next steps that the Council must take if approval was given to the draft proposals in order to implement the changes to the Council's Executive Arrangements.

A consultation leaflet had been drawn up by the Director of Chief Executive's, in consultation with the Leader of the Council and Leaders of the Opposition Parties which outlined the two forms of new Executive Arrangements that were possible under the 2000 Act and requested views on which of these options the Council should adopt.

The consultation exercise had not resulted in a clear preference for either the Elected Mayor or the Leader and Cabinet form of Executive. Furthermore, only a small number of the public had exercised their opportunity to take part in the consultation exercise.

Taking into account both the public consultation process and the Council's "Best Value" duty, the Director of Chief Executive's, in consultation with the Leader of the Council and the Leaders of the Opposition Parties, had drawn up draft proposals attached at Appendix 1 to the report for consideration by the Executive.

Following approval by the Executive the Council's proposals would then be published in accordance with the statutory requirements set out in section 33e(8) of the 2000 Act.

If the Council agreed to move to a new style Leader and Cabinet form the Leader must be elected at the first annual meeting of the Council and their term of office would start that day. There would therefore be a number of days between the date of adoption of the new form of Executive (which must be no later than the 9 May 2010) and the date on which the new Leader was elected at the Council's annual meeting on the 26 May 2010.

Consequently, until the new form of Executive came into operation, the old arrangements would continue to apply and the draft proposals therefore provided for the Leader in office at the time of the local elections on the 6th May, 2010 to remain in place until the Annual Meeting of the full Council on the 26th May, 2010, provided that person was still a Councillor (even though the form of Executive itself must have changed by the 9 May 2010). The draft proposals also provided that the delegations in respect of the Council's Executive functions that were set out in the Council's Constitution at the time of the local elections on the 6th May, 2010, would remain in place until such time as the Council's new administration may decide to make amendments to them.

The draft proposals at appendix 1 provided a suggested time-table if it was agreed to move to the new style Leader and Cabinet form of Executive.

The Council may also include provisions in its Constitution, whereby, the Council may remove the Leader from office at any time (if the Council did not include provisions for the mid term removal of the Leader in its Constitution, the Leader would remain in office for the full term).

Constitutional amendments would be required whichever form of Executive the Council decided to adopt. The main amendments would be to:-

1. Article 6 (which related to the Executive);
2. Council procedure rules;
3. Executive procedure rules; and
4. Responsibility of the Council's Executive functions

There would also be a number of consequential minor amendments throughout the Constitution.

If the Council approved the draft proposals to move to the new style Leader and Cabinet form of Executive, then responsibility of the Council's Executive functions would not be finally determined until after the election of the new style Leader on the 26th May, 2010 as, under the new form of Executive, it was the Leader (and not the Council) who would decide the allocation of the Council's Executive's functions.

Resolved – (i) That the outcome of the public consultation into whether the Council should adopt the Elected Mayor and Cabinet form of Executive or the “new style” Leader and Cabinet form of the Executive be noted.

(ii) That having regards to the public consultation the Executive is of the opinion that the proposals, if implemented, would be likely to assist in securing continuous improvement in the way the Council's functions are exercised and that the Director of Chief Executive's draft proposals, as set out in the Appendix to the report, be approved for publication and to contain the following:-

- (a) That the Council's Executive should be the “new style” Leader and Cabinet Executive (England);**

- (a) That the Council should have the power to remove the Leader by way of resolution by a simple majority; and
 - (c) That the change in governance arrangements should not be subject of a referendum.
- (iii) That the transitional arrangements be agreed, subject to Council's approval.
- (iv) That the proposed time-table detailed in Appendix 1 be approved.
- (v) That the Director of Chief Executive's Department be authorised to publish the draft proposals in accordance with Section 33e(8) of the Local Government Act 2000.

48. EXCLUSION OF PRESS AND PUBLIC

Resolved - That, under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as specified in paragraph 3 of Part 1 of Schedule 12A to the Act; and that it be deemed that, in all the circumstances of the case, the public interest in their exemption outweighs the public interest in their disclosure.

49. FINANCIAL AND LEGAL ISSUES – PAY

The Chief Executive and the Directors of the Chief Executive's Department and Corporate Resources submitted a joint report that outlined the latest understanding of the financial and legal issues with respect to pay facing the Council.

Resolved – That the Chief Executive be authorised to enter into agreements to settle the outstanding pay issues as now detailed.