

## **CITY COUNCIL – 12 MAY 2008**

### **REPORT OF THE LEADER**

#### **EXECUTIVE GOVERNANCE ARRANGEMENTS**

##### **1 SUMMARY**

This report recommends changes to the operation of executive arrangements.

##### **2 RECOMMENDATION**

IT IS RECOMMENDED:

- (1) that the implications of Part 3 of the Local Government and Public Involvement in Health Act 2007 be noted;
- (2) that, with effect from 20 May 2008, the executive arrangements delegated by full Council made under current governance arrangements be withdrawn, and the Constitution be amended accordingly.

##### **3 BACKGROUND AND PROPOSALS**

- 3.1 Part 3 of the Local Government and Public Involvement in Health Act 2007 will bring significant changes for Nottingham in its approach to executive governance arrangements involving a choice between elected mayoral arrangements (the elected mayor being re-titled “senior executive member”) or an enhanced role for the Leader within Leader and Cabinet executive arrangements.
- 3.2 In anticipation of those changes, the approaches available to executive governance under the current regime, established under the Local Government Act 2000, have been given fresh consideration. The City Council’s

executive arrangements are not unusual but a clearer alignment of the political executive roles with delegations of executive functions will help deliver a more integrated approach to the delivery of Council objectives within executive functions. It is possible to make changes now which will make the Leader and Cabinet more accountable for all executive functions (the legal background to this is set out in Section 5), whilst paving the way for the new system.

3.3 In order to bring this into effect it would be necessary for Council to withdraw current delegations on executive functions with the withdrawal to take effect at the date of the next meeting of the Executive Board where changes to the scheme of executive delegations will be considered.

3.4 No radical changes to delegations, including officer delegations are anticipated at this stage. The proposals are, however, directly intended to achieve a more integrated approach to achieving effective performance of executive functions in support of the Council's corporate objectives. They will also ensure that, where appropriate, executive members will be able to take decisions on matters otherwise covered by the scheme of delegation.

#### **4 OTHER OPTIONS CONSIDERED**

The current arrangements have operated within Nottingham City Council for 6 years and the proposals contained in this report are considered to be improvements to that system, rather than any radical departure from it.

#### **5 LEGAL IMPLICATIONS**

5.1 Section 15 of the Local Government Act 2000 provides the context for the City Council's current executive governance arrangements. Within the provisions of this section, the Council elect the Leader, Deputy Leader and members of

the executive and through approval of the constitution, approve the duties within their portfolios and the delegation arrangements for all other committees, boards, etc, and officer delegations. This approach was a matter of discretion for the Council within the overall choice (following appropriate consultation) to introduce Leader and Cabinet executive governance arrangements. In implementing those arrangements, the Council has discretion to deliver those executive arrangements through different routes. In particular Section 15 allows a wide range of executive arrangements including the delegation of functions by the executive (rather than full Council) to executive members, and to officers, and this is clearly in line with the underlying logic of the separation of executive and non-executive functions.

5.3 Section 15(4) also contains an important provision that is set out in full below:-

“15(4) If or to the extent that the functions which are the responsibility of the executive are not allocated in accordance with such provision as is mentioned in subsection (2), the executive leader –

(b) may discharge any of those functions, or  
(c) may arrange for the discharge of any of those functions –

(i) by the executive,  
(ii) by another member of the executive  
(iii) by a committee of the executive, or  
(iv) by an officer of the authority.”

5.4 Although the Local Government Act 2000 provisions will not deliver the new roles envisaged by the 2007 Act provisions, if current executive delegations from full Council are withdrawn, Section 15(4) would allow the current executive arrangements to be developed to enable the

Leader to take responsibility for making arrangements for the discharge of executive functions

- by himself/herself
- by the executive
- by another member of the executive
- by a committee of the executive, or by an officer.

The changes are not considered to be so significant as to require further consultation. Any detailed changes to delegations will have to take account of government guidance including the expectation that officer delegations will be used extensively within 2000 Act arrangements.

## **6 FINANCIAL IMPLICATIONS**

There are no financial implications arising from the changes proposed.

## **7 VALUE FOR MONEY**

A better integrated approach to the performance of executive functions should provide efficiencies for the Council.

## **8 EQUALITY AND DIVERSITY**

None.

## **9 RISK MANAGEMENT ISSUES**

None.

## **10 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**11 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

None.

**12 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- (a) Local Government Act 2000 and guidance
- (b) Local Government and Public Involvement in Health Act 2007
- (c) City Council constitution

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**