



Haringey Council

Briefing for:	Constitution Review Working Group	Item number	
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Title:	Implementation of new executive leadership arrangements
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Lead Officer:	Yuniea Semambo, Head of Local Democracy
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Date:	30 April 2009
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Purpose	This report informs the Constitution Review Working Group (CRWG) of the need to decide during the course of 2009 on a new executive model in accordance with requirements of the Local Government and Public Involvement in Health Act 2007; issues that will need to be considered; and the proposals which will need to be drawn up in this respect for consultation purposes prior to a decision being taken by full Council.
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Recommendations	<p>That the statutory duty placed on the Council to resolve to adopt a new form of executive arrangements by 31 December 2009, to come into effect in May 2010 be noted.</p> <p>That the differences between existing executive arrangements and the new options contained in the 2007 Act as set out in section five and appendix one of this report be noted.</p> <p>That the CRWG has member oversight of the implementation of new executive arrangements in Haringey and formulates recommendations for consideration and adoption by full Council as required.</p> <p>That to ensure compliance with the statutory timelines for implementation of new executive arrangements, the CRWG considers the indicative implementation timetable and route map as outlined in section ten and illustrated in appendix two prior to consultation with the political groups and subsequently adoption by full Council in May 2009.</p> <p>That the CRWG considers the suggested approach for consultation as set out in section eleven and illustrated in appendix three of this report prior to consultation with the political groups and subsequent adoption by full Council in May 2009.</p> <p>That in accordance with the implementation route map set out in appendix 2 the leader's office arranges meeting dates for the CRWG for the 2009/10 municipal year to facilitate council compliance with statutory timelines.</p>
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1. Background



Haringey Council

- 1.1 The Local Government Act 2000 radically changed the decision-making structures of English Local Government. Central to these reforms was the clear separation between executive councillors and the majority of members. The 2000 Act required local authorities to adopt a new governance structure, moving away from decisions being taken by cross party committees and introducing an executive with a wide-ranging leadership role.
- 1.2 In May 2002, Haringey Council in common with the majority of councils adopted an indirectly elected leader and cabinet model with the Cabinet taking collective responsibility for executive decision-making. Under the Council's current constitutional arrangements, the council leader and cabinet are appointed annually by full council. The Cabinet currently comprises of ten Members (including the Leader). Full Council also formally agrees the portfolios allocated to each individual cabinet member.
- 1.3 The 2006 White Paper "Strong and Prosperous Communities" set out the government's case for further reforms to local government leadership arrangements, stating that local democracy needed strong, visible leadership. It suggested that the existing frameworks under which local authorities operated could be a barrier to the kind of leadership that prosperous communities require. It drew on a 2005 survey of councillors, officers and stakeholders, which supported the view that the arrangements introduced by the 2000 Act facilitate visible and effective leadership. However, it points out that many local authorities have adopted a cautious approach to change, with only 13 local authorities introducing elected mayors. The White Paper argues that the 2000 Act leader and cabinet model, which does not authorise the leader to act alone or to choose his or her own cabinet, hampers decisive decision-making since a leader facing annual re-election may find it hard to take and see through essential decisions that may be unpopular in the short term.
- 1.4 The 2006 White paper stated that council leaders have short mandates – normally only one year – limiting their ability in many cases to take tough decisions. The government believes that councils should move towards more stable and visible political leadership and their research showed that leadership is the single most significant driver of change and improvement in local authorities.
- 1.5 Building on the 2006 White Paper, the Local Government and Public Involvement in Health Act 2007 requires changes to the leadership of councils, introducing two models, both of which place all executive powers in the hands of one individual, who, in the normal course of events, will serve an uninterrupted four year term.
- 1.6 Keen to encourage more councils to have a directly elected mayor, the government has repealed the requirement in the 2000 Act for a referendum to take place before a shift to an elected mayor executive model takes place. An elected mayor is now one of the two options councils can consider without necessarily holding a referendum.



2. Options for New Executive Models as set out in the 2007 Act

2.1 The government has legislated for stronger, more accountable local leadership by offering local authorities a choice of two executive models within the Local Government and Public Involvement in Health Act 2007. Haringey Council must therefore make changes to its current executive arrangements and choose to move to one of the following models:

- i. **directly elected mayor** with a four-year term - a directly elected individual by voters
- ii. **indirectly elected leader** with a four-year term - voters elect councillors, and then councillors chose the council leader.

The Council must adopt one of the two models and cannot continue current arrangements after the May 2010 elections.

There is no longer the option of a mayor and council manager model and the government's suggestion in the 2006 White Paper for a directly elected leader and cabinet model did not reach the statute books.

2.2 In each of the two possible executive models:

- i. all executive powers will be vested in the mayor or leader who will have responsibility for deciding how these powers should be discharged – either by him or herself or delegated to members of cabinet individually or collectively;
- ii. the mayor or leader will be responsible for appointing cabinet members
- iii. the mayor or leader will allocate portfolios to cabinet members
- iv. Under all circumstances, the directly elected mayor or indirectly elected leader will have a fixed four-year term

2.3 Once the Council has adopted a new form of executive leadership model:

- the leader/ mayor must determine a scheme of delegation for executive functions;
- councils will be free to decide how a leader/mayor may be removed in their constitutions;
- The council will need to amend our constitution in light of the above decisions.

2.4 Whichever model is chosen, the council is required to draw up proposals that set out a timetable for implementation and details of any transitional arrangements that may be necessary. This must also include details of those “Local Choice Functions” that are to be “executive” rather than “non-executive”.

2.5 Haringey's constitution contains provisions to remove the leader at any time by a simple majority vote of no confidence. Subject to any regulations the Government may make (none known about now), it will continue to be for councils to decide, through their constitutions under what circumstances the leader / mayor might be removed during the 4-year term, such as Haringey's current vote of ‘no confidence’ by a simple majority of councillors. Alternatively, a different threshold could be chosen such as a vote to remove requiring at least two thirds of councillors. It should be noted however, in accordance with the



2000 Act, that the circumstances in which a directly elected mayor can be removed are extremely limited.

- 2.6 Local authorities will be expected to consult widely before deciding to adopt either executive model set out in the 2007 Act. A suggested timetable for Haringey Council's implementation of new executive arrangements is contained in **section ten** and illustrated in **appendix two** of this report for consideration by the Constitution Review Working Group. The Government believes that direct elections provide the strongest and most visible local leadership; they have now legislated to enable authorities to adopt either a directly elected mayor or an indirectly elected Leader without the need for a referendum in either case, though authorities locally can choose to do so as part of their consultation process.
- 2.7 It should be noted however that statutorily a referendum could still be demanded by a petition from the local electorate that met the current 5% threshold for a mayoral petition as set out in the Local Government Act 2000.
- 2.8 Once an authority has opted for a directly elected mayor the presumption will be that it should not move back to an indirectly elected leader model.

3. The two options for executive arrangements in the 2007 Act

- 3.1 Once in office, there is little difference between what a new "strong" indirectly elected leader and an elected mayor can do. A summary of their respective powers and roles compared to current executive arrangements is set out in **section five** of this report. The differences between the current model and the two options in the 2007 Act are set out in more detail in **Appendix one** to this report.
- 3.2 A decision to elect a mayor would however bring a shift in culture to the council. A fundamental difference is that an elected mayor is not a councillor. He or she does not have an electoral division to represent and would work full time as mayor. A directly elected mayor of Haringey Council would be elected by the voters of Haringey as a whole and would have a mandate from them to deliver his or her election promises. Having set out policies before taking office, he or she would have more autonomy to deliver them than an indirectly elected leader appointed by the council and could retain executive powers personally in order to drive them through.
- 3.3 Since a mayor is not appointed by the Council he or she may not necessarily be a member of the majority group or for that matter any political party. A mayor would of course be reliant upon the Council to pass any budget that he or she proposed and would therefore need to work with members to ensure that this could be agreed.
- 3.4 An indirectly elected leader would, as now, be elected by the Council by simple majority and so indirectly have the mandate of the Haringey electorate. The new 2007 Act model does however concentrate executive powers into the hands of the leader and grants to them a four-year term of office, which could only be taken away by a majority vote in full council or possibly a higher threshold if the Constitution were to provide. A leader would come to the role with the support of peers and would have already been working to build a consensus about the direction the Council should take. A leader is also a



councillor and as such would be required to combine his or her role with local work and in representing the views of his or her ward.

- 3.5 Either of these new models will grant the person who leads the Council in the next term a stronger mandate and, by providing them with greater stability should remove any perceived political barriers to effective delivery of services.
- 3.6 Those in favour of an elected mayor argue that this provides visible leadership for the area. Directly elected by it, a mayor is well known in the local community, from the day he or she takes office. Surveys have consistently shown that, where this model has been adopted, local people can name their elected mayor, whereas indirectly elected leaders for the Local Government Act 2000 model are not as well recognised by the community in comparison. Opponents to the system often take the view that the autonomy of an elected mayor has a tendency to give rise to probity issues. There are also concerns that direct elections tend to attract maverick candidates and lead to an unhealthy emphasis on the personalities of the mayoral candidates. On the other hand, contests such as the recent London GLA Mayoral elections have seen public interest and therefore turnout increase.

4. Elections

- 4.1 Should the Council adopt the mayoral model, the Haringey electorate would then elect a Mayor who would serve for the full term of the Council. The election would take place at the same time as the council elections in May 2010. A new indirectly elected leader and cabinet model would require the Council to elect its Leader for the next four years at the post-election annual meeting in May 2010.
- 4.2 An individual member of the community can stand as a candidate for mayor if they have nomination papers signed by thirty registered electors and pay a deposit of £500. The rules that apply to voting in mayoral elections differ from those that apply to a councillor or Member of Parliament. Where there are two candidates a simple majority vote applies, but where there are three or more candidates the "supplementary vote" system is compulsory, so that if no candidate obtains more than half of the first preference votes the second preference votes are added in to return one of the two front running candidates. The winner will have the greatest number of first and second preference votes.
- 4.3 It is possible for an individual to stand for election as both the mayor and a councillor but they cannot hold both roles and if returned as mayor their seat as councillor becomes immediately vacated.

5. Differences between existing executive arrangements and the two options set out in the 2007 Act

- 5.1 The law requires that, from May 2010 onwards the person who leads Haringey Council, whether this is a directly elected mayor or a council appointed leader, will initially hold all the Council's executive functions under their personal control. It will then be for him or her to choose whether to exercise some or all of these functions personally or to make arrangements for their discharge by the Cabinet, Cabinet Committees, by an individual member of the cabinet, or by officers.
- 5.2 As now, cabinet members must be appointed from amongst elected councillors, but it will be for the council leader or mayor to choose just how many members will join him or her on the Cabinet (between two and nine). As there will no



longer be a requirement to elect cabinet members annually they may be appointed or dismissed by the leader/mayor at any time during the term of the Council, paving the way for “cabinet reshuffles” in response to changing local priorities, need or events.

- 5.3 The Leader / Mayor will also decide what (if any) executive functions are delegated to area assemblies and/or individual ward councillors (**also see paragraph 6.2**).
- 5.4 The mayor or leader must appoint a deputy who will hold office until the end of the mayor/leader’s term (but a deputy can be removed and replaced mid-term by the leader or mayor). The 2007 Acts specifies that the deputy will take up the role of the leader/mayor if the latter is unable to act or the office becomes vacant.

6. Role of full Council

- 6.1 Those functions that are the remit of the full Council remain unchanged by the 2007 Act, so setting the budget and policy framework remains a decision for all Council Members. The 2000 Act gave the Council limited discretion over which of its functions would be reserved to full Council and which would require an executive decision. These “local choice” functions are set out in **Part 3, Section A** of Haringey’s Constitution. The 2007 Act does not change the range of these local choice functions but, in the event that the Council wishes to have an elected mayor, Members would be required to reconsider their allocation within the new proposals and agree how, in the future these decisions will be taken.
- 6.2 The 2007 Act also contains provisions to allow a leader or mayor to delegate some executive powers to individual councillors for them to exercise in their electoral division (ward). The statutory instrument for this element of the 2007 Act took effect from 01 April 2009. Further regulations and guidance on how these functions can be exercised by ward councillors is expected later in the year. As such, a report on this new provision will be presented to a future meeting of the Constitution Review Working Group.
- 6.3 There is a legal requirement for the Council to adopt new arrangements by 31 December 2009, but this is not a unique opportunity to change the form of leadership (although the legislation puts more procedural hurdles in front of a council wishing to change from mayor to leader than it does for those contemplating a change in the other direction). Members could therefore choose to revisit the decision that they take on a future occasion.

7. Resolution to adopt the new executive arrangements in accordance with the 2007 Act

- 7.1 To make initial changes to our executive governance arrangements, Haringey Council must comply with the resolution period as set out in Schedule 4 of the 2007 Act. The Council will need to pass a resolution at a full Council meeting specially convened for the purpose to adopt new executive governance arrangements no later than 31 December 2009. The proposed date for this special full Council meeting is **14 December 2009**. The new executive arrangements would take effect 3 days after the May 2010 London Borough local government elections on 6th May 2010.
- 7.2 Where a change to new executive arrangements is subject to approval by referendum, i.e. where the existing executive governance model has been put in



place following a referendum, or a local authority chooses to make its proposals for change subject to a referendum, a resolution must be passed by full Council within 28 days of the date when the referendum is held.

- 7.3 Schedule 4 of the 2007 Act also makes transitional provision to enable councils existing operating executive governance models to be phased out (the existing leader and cabinet model in Haringey's case) to make the transition to one of the two new executive models permitted in the 2007 Act. Full Council must also formally approve the transitional arrangements by the resolution deadline of 31 December 2009.

- 7.4 Earlier drafts of the legislation included the option for a directly elected executive, that is to say, several directly elected cabinet members. Whilst this was ultimately not included in the 2007 Act, it did leave open the possibility of the secretary of state introducing this model through future statutory Regulations. Whilst there are now only two choices for executive models, the 2007 Act also reserves the power for the secretary of state to make Regulations to create a different model if there is significant demand for one from local authorities.

- 7.5 In addition, if the Council has not passed a resolution by 31 December 2009, the secretary of state can impose one of the two new executive leadership models on the Council.

8. The role of the Civic Mayor within the new executive arrangements set out in the 2007 Act

- 8.1 If the Council were to adopt the indirectly elected leader and cabinet model, the Council would continue to elect a Civic Mayor and Deputy Civic Mayor on an annual basis and the new forms of executive governance would not alter their roles. The Civic Mayor would continue to preside over meetings of the Council and carry out the ceremonial and civic duties attached to the office.

- 8.2 If however, the Council chose to adopt the directly elected mayor and cabinet model, the current office of ceremonial Mayor would cease and would be replaced by a chairperson who would chair meetings of the full Council. Full Council on an annual basis would appoint the Council chairperson. The elected Mayor as determined by the 2000 Act would decide the responsibility for the discharging of ceremonial duties as between him / herself and the Council chairperson.

9. Overview and Scrutiny and other Council Committees

- 9.1 The 2007 Act does not change the requirement for the Council to have in place arrangements to review and scrutinise executive decisions and any actions taken as a result of them.

- 9.2 New scrutiny powers from the Local Government and Public Involvement in Health Act 2007 were brought into law on 1 April 2009. The Government should announce soon a timetable for draft Regulations to be produced and finalised. These have already been the subject of consultation with councils, including events organised by the LGA, LGiU and IDeA. The LGA is working with the Centre for Public Scrutiny to produce a short Q and A briefing on using the powers in advance of the Regulations, which they will circulate as soon as the timetable for Regulations is clear.



- 9.3 Earlier this year guidance was issued on the “Councillor Call for Action”, which will enable any individual councillor to require a council overview and scrutiny committee to consider a matter of local concern. This provision officially took effect on 01 April 2009 and the government is expected to publish further regulations later in the year.
- 9.4 Overview and Scrutiny committees, along with others such as Planning, Licensing, Audit and General Purposes remain committees of the full Council and must be politically proportionate. As now, these non-executive committees will be independent of the leader / mayor.
- 9.5 The future role of Area Assemblies will be defined in part by the person who leads the Council, since it will be for them to decide whether to delegate any executive functions to the assemblies as contained within provisions in the 2000 Act. At some time in the future, the role of the area assemblies may also require review in the light of any decision made by the future leader / mayor to implement individual member decision-making at ward level (also refer to **paragraph 6.2**).

10. Timetable and route map for implementation

- 10.1 The last day that the Council can continue to operate its current arrangements is the third day following the May 2010 local elections but it must pass a resolution deciding on the form of its new executive arrangements before 31 December this year. (Failure to do so will result in the Secretary of State imposing one of the two new executive leadership models on the Council under a scheme of her choosing).
- 10.2 The Council must pass this resolution at a meeting specifically convened for the purpose and, as such it is proposed that a special full Council meeting is scheduled on **14 December 2009**. The Council is required to agree a timetable with respect to the implementation of the proposals. Taking account of the statutory timetable, a proposed timetable and route map for implementation of new executive arrangements is set out in **Appendix 2** for consideration. If agreed, the timetable would be contained in the report to full Council on 18 May 2009 for formal adoption.
- 10.3 When the Constitution Review Working Group draws up the definite proposal for change before the second stage consultation, members will also need to consider the extent to which the proposal would, if implemented be likely to assist in securing continuous improvements in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The Constitution Review Working Group will also need to decide whether to hold a referendum before implementing the change.
- 10.4 Following the Council resolution at the special full Council meeting on **14 December 2009**, some work will be required to amend the Constitution in accordance with the model of governance that the Council chose to adopt. In the event that the Council wishes to opt for an elected mayor more detailed proposals including arrangements for the election of a mayor and publicity will be required.
- 10.5 **Article 15** of Haringey's Constitution provides for the following:
- 15.03 Changes to the Constitution*



- (a) *Approval: Changes to the Constitution, including the Scheme of Members' Allowances, will only be approved by the full Council after recommendation of the proposal by an informal Member group convened by the Leader and following advice from the Monitoring Officer save that authority is delegated to the Monitoring Officer to make any changes required as a result of legislative change or decisions of the Council or Cabinet to further enable him / her to maintain it up to date.*

The informal Member Group referred to is the Constitution Review Working Group. As such it is recommended that the Constitution Review Working Group has oversight of the detailed work required as part of the transitional arrangements, whichever model it chooses to recommend.

11. Public consultation on new executive arrangements

- 11.1 The functions of making proposals, consulting and deciding on the executive arrangement option are "non-executive" decisions and so must go to full Council at every stage for decision. With reference to **paragraph 10.5** of this report, it is recommended that the cross-party Constitution Review Member-Working Group has member oversight for the implementation of new executive arrangements and formulates recommendations for adoption by full Council as required at the relevant stages in the process.
- 11.2 The 2007 Act requires a 2-stage public consultation, first informally at the "formulation" stage and then more formally, once definite proposals have been drafted but before full Council finally adopts them. At the formulation stage, officers would recommend that there should be an easy to understand summary of the two options open under the 2007 Act with some comment on the merits/demerits of both options. While there might (possibly) be some indication of Haringey Councillors' thinking, it should be made plain that the Council has an open mind pending the outcome of the first stage public consultation.
- 11.3. The proposals for the first stage consultation must also include:
- (i) a timetable for consultation and implementation of the changes
 - (ii) details of any transitional arrangements needed - which would be simple if the changes were all implemented in a single phase at Annual Council in May 2010.
- 11.4 To prepare for the first formulation stage consultation, it is suggested that the proposed approach and timetable for implementation be discussed at the two Political Group meetings scheduled for early May 2009. It is also recommended that as soon as is practical, the Chief Executive and Leader formally advise the HSP PMG and HSP Board members that as key stakeholders they will be consulted on the two options for executive arrangements prior to the first stage consultation taking place in June 2009. It is suggested that an additional meeting of the Constitution Review Working Group is scheduled in mid-May 2009 to feed back any comments from the political groups and agree final recommendations for the report to be considered by full Council on 18 May 2009 to formally agree the process for implementation of new executive arrangements.
- 11.5 It is proposed that the Constitution Review Working Group meeting in mid-May 2009 would approve the questionnaire, correspondence and publicity materials for the first stage consultation.



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- 11.6 In order to ensure that the end of year resolution deadline is met, it is recommended that full Council at its AGM on 18 May 2009 formally approve the approach, the route map, timetable and two-stage consultation process for implementation of new executive arrangements as set out in **appendices two and three** to this report. It should be noted when reviewing the route map as far as possible effort has been made to facilitate Constitution Review Working Group members consulting with members of their political groups at every key stage in the implementation process. The proposed approach also complies with the Council's existing corporate consultation guidelines.
- 11.7 It is proposed that the first stage public consultation would take place from mid-June to late July. The consultation would cover the matters outlined in the report. Those consulted will be the local government electors and "other interested persons" in the borough. The latter are not defined but would be expected to include HSP partners and key stakeholders such as community and voluntary sector groups. There are no other formal requirements. For the purposes of the first stage consultation, officers have identified the following groups as 'interested persons':
- Haringey citizens
 - Haringey business representatives / chambers of commerce
 - Haringey Strategic Partnership organisations
 - Community and voluntary sector
 - Council Staff and Trade Unions
 - Councillors
- 11.8 Once the outcomes of the first stage consultation were known, they could be reported to Political Group meetings, the CRWG and relevant stakeholder groups as listed in paragraph 11.7 and set out in **appendix three** between July and September 2009. The Constitution Review Working Group would debate and recommend definite proposals for the leadership option. These would include any related changes to the Council's Constitution and any consequent changes to the "Local Choice Functions" (matters that can be either executive or non-executive functions at the Council's option).
- 11.9 These definite proposals would be recommended by the Constitution Review Working Group to the mid-October full Council, which would receive an update and note the process for the second stage formal public consultation. The Council would have to show it had taken into account the outcomes of the first stage consultation and the extent to which the proposed new leadership arrangements would assist in securing continuous improvement in the Council's operation.
- 11.10. The legal requirements for the second stage public consultation are quite simple – the proposals must be in a document available for public inspection at the Civic Centre and advertised once in a local newspaper. More extensive steps to engage public attention would be desirable and the suggested approach for the stage two consultation is set out in **appendix three**.
- 11.11. The results of the second consultation would be reported to a Constitution Review Working Group meeting in mid November. Key stakeholder groups would also be fed back the outcomes of the second stage consultation as set out in **appendix three** during November 2009.



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- 11.12. The final resolution to adopt would take place at a full Council specially convened for this purpose on **14 December 2009**.
- 11.13. Implementation of the new leadership arrangements must take place at the Annual Council in May 2010 after the next local election. The election of a leader for a 4-year term would take place then if the indirectly elected leader were the favoured option.
- 11.14 It is recommended that in accordance with the proposed implementation route map set out in **appendix 2** and consultation timetable in **appendix 3** to this report, that the leader's office arranges meeting dates for the Constitution Review Working Group for the 2009/10 municipal year to facilitate compliance with the statutory timetable.

12. Financial and Value for Money implications

- 12.1 The Council is required to consider how a change in executive arrangements would assist in securing continuous improvements to the way in which the Council's functions are exercised. The direct financial implications of either model are difficult to assess and are of little significance to the overall council budget.
- 12.2 A decision to adopt the directly elected mayor model of governance would increase the number of member allowances by one, since a mayor is not a councillor and would be an addition to the current fifty-seven elected Members of the Council. It is however possible that a directly elected mayor or a leader would exercise more executive functions personally and choose to operate with a reduced number of cabinet members, with a corresponding reduction in the number of special responsibility allowances – this has been the consistent pattern in existing mayoral authorities where all executive powers are vested in the Mayor.
- 12.3 The financial costs relating to the consultation and publicity requirements for moving to one of the two executive models under the 2007 Act are currently being assessed but are not likely to be 'significant'. Officers will be in a position to advise members of the cost implications at the next meeting of the CRWG in May 2009 and whether costs can be met within existing budget provision. The report to the CRWG in May and the formal report to be considered full Council on 18 May 2009 will include Chief Financial Officer comments to this regard.

13. Legal Implications

- 13.1 The legal implications are contained within the body of the report.
- 13.2 There had been very few enquiries about the process for holding a local referendum for a directly elected mayor in Haringey for which there is provision for in the 2000 Act. This experience is shared by many authorities though could be attributed to a general lack of knowledge and awareness of the process, for example the referendum process is not well publicised by the authority.
- 13.3 The ability for making it easier for local communities to call a referendum regarding their executive leadership model is part of the government's empowerment agenda and relates to their view that the community should have more power and say over how they are governed.
- 13.4 In late December 2008 the government issued a consultation paper on council governance arrangements for mayors and indirectly elected leaders. The paper



was one of a series consulting on a number of policy commitments set out in the *Communities on Control: real people, real power* white paper and sought views on reducing the threshold for a petition to trigger a governance referendum on a council's executive model to below 5% of electors, and permitting e-petitioning for mayors. The consultation also considered the white paper commitment that where a governance referendum is lost to introduce an elected mayor, a further governance referendum may be held after four years, rather than ten years which is currently the case as legislated for in the 2000 Act.

- 13.5 In future, it will be a statutory requirement for councils to make more accessible information on how communities can trigger a referendum including this information being displayed prominently on the council's web site to facilitate on-line referendum / petitioning. The government is expected to legislate for this later in the year or in the draft Community Empowerment Bill. CRWG members will be advised of the constitutional implications for Haringey when more information about the changes to existing regulations is known.

14. Risk management implications

- 14.1 Failure to agree a preferred executive model within the statutory timelines would result in the secretary of state imposing a model on the Council. The implementation and consultation plans set out in **appendices two and three** to this report and member oversight by the cross-party CRWG should mitigate this likelihood.

15. Equalities and Diversity implications

- 15.1 It has been acknowledged that diversity amongst directly elected mayors is much less representative of communities than council leaders or local councillors in general – of the 13 directly elected Mayors, only one is female and none are from a BME community. This will be a matter for political parties to address in their selection processes for mayoral candidates, though there are regional and national programmes in place (by London Councils and the IDeA/LGA) respectively to raise awareness of the role of local elected representatives and the encouragement of representation from all communities.
- 15.2 Local councils also have a role to play in raising awareness of councillor and civic roles as part of their member development and community engagement strategies.

16. Recommendations

- 16.1 That the statutory duty placed on the Council to resolve to adopt a new form of executive arrangements by 31 December 2009, to come into effect in May 2010, be noted.
- 16.2 That the differences between existing executive arrangements and the new options contained in the 2007 Act as set out in **section five** and **appendix one** of this report be noted.
- 16.3 That the cross-party constitution review member-working group has member oversight of the implementation of new executive arrangements in Haringey and formulates recommendations for consideration and adoption by full Council as required.
- 16.4 That to ensure compliance with the statutory timelines for implementation of new executive arrangements, the Constitution Review Working Group considers the



indicative implementation timetable and route map as outlined in **section ten** and illustrated in **appendix two** prior to consultation with the political groups and subsequently adoption by full Council in May 2009.

- 16.5 That the Constitution Review Working Group considers the suggested approach for consultation as set out in **section eleven** and illustrated in **appendix three** of this report prior to consultation with the political groups and subsequent adoption by full Council in May 2009.
- 16.5 That in accordance with the implementation route map set out in **appendix 2** the leader's office arranges meeting dates for the Constitution Review Working Group for the 2009/10 municipal year to facilitate council compliance with statutory timelines.
- 17. Reasons for recommendations**
- 17.1 To comply with the requirements to decide which executive governance model the Council should adopt in accordance with the Local Government and Public Involvement in Health Act 2007.
- 17.2 In accordance with the legislative requirements of 2007 Act all local authorities which presently operate a Local Government Act 2000 "leader & cabinet" form of executive, including Haringey Council, must change their form of executive arrangements to either a "new style":
- in-directly elected leader & cabinet executive, or
 - a directly elected Mayor & cabinet.
- 17.3 A resolution of full Council to adopt one of these executive models must be made at a specially convened full Council meeting for this purpose by 31st December 2009, although the new form of executive will not statutorily come into effect until three days after the May 2010 London local elections to be held on 6th May 2010.



18. Use of Appendices:

- **Appendix 1** – differences between current executive arrangements and the two options set out in the Local Government and Public Involvement in Health Act 2007
- **Appendix 2** - proposed route map and timelines for implementation of new executive arrangements
- **Appendix 3** - proposed approach to consultation with proposed timetable for 2-stage consultation on new executive arrangements

19. Sources/background papers:

- Local Government and Public Involvement in Health Act 2007
- Local Government Act 2000
- *Safer and Stronger Communities* White paper 2006
- *Communities in Control: real people, real power* White paper 2008
- The Constitution of Haringey Council



	Current Leader and Cabinet model	Options available under Local Government and Public Involvement in Health Act 2007	
		New 'strong' indirectly elected Leader and Cabinet model	Directly elected Mayor and Cabinet
Local elections	Councillors elected by whole council elections every 4 years	Councillors elected by whole council elections every 4 years	Councillors elected by whole council elections every 4 years Direct election of Mayor by local electorate every 4 years
Term of Office	full Council must appoint the Leader by simple majority annually .	The full Council elects the Leader by simple majority for a 4-year term The Leader would be entitled to whatever resources are required to reasonably fulfil his/her role. The Council as a whole, with the elected Mayor, would consider the resources it is prepared to give	Elected directly by electorate for a 4-year term The Mayor would be entitled to whatever resources are required to reasonably fulfil his/her role. The Council as a whole, with the elected Mayor, would consider the resources it is prepared to give.
Removal	Leader can be removed by vote of no confidence by full Council	Councils can choose to adopt procedures which would allow the removal of the Leader from office during the 4 year period by a vote of no confidence	Cannot be removed during his/her 4-year term of office by full Council except for defined serious events e.g. bankruptcy or criminal conviction with 3 months prison sentence. If the mayor resigned during their term of office, an automatic mayoral election would be declared.
Executive functions	On an annual basis Full council formally agrees the delegation of executive functions to: <ul style="list-style-type: none"> ▪ Cabinet ▪ Cabinet Committees ▪ Cabinet members ▪ Officers ▪ Other committees Any changes made to the scheme of delegation for executive functions must be formally agreed by full council	The Leader would decide which executive functions and decisions he or she should make within the overall policies of the Council and which decisions the cabinet will make, either collectively or as individual members of the cabinet, as well as any delegations to officers Full Council would be advised of any changes the Leader chose to make to the scheme during their term of office	The elected mayor would decide which executive functions and decisions he or she should make within the overall policies of the Council and which decisions the cabinet will make, either collectively or as individual members of the cabinet, as well as any delegations to officers. Full Council would be advised of any changes the Mayor chose to make to the scheme of during their term of office
Appointment of Cabinet members	Cabinet members appointed annually by full Council by simple majority	The Leader will be responsible for Cabinet member appointments. The Leader will determine cabinet members' term in office.	The Mayor will be responsible for Cabinet member appointments. Cabinet members' term in office will be determined by the Mayor.



Appendix 1

	Current Leader and Cabinet model	Options available under Local Government and Public Involvement in Health Act 2007	
		New 'strong' indirectly elected Leader and Cabinet model	Directly elected Mayor and Cabinet
	<p>Between 2-9 councillors can be appointed as Cabinet members</p> <p>Full Council annually formally agrees portfolios responsibilities and decision-making powers of the Leader & Cabinet</p> <p>Leader and Cabinet collectively accountable to full Council for discharge of executive functions</p>	<p>Between 2-9 councillors can be appointed as Cabinet members</p> <p>Leader determines allocation of portfolio responsibilities and decision-making powers which he/she can choose to change at any time</p> <p>Cabinet members directly accountable to Leader. Leader directly accountable to Council for discharge of executive functions</p>	<p>Between 2-9 councillors can be appointed as Cabinet members</p> <p>Mayor determines allocation of portfolio responsibilities and decision-making powers which he/she can choose to change at any time</p> <p>Cabinet members directly accountable to Mayor. Mayor accountable to electorate for discharge of executive functions</p>
Term of Office / removal of Cabinet members	<p>Cabinet members are appointed by full Council each year by simple majority</p> <p>Cabinet members can be removed by vote of no confidence by full Council, they resign from the Cabinet or are no longer a councillor</p>	<p>Cabinet members will hold office until their appointment is terminated by the Leader; they resign from the Cabinet or are no longer a councillor.</p> <p>The Leader can amend the membership of the Cabinet at any time during his /her 4-year term and would inform full Council of any changes to Cabinet member appointments</p>	<p>Cabinet members will hold office until their appointment is terminated by the Mayor; they resign from the Cabinet or are no longer a councillor.</p> <p>The Mayor can amend the membership of the Cabinet at any time during his /her 4-year term and would inform full Council of any changes to Cabinet member appointments</p>
Deputy	<p>No legal requirement to have a deputy leader; however, Haringey's full Council currently appoints a deputy leader on an annual basis who is also a Cabinet member.</p>	<p>Legal requirement for the Leader to appoint a deputy leader from amongst the Cabinet with power to act in the Leader's absence.</p> <p>The deputy leader appointment can be changed by the Leader at any time during their term of office</p>	<p>The Mayor can appoint a deputy mayor from amongst the Cabinet with power to act in the Mayor's absence.</p> <p>The deputy mayor appointment can be changed by the Mayor at any time during their term of office</p>
Overview and Scrutiny and regulatory functions	<p>Non-executive councillors via the Overview & Scrutiny function are responsible for holding the Leader and his/her cabinet to account</p> <p>Overview and Scrutiny checks decisions, holds decision-makers to account, and reviews and make recommendations on existing Council policies and practices.</p>	<p>Non-executive councillors via the Overview and Scrutiny function would continue to be responsible for holding the Leader and his/her cabinet to account</p> <p>Overview and Scrutiny would continue to check decisions, hold decision-makers to account, and review and make recommendations on existing Council policies and practices.</p>	<p>Non-executive councillors via the Overview & Scrutiny function would continue to be responsible for holding the Elected Mayor and his/her cabinet to account on behalf of the local people</p> <p>Overview and scrutiny would continue to check decisions, hold decision-makers to account, and review and make recommendations on existing Council policies and practices.</p> <p>There will continue to be separate committees for</p>



Appendix 1

	Current Leader and Cabinet model	Options available under Local Government and Public Involvement in Health Act 2007	
		New 'strong' indirectly elected Leader and Cabinet model	Directly elected Mayor and Cabinet
	There are separate committees for planning, licensing and other regulatory matters e.g. Audit and General Purposes Committees	There will continue to be separate committees for planning, licensing and other regulatory matters.	planning, licensing and other regulatory matters.
The budget and policy framework The policy framework means those plans and strategies which the secretary of state or the Council locally has determined require approval by full Council before implementation	<p>The full Council will be responsible for the adoption of its budget and policy framework by simple majority</p> <p>The Cabinet are charged with implementing the agreed policy framework and referring relevant decisions to full Council for approval</p>	<p>The full Council will continue to be responsible for the adoption of its budget and policy framework</p> <p>The Leader would be charged with implementing the framework and has the power to make all decisions within the budget & policy framework, and can delegate decisions to cabinet members & officer as they wish</p> <p>The Leader would propose a budget and policies for the Council's approval, which would be agreed by simple majority.</p>	<p>The full Council will continue to be responsible for the adoption of its budget and policy framework</p> <p>The Mayor would be charged with implementing the framework and has the power to make all decisions within the budget & policy framework, and can delegate decisions to cabinet members & officer as they wish</p> <p>The mayor would propose a budget and policies for the Council's approval.</p> <p>If the Council rejects these or tries to change them, the mayor is entitled to resubmit them, at which point they can only be rejected if two thirds of the Council votes against them.</p>
Civic functions	<p>The civic Mayor Chairs full Council meetings</p> <p>The Mayor is appointed by full Council on an annual basis</p> <p>The civic mayor has responsibility for ceremonial duties as determined by full Council</p>	<p>The civic Mayor would continue chair meetings of full Council</p> <p>The Mayor would continue to be appointed by full Council on an annual basis</p> <p>The civic mayor would continue to have responsibility for ceremonial duties as determined by full Council</p>	<p>The current office of ceremonial Mayor would cease and be replaced by a chairperson who would chair meetings of the full Council.</p> <p>The Council chairperson would be appointed by full Council on an annual basis</p> <p>The responsibility for the discharging of ceremonial duties would be decided by the elected Mayor.</p>
Outside Body appointments	Full Council appoints to Partnerships and outside bodies annually	<p>Leader will be responsible for all partnership and outside body appointments</p> <p>The Leader can amend appointments at any time during his /her 4-year term and would inform full</p>	<p>The Mayor be responsible for all partnership and outside body appointments</p> <p>The Mayor can amend appointments at any time during his /her 4-year term and would inform full</p>



	Current Leader and Cabinet model	Options available under Local Government and Public Involvement in Health Act 2007	
		New 'strong' indirectly elected Leader and Cabinet model	Directly elected Mayor and Cabinet
		Council of any changes	Council of any changes
Delegation of decision-making powers (executive functions) to Area Assemblies	<p>It is a matter for local choice whether the executive functions (decision-making and budgetary powers) to Area Assemblies</p> <p>Currently no executive functions have been delegated to Area Assemblies in Haringey by the Cabinet.</p>	<p>It will remain a matter for local choice as to whether executive functions should be delegated to area assemblies</p> <p>As all executive powers will be vested in the Leader, it will be for him/her to determine whether they wished to delegate any decision-making and budgetary powers to the Area Assemblies as part of their scheme for executive functions</p>	<p>It will remain a matter for local choice as to whether executive functions should be delegated to area assemblies</p> <p>As all executive powers will be vested in the Mayor, it will be for him/her to determine whether they wished to delegate any decision-making and powers to the Area Assemblies as part of their scheme for executive functions</p>
Delegation of decision-making powers (executive functions) to ward councillors	<p>The Local Government Act 2000 gives no statutory provision for executive powers to be delegated to individual ward councillors</p>	<p>It will be a local choice as to whether executive functions should be delegated to individual ward councillors</p> <p>As all executive powers will be vested in the Leader, it will be for him/her to determine whether they wished to delegate any decision-making and budgetary powers to ward councillors as part of their scheme for executive functions</p>	<p>It will be a local choice as to whether executive functions should be delegated to individual ward councillors</p> <p>As all executive powers will be vested in the Mayor, it will be for him/her to determine whether they wished to delegate any decision-making and budgetary powers to ward councillors as part of their scheme for executive functions</p>



Appendix 2 - proposed route map and implementation timelines

30 April 2009 - CRWG considers route map and implementation timetable and proposals for first stage consultation and agrees recommendations to present to full Council for implementation of new executive arrangements and consultation

Monday 18 May 2009 – full Council AGM agrees implementation timetable and consultation process

Mid June 2009 – launch first stage 4-week consultation

23 June 2009 - HSP

24 June 2009 – briefing highlighting main issues / update to Lib Dem Group

09 July 2009 – briefing highlighting main issues / update with labour group

[additional group meetings as necessary prior to CRWG agreeing proposed executive model for second stage consultation]

13 July 2009 – close of first stage consultation

Mid July 2009 – officers evaluate consultation responses and collate draft proposals for second stage consultation and submit to party leaders to facilitate group consultation

16 July 2009 – feedback consultation findings to CRWG and agree proposed executive model for second stage consultation

20 July 2009 – HSP PMG – information report

20 July 2009 – Feed back to full Council on first stage consultation. Formally agree preferred executive model for second stage consultation **[NB - will require acceptance of the CRWG report as urgent business]**

Late July 2009 – launch of second stage consultation process on preferred executive model

30 September 2009 – close of second stage consultation on preferred executive model

Early October 2009 – evaluate second stage consultation responses and draft proposals for executive model for council to adopt

Mid October 2009 - feedback to CRWG on outcomes of second stage consultation. CRWG to consider executive model to recommend to full Council for adoption

Wednesday 04 November 2009 – feedback / consultation with lib dem group on final model for adoption

Thursday 12 November 2009 – feedback / consultation with labour group on final model for adoption

Late November / early December 2009 – CRWG considers feedback from political groups and finalises recommendations to full Council on executive model for adoption and transitional arrangements

14 December 2009 – Full Council agrees new executive model and transitional arrangements for May 2010

Information report to HSP PMG on **07 January 2010** and HSP PMG on **21 January 2010**



Appendix 3 - proposed approach and timetable for 2-stage consultation

Proposed full Council agrees consultation timetable at full Council 18 May 2009

First stage

Stakeholders	Methodology	Start date	Finish date	Report complete
HSP Partners	Invitation from CE to participate via web site	21 May	10 July	
HSP Partners	At PMG	01 June		
CVS / Chamber of Commerce	Invitation from CE to participate via web site plus paper copy	21 May	10 July	
Residents	Press release directing residents to web page and with facility to respond with paper version if necessary, leaflets in libraries, at Civic centre and council buildings	19 May	10 July	14 July
	Web page with online questionnaire	21 May	10 July	14 July
	Article in HP June issue with offer to feedback at later date to individuals who respond	12 June	10 July	14 July
Staff and TUs	Invitation from CE (via email) to participate via web site	21 May	10 July	14 July
	Article in Staff newsletter 'smart talk' and Team Brief	May 2009		
	Discussion at CEMB / SMT / Senior managers' event?	May 2009		
Councillors	Via political groups Full Council	5/6 May 18 May		

Feedback and second stage consultation

Stakeholders	Methodology	Start date	Finish date	Report complete
HSP Partners	Feedback and invitation to participate at PMG			
HSP Partners	Feedback and invitation from CE to participate via web site	28 July	21 Sept	
CVS / Chamber of Commerce	Invitation from CE to participate via web site plus paper copy	28 July	21 Sept	
Residents	Press release directing residents to web page and with facility to respond with paper version if necessary, leaflets in libraries, at Civic Centre and council buildings	28 July	21 Sept	28 Sept
	Web page with online questionnaire	28 July	21 Sept	28 Sept
Staff and TUs	Discussion at CEMB / SMT	July 2009		
	Email from CE inviting staff to participate	July 2009		
Councillors	Political Groups Full Council	Mid July ? 20 July		

Feedback on final outcomes

Stakeholders	Methodology	
HSP Partners	Feedback on final outcome	Nov 2009
CVS / Chamber of Commerce	By letter	Nov 2009
Residents	Press release, web page and in Haringey People	Nov 2009
Staff and TUs	Team brief / Smart Talk	Nov 2009
Councillors	Political groups	4/12 Nov 09