

**REPORT OF THE CONSTITUTION REVIEW WORKING GROUP
No. 2/2009-10**

COUNCIL 20 JULY 2009

Chair:
Councillor Kober

INTRODUCTION

- 1.1 This report covers the consideration given by the Constitution Review Working Group at our meeting on 16 July 2009 to two items. The first is the briefing entitled "Update on the Implementation of New Executive Leadership Arrangements". The second is the briefing entitled "Proposed Changes to Article 7 of the Constitution".

ITEMS FOR DECISION

2. IMPLEMENTATION OF NEW EXECUTIVE LEADERSHIP ARRANGEMENTS

- 2.1 We considered the briefing annexed to this report (Annex A) which reminded Members of the two options for the new executive leadership arrangements under the Local Government and Public Involvement in Health Act 2007 (the 2007 Act). These options were (i) a Leader elected by the full Council, or (ii) a Mayor directly elected by the local electorate. We noted that both options involved a 4 year term and the vesting of all executive functions in the Leader/Mayor to exercise or delegate at their discretion. It was confirmed to us that the choice between Leader or Mayor would not affect the other governance arrangements in the Council.
- 2.2 We discussed the draft Proposals for the Leadership Model which are attached as Appendix 3 to the annexed briefing. We are recommending these Proposals to Full Council as the basis of the new leadership arrangements subject to considering the outcome of the second stage of public consultation.
- 2.3 We were advised that there was little discretion about these Proposals which were in the form prescribed by the 2007 Act whether the Leader or Mayor option was chosen. The "Local Choice Functions" were last considered by us and by full Council in February 2009. There is no recommendation for change but there is a legal requirement to set out the extent of the executive side functions which has been met by setting out the current scheme in full in Appendix 3. As required by the legislation, the Proposals include a timetable for the formal "implementation" of the new leadership arrangements on the third working day after the 2010 Council Elections and details of transitional arrangements until the next Annual Council when the Leader would be chosen.

- 2.4 Full Council on 18 May had authorised the procedures and timetable for public consultation upon, and the implementation of, the new leadership arrangements. We received a Summary of Responses to the First Stage of Public Consultation which is annexed to this report (Annex B). There had been 590 responses in total including those from the staff survey. Of these 325 favoured the Leader option while 265 favoured the Mayor. We noted that only a fraction of .003% of the Haringey electorate had responded to the consultation which was comparable to outcomes in other London Boroughs.
- 2.5 We were advised that in determining the Proposals for the new leadership arrangements the Council should take into account the results of the first stage of public consultation. But in the absence of a referendum Members were not bound by the numerical weight of preferences expressed. The Council has a discretion whether or not to hold a referendum but, given the low level of public response about the leadership arrangements, there was insufficient justification to incur the substantial cost of holding a referendum estimated at about £250,000 or more.
- 2.6 We noted that Members at full Council were under a specific legal duty, in drawing up the Proposals for the new leadership arrangements, to consider the extent to which the proposals would be likely to assist in securing continuous improvement in the way in which the local authority's functions are exercised having regard to a combination of economy, efficiency and effectiveness. We discussed the benefit to the effective running of the Council following from the greater likelihood of shared priorities between a Leader and the majority on Full Council as compared to a directly elected Mayor. We were advised that further material on this point would be circulated to Members before or at Full Council.
- 2.7 Once the Proposals were determined, there would be a duty to advertise them and to make the full document available for public inspection. An extensive consultation was being proposed to start as soon as possible and to include publicity in the Haringey People, the Council website as well as the local press. We were concerned to ensure that there was full engagement with our communities on this matter and to include reference to both the Mayor and the Leader options in the publicity.
- 2.8 We noted that this second stage of public consultation would conclude at the end of September and that the outcomes would be reported to our meeting scheduled for 20 October. There would be full consultation on the final Proposals and Constitution changes with all Members before these were reported to a special meeting of the full Council scheduled for 14 December. There was a duty on the Council to pass a resolution on the new leadership arrangements before the end of 2009.

WE RECOMMEND

1. That Proposals for the Leadership Model, set out in Appendix 3 to Annex A, be approved, subject to the outcome of the second stage of public consultation, and be advertised in accordance with the legislation.
2. That the publicity for the public consultation accords with the points made in paragraph 2.7 above.
3. That the outcomes of the public consultation be reported to Members as outlined in paragraph 2.8 above.

3. PROPOSED CHANGES TO ARTICLE 7 OF THE COUNCIL'S CONSTITUTION

- 3.1 We received a briefing on the reduction of the number of Cabinet Members following the resignation of Cllr Cooke from the Regeneration and Enterprise portfolio and the re-distribution of his responsibilities to other Cabinet Members. This is the subject of another report to this meeting of the Council where it is proposed that there be only 8 Cabinet Members apart from the Leader.
- 3.2 We noted that Article 7.02 in the Council's Constitution specifies that there should be precisely 9 Members of the Cabinet apart from the Leader. The composition of the Cabinet is a matter falling within the wider public consultation and decision-making on the new leadership model. We agreed that it would be appropriate to suspend the requirement in Article 7.02 that there be 9 Cabinet Members until the decision on the new leadership model at the 14 December meeting of the full Council. By law there must be no less than 2 and no more than 9 Cabinet Members apart from the Leader.

WE RECOMMEND

That the reference to there being "9" other Councillors as Cabinet Members in Article 7.02 of the Constitution be suspended until the 14 December meeting of the full Council.