



## ANNEX A

<b>Briefing for:</b>	Constitution Review Working Group	<b>Item number</b>	
<b>Title:</b>	Update on the implementation of new executive leadership arrangements		
<b>Lead Officer:</b>	Yuniea Semambo, Head of Local Democracy		
<b>Date:</b>	16 July 2009		
<b>Purpose</b>	This report informs the Constitution Review Working Group (CRWG) of the results of the first stage consultation exercise on the new executive model in accordance with requirements of the Local Government and Public Involvement in Health Act 2007 and seeks a view on the preferred option for stage two consultation.		
<b>Recommendations</b>	That the CRWG formulates recommendations for consideration and adoption by full Council on the preferred option for stage two consultation.		

### 1. Background

1.1 Council on 18 May 2009 agreed the following:

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.
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 the report be noted.
3. That the Constitution Review Working Group have member oversight of the implementation of new executive arrangements in Haringey and formulate recommendations for consideration and adoption by full Council as required.
4. That to ensure compliance with the statutory timelines for implementation of new executive arrangements, the indicative implementation timetable and route map as outlined in section ten and illustrated in appendix two of the report be adopted by Council on 18 May 2009.
5. That the suggested approach for consultation as set out in section eleven and illustrated in appendix three of the report be adopted by Council on 18 May 2009.



1.2 The government have repealed the requirement in the 2000 Act for a referendum to take place before a shift to an elected mayor executive model takes place, although authorities locally can choose to do so as part of their consultation process

## **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. The Council has embarked on the first stage consultation at the “formulation” stage. Details of those consulted and proposals for the next stage are detailed in paragraph 11.4 onwards. The Council must therefore make changes to its current executive arrangements and choose to move to one of the following models no later than 31 December 2009:

- 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.

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 (although discretion for removing the Mayor is limited to defined serious events – e.g. bankruptcy or a criminal conviction with a 3 month prison sentence);
- The council will need to amend its 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”. The proposed transitional arrangements are detailed in Appendix 3 at paragraph 9.



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- 2.5 Councils will continue 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. 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 The Council on 18 May 2009 agreed a timetable for implementation of new executive arrangements, attached at **Appendix two** of this report.
- 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.
- 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. The differences between the current model and the two options in the 2007 Act were set out in the previous report to Council on 18 May 2009. **Appendix one** to this report summarises the main differences.
  - 3.2 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.
- 4. Elections**
  - 4.1 Should the Council adopt the mayoral model, the election would take place at the same time as the council elections in May 2010.
  - 4.2 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.
  - 4.3 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 a 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.
  - 4.4 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 Appendix 1 sets out the differences between the current model and each of the two new models.



5.2 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). This will not affect the exercise of regulatory powers. A report on this new provision will be presented to a future meeting of the Constitution Review Working Group once further regulations and guidance are in place.

5.3 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. In the event that the Council wishes to have an elected mayor, Members would be required to reconsider the allocation of Local Choice Functions and agree how, in the future these decisions will be taken.

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

7.1 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.

7.2 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.

## **8. Overview and Scrutiny and other Council Committees**

8.1 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.

8.2 Overview and Scrutiny committees, along with others such as Alexandra Palace and Park Board, 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.



8.3 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 5.2).

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

9.1 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.

9.2 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.

9.3 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 (Appendix 3 paragraph 9).

9.4 Whilst there are 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.

9.5 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.

**10. Timetable and route map for implementation**

10.1 The timetable previously approved on 18 May 2009 provides for a meeting of the Council on 14 December 2009 to adopt the new arrangements.

10.2 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.

10.3 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.



## **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.
- 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.
- 11.3 The first stage public consultation ended on 10 July 2009 . Those consulted were: local government electors and “other interested persons” in the borough. This included HSP partners and key stakeholders. There were no other formal requirements.
- 11.4 The outcomes of the first stage consultation will be reported orally as the data will not be fully available until after 13 July 2009 .
- 11.5 The Constitution Review Working Group when recommending the proposals for the leadership option 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).
- 11.6 The Council will need to decide on its preferred option for the new executive model in order for the second stage consultation to take place. The Council would have to show it had taken into account the outcomes of the first stage consultation and could choose, if it so wished, to undertake a referendum. The option for a referendum could be explored later in the implementation timetable, particularly if the results of the first stage consultation were not considered conclusive. The estimated costs of the referendum of between £246,000 to £285,000 (see paragraph 12.3) may be a factor in reaching this decision.
- 11.7 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. If a referendum is to be held then the outcome of the referendum will be binding i.e. the Council will only be able to adopt its preferred option if this is approved by the local electorate’s majority vote.
- 11.8 If the Council does not hold a referendum then the choice of preferred option is a matter for Members’ decision at full Council. The duty to consult, noted above, does not bind Members to follow the view that appears most popular from the responses to consultation. Members must have regard to the responses and take them into account especially when formulating the proposals before the second stage consultation. But Members are entitled to take other factors into account and duty bound to consider the extent to which the preferred option would be likely to assist in securing continuous improvements in the way in which the Council’s functions are exercised, as noted in paragraph 10.2 above.
- 11.9. 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.



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- 11.10 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 during November 2009.
- 11.11 The Council would need to show the extent to which the proposed new leadership arrangements would assist in securing continuous improvement in the Council's operation.
- 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.

### **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 Chief Finance Officer comments that the cost of the consultation (not including any referendum option) can be met from within existing resources and would be approximately £10,000. The costs would cover the following:
  - Corporate service including: management of consultation, press releases, web page, web questionnaire, Haringey People articles
  - Design of leaflet, printing, distribution
  - Mailing to Partners and Community Voluntary Sector Groups
  - 25 days work to fulfil questionnaire design, recording, inputting and managing responses and report writing .

A referendum is in many ways less complex than other forms of election, but the investment in public awareness would be higher. If the Council chose to hold a referendum as part of its consultation process, the costs of this including publicity would be borne entirely by the authority. As an order of cost based on the last local, GLA and European Elections the costs range between £246,000 to £285,000 for which additional financial provision would need to be made.

### **13. Legal Implications**



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- 13.1 The legal and constitutional implications are contained within the body of the report.

### 14. Referendum

- 14.1 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.
- 14.2 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.
- 14.3 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.
- 14.4 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.

### 15. Risk management implications

- 15.1 Failure to agree a preferred executive model within the statutory timelines would result in the Secretary of State imposing a new form Leader and Cabinet model on the Council. The implementation and consultation plans set out in **Appendix two** to this report and member oversight by the cross-party CRWG should mitigate this likelihood.

### 16. Equalities and Diversity implications

- 16.1 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.
- 16.2 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.



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**17. 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** – Proposals for the Leadership model and schedule of “Local Choice Functions”

**18. 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



**Haringey Council**  
**Appendix 1**

	Options available under Local Government and Public Involvement in Health Act 2007		
	Current Leader and Cabinet model	New 'strong' indirectly elected Leader and Cabinet model	Directly elected Mayor and Cabinet
<b>Local elections</b>	Councillors elected by whole council elections every <b>4 years</b>	Councillors elected by whole council elections every <b>4 years</b>	Councillors elected by whole council elections every 4 years  Direct election of Mayor by local electorate every <b>4 years</b>
<b>Term of Office</b>	full Council must appoint the Leader by simple majority <b>annually</b> .	The full Council elects the Leader by simple majority for a <b>4-year term</b>  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 <b>4-year term</b>  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.
<b>Removal</b>	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.
<b>Executive functions</b>	On an annual basis Full council formally agrees the delegation of executive functions to: <ul style="list-style-type: none"> <li>▪ Cabinet</li> <li>▪ Cabinet Committees</li> <li>▪ Cabinet members</li> <li>▪ Officers</li> <li>▪ Other committees</li> </ul> <p>Any changes made to the scheme of delegation for executive functions must be formally agreed by full council</p>	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
<b>Appointment of Cabinet members</b>	Cabinet members appointed <b>annually</b> 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.



**Haringey Council**  
**Appendix 1**

	<b>Current Leader and Cabinet model</b>	<b>Options available under Local Government and Public Involvement in Health Act 2007</b>	
		<b>New 'strong' indirectly elected Leader and Cabinet model</b>	<b>Directly elected Mayor and Cabinet</b>
	<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 &amp; 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>
<b>Term of Office / removal of Cabinet members</b>	<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>
<b>Deputy</b>	<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>
<b>Overview and Scrutiny and regulatory functions</b>	<p>Non-executive councillors via the Overview &amp; 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 &amp; 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>



**Haringey Council**  
**Appendix 1**

	<b>Options available under Local Government and Public Involvement in Health Act 2007</b>		
	<b>Current Leader and Cabinet model</b>	<b>New 'strong' indirectly elected Leader and Cabinet model</b>	<b>Directly elected Mayor and Cabinet</b>
	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.
<b>The budget and policy framework</b> 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 &amp; policy framework, and can delegate decisions to cabinet members &amp; 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 &amp; policy framework, and can delegate decisions to cabinet members &amp; 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>
<b>Civic functions</b>	<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>
<b>Outside Body appointments</b>	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>



**Haringey Council**  
**Appendix 1**

		<b>Options available under Local Government and Public Involvement in Health Act 2007</b>	
<b>Current Leader and Cabinet model</b>		<b>New 'strong' indirectly elected Leader and Cabinet model</b>	<b>Directly elected Mayor and Cabinet</b>
		Council of any changes	Council of any changes
<b>Delegation of decision-making powers (executive functions) to Area Assemblies</b>	<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>
<b>Delegation of decision-making powers (executive functions) to ward councillors</b>	<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

**20 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

**1 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**

Implementation 3 days after the Municipal Elections in 2010.

## APPENDIX 3



## **PROPOSALS FOR THE LEADERSHIP MODEL**

1. Starting from the Annual Council meeting in May 2010, the Leader of the Council will be elected from among the serving Councillors for a 4 year term instead of for one year only as at present.
2. The 4 year term is to be subject to the existing constitutional provisions for the early ending of the Leader's term after resignation, after ceasing to be a Councillor and after the carrying of a vote of no confidence at full Council by a simple majority of Councillors then present.
3. The other Cabinet Members, apart from the Leader, will no longer be elected annually by the full Council nor will their number be fixed at 9. Instead, the Leader will appoint between 2 and 9 Cabinet Members from among the serving Councillors and will determine their portfolio responsibilities, if any. The Leader will have power to replace or remove Cabinet Members and to vary or delete their portfolio responsibilities at any time.
4. The Leader must appoint a Deputy Leader from among the Cabinet Members and will have power to replace the Deputy Leader at any time. The Deputy Leader will have power to exercise the Leader's powers if that office is vacant or if the Leader is unable to act at any time.
5. All executive functions of the Council are to be vested in the Leader. The Leader may decide to delegate functions to other Cabinet Members, acting individually or collectively as the Cabinet meeting, or the Leader may delegate to Cabinet Committees or to officers. The Leader will be able to revoke such delegations at any time in order to take decisions personally. The powers of non-executive Committees and the delegation of non-executive powers to officers will not be affected.
6. The Leader will have a new discretion to delegate executive functions to Ward Councillors where the decision relates to the Councillor's own Ward. The extent of any delegation to Ward Councillors will be considered separately from the other proposals once the relevant legislation has come into force.
7. The Local Choice Functions (functions which may be designated as executive or non-executive at the option of each Council) will continue unchanged in accordance with the attached Schedule derived from Part 3, Section A of the Council's Constitution.
8. Except for paragraph 6, the proposals above, and the outcome of the public consultation relating to them, will be considered at a special meeting of the full Council on 14 December 2009. If the Council passes a resolution to change the governance arrangements, as proposed, then the changes will be implemented on the third day after the May 2010 Council Elections.
9. The transitional arrangements necessary for implementation are as follows. The Leader in office immediately before the May 2010 Council Elections



shall remain in office until the Annual Meeting of the Council in May 2010 unless, after the Elections, the Leader has ceased to be a Councillor or ceased to be within the political group having an overall majority of Councillors. In those events, the Leader shall not continue in office and delegated power is granted to the Chief Executive to exercise all the executive functions of the Council but only in cases of genuine urgency and in consultation with the representative of the largest political group of Councillors (or groups in the event of a parity of Councillors). This delegation to the Chief Executive shall cease upon the election of the new Leader.

**SCHEDULE – “LOCAL CHOICE FUNCTIONS” FROM PART 3, SECTION A OF THE COUNCIL’S CONSTITUTION**

<i>Function</i>	<b>Whether Executive or Non-Executive</b>	<b>Where allocated or delegated</b>
1. Any Function under a Local Act (except a function specified or referred to in Reg. 2 or Schedule 1)	Non-Executive	General Purposes Committee except for functions under the Alexandra Park & Palace Acts & Order 1900-1985 which are delegated to the Alexandra Park & Palace Board and the General Manager AP&P
2. The determination of an appeal against any decision made by or on behalf of the authority	Non-Executive	General Purposes Committee (for the avoidance of doubt this does not include internal reviews of homelessness decisions)
3. The appointment of review boards under subsection 34(4) of the Social Security Act 1998 (determination of claims and reviews re: Housing Benefit and Council Tax Benefit)	Non-Executive	The Full Council
4. The making of arrangements for appeals against exclusion of pupils	Executive	Head of Local Democracy & Member Services
5. Making arrangements for admission appeals	Executive	Head of Local Democracy & Member Services
6. Making arrangements for appeals by governing bodies	Executive	Head of Local Democracy & Member Services
7. Any function relating to contaminated land	Executive	Cabinet Member for the relevant portfolio within his/her delegated powers,



<i>Function</i>	<b>Whether Executive or Non-Executive</b>	<b>Where allocated or delegated</b>
		otherwise to the Cabinet Meeting
8. Discharge of any function relating to the control of pollution or the management of air quality	Executive	Assistant Director Planning & Regeneration in the Directorate of Urban Environment
9. Service of an abatement notice in respect of a statutory nuisance	Executive	Assistant Director Planning & Regeneration in the Directorate of Urban Environment
10. Passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (resolution to require Council consent to operating loudspeakers in streets)	Non-Executive	General Purposes Committee
11. Inspection of the Council's area to detect any statutory nuisance	Executive	Assistant Director Planning & Regeneration in the Directorate of Urban Environment
12. Investigating any complaint as to the existence of a statutory nuisance	Executive	Assistant Director Planning & Regeneration in the Directorate of Urban Environment
13. Obtaining information as to interests in land under section 330 Town and Country Planning Act 1990	Executive	Head of Legal Services
14. Obtaining particulars of persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976	Executive	Head of Legal Services
15. Making agreements for the execution of highway works under section 278 of the Highways Act 1980	Non-Executive	Assistant Director, Frontline Services and Head of Sustainable Transport except where referred to the Planning Committee in connection with the determination of a planning application
16. The appointment (and revocation of such appointment) of any individual (a) to any office	Executive	The Full Council in the case of Member appointments (but Cabinet may make HSP



<i>Function</i>	<b>Whether Executive or Non-Executive</b>	<b>Where allocated or delegated</b>
other than his normal employment by the Council (b) to any body other than (i) the Council or (ii) a joint committee of two or more authorities or (c) to any committee or sub-committee of such a body		appointments). The Chief Executive makes officer appointments.
17. Making agreements with other local authorities for placing staff at the disposal of other local authorities	Executive	Chief Executive
18. Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements	Executive	The Cabinet Meeting except that the duty to publish information about the LAA is delegated to the Assistant Chief Executive, Policy, Performance, Partnerships and Communications