

APPENDIX 2

PROPOSALS FOR NEW EXECUTIVE LEADERSHIP ARRANGEMENTS

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 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.

7. The new executive leadership arrangements, as proposed above, will be implemented on the third working day after the May 2010 Council Elections but subject to the transitional arrangements set out in paragraph 8 below.
8. 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

Function	Whether Executive or Non-Executive	Where allocated or delegated
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	Non-Executive	The Full Council

Function	Whether Executive or Non-Executive	Where allocated or delegated
review boards under sub-section 34(4) of the Social Security Act 1998 (determination of claims and reviews re: Housing Benefit and Council Tax Benefit)		
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, 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	Executive	Assistant Director

Function	Whether Executive or Non-Executive	Where allocated or delegated
complaint as to the existence of a statutory nuisance		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 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	Executive	The Full Council in the case of Member appointments (but Cabinet may make HSP 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	Executive	The Cabinet Meeting except that the duty to publish information about the LAA is

Function	Whether Executive or Non-Executive	Where allocated or delegated
Involvement in Health Act 2007 relating to local area agreements		delegated to the Assistant Chief Executive, Performance, Partnerships and Communications Policy,