

# Reigate and Banstead Borough Council's Governance Arrangements

## Proposals for New Executive Arrangements



The Local Government and Public Involvement in Health Act 2007 requires Reigate and Banstead Borough Council to make changes to its current governance and decision making arrangements. The new arrangements will come into operation immediately after the elections in May 2011. The Council is required under the Act to publish its proposals following the conclusion of the consultation exercise.

Consultation on the options available was undertaken between 4 December 2009 and 26 February 2010. The consultation documents published in support of this consultation are available on the Council's website <http://www.reigate-banstead.gov.uk>.

These proposals are subject to the decision of the Special Council to be made on 30 September 2010.

### Proposed Executive Arrangements

It is proposed that, with effect from the third day after the May 2011 elections, the Borough Council of Reigate and Banstead adopts the Leader and Cabinet Executive (England) model, as set out in the provisions of the Local Government Act 2000 (as amended). The key elements of the proposals are:

#### 1. Election of the Leader

The Leader is elected by full Council at its post-election annual meeting (or, if the Council fails to elect a leader at that meeting, at a subsequent meeting of the Council). The term of office as Leader starts on the day of his/her election as Leader. The Leader is elected for a 4 (four) year period, unless his/her term of office as a Councillor is shorter, in which case the term of office as Leader will be the same as their term of office as a Councillor.

The Leader will cease to be Leader if he/she:

- o is removed from Office or resigns;
- o ceases to be a Councillor; or
- o is disqualified from being a Councillor

before that day.

## **2. Appointment of the Cabinet and Scheme of Delegation**

The Leader determines the size of and appoints between 2 and 9 Members of the Council to the Cabinet in addition to himself/herself, allocates any areas of responsibility (portfolios) to them, and may remove them from the Cabinet (Executive) at any time. The Leader determines the scheme of delegation for the discharge of the executive functions of the Council.

The Leader will report to the Council on all appointments to and changes to the Cabinet.

## **3. Appointment of Deputy Leader**

The Leader appoints one of the Members of the Cabinet to be his/her deputy, to hold office until the end of the term of his/her office as Leader (unless the person resigns as Deputy Leader, ceases to be a Councillor or is disqualified or removed from office by the Leader).

The Leader may, if he/she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his/her place.

## **4. Absence of Leader**

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/her place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

## **5. Removal of Leader**

Section 44c of the Local Government Act 2000 (amended) states that the executive arrangements which provide for a leader and cabinet executive may include provision for the Council to remove the executive leader by resolution.

It is proposed that Reigate and Banstead Borough Council should have the power to remove the Leader by way of resolution by a simple majority, with the detailed provision for the removal of the Leader and election of a new Leader, to be included in the Constitution of the authority.

## **6. Referendum**

Under the Act, the Council has the option whether or not to make its proposals subject to a referendum. A referendum would require registered electors to endorse the Council's proposals. The cost of a referendum would be significant and given the low level of interest shown by the public about the leadership arrangements, and the effectiveness of the current Leader and Cabinet arrangements, it is felt that there is insufficient justification to undertake a referendum in addition to the consultation exercise. Accordingly, it is proposed that no referendum as to the executive form of Reigate and Banstead Borough Council should be held.

## 7. Timetable

Stage	Date
Publicise new arrangements	July 2010.
New executive arrangements agreed at a Special Meeting of Council.	30 September 2010.
Constitution reviewed in light of new executive arrangements.	June to December 2010.
Constitution approved by Council	10 February 2011
New form of executive arrangements and revised Constitution comes into operation.	3 days after the elections on 5 May 2011.
Leader elected at Full Council	Annual Meeting of Council on 19 May 2011.
<ul style="list-style-type: none"><li>o Appointment of Deputy Leader</li><li>o Appointment of Cabinet Members</li><li>o Allocation of responsibilities.</li></ul>	Following the Leader's Election at the Annual Meeting of Council on 19 May 2011.
Leader approval of executive Scheme of Delegation.	Following the Leader's Election at the Annual Meeting of Council on 19 May 2011.

## 8. Transitional Arrangements

Under the Act, the Council must agree transitional arrangements for the period following the local elections up until the annual meeting of Council. It is proposed that the existing Leader would remain in place (providing he/she is still a Councillor) until the Annual Meeting after the 2011 elections, at which the new Leader will be elected.

## 9. Continuous Improvement

In drawing up the proposals, the local authority must consider the extent to which the proposals, if implemented, 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.

Under the current Leader and Executive arrangements, Reigate and Banstead Borough Council has demonstrated that it is an improving authority, as shown by the Council's scores in two independent, external assessments; the Use of Resources assessment and the recently published Comprehensive Area Assessment (CAA). The Council's score in both these assessments was 3 out of 4 for managing finances with an overall score of 3 out of 4. These scores mean that the Council exceeds minimum requirements and is performing well.

It is considered that the Council will continue to demonstrate improvement under the proposals set out above and that the Leader and Cabinet (Executive) model offers the best value for the residents of Reigate and Banstead.

## 10. The Constitution

Detailed changes to the Council's existing Constitution to include the above proposals will be agreed by the Council prior to the date on which the proposals come into effect.

The Act makes clear that the Council must state the extent to which the functions specified in the Local Government Act 2000 (S13(3)(b)) are to be the responsibility of the Executive which will be operated if the proposals are implemented. The Council proposes that the allocations of functions will continue as for the current Council until revised by the Leader or Council under the new governance arrangements.

These proposals are published and have been advertised as required by the Local Government and Public Involvement in Health Act 2007. Hard copies are available for public inspection at the Town Hall, Castlefield Road, Reigate RH2 0SH (between the hours of 9.00 a.m. and 4.45 p.m. on Monday to Friday).

**John Jory**  
**Chief Executive**  
**15 July 2010**

### Further Information

If you have any questions relating to the information contained in this document please contact Democratic Services:

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