

COUNCIL
25 MAY 2017**APPOINTMENT OF LEADER OF THE COUNCIL**

Recommendation

1. **The Head of Legal and Democratic Services recommends that the Council determines its appointment to the post of Leader of the Council.**

Summary

2. The legislation requires local authorities to operate a) executive arrangements, b) a committee system, or c) other prescribed arrangements as agreed by the Secretary of State. 'Executive arrangements' involve the adoption of what has been described as a "strong leader" model in governance terms for 'executive functions' - although non-executive functions are still discharged through the traditional committee system.
3. The Council has adopted executive arrangements under the 'Leader and Cabinet' model of governance. Council therefore appoints the Leader of the Council (Leader), who is responsible for the Council's executive functions. The Leader will decide how those functions are to be discharged and the extent of delegation, appoints Cabinet members and allocates their areas of political responsibility.
4. In line with the Article 6 of the Council's constitution and the Localism Act 2011, the Leader holds office until the Annual Council following the 4-yearly elections. Council therefore appoints a member to be Leader at its first meeting on 25 May 2017. The Council retains the power to remove and replace the Leader at any time during that 4-year term by ordinary resolution on notice.

Background

5. Under the Leader and Cabinet model, Council appoints the Leader, who then chairs and appoints members to the Cabinet (a total of 10 members of Cabinet being the legal maximum, 3 being the minimum) and allocates Cabinet responsibilities. The Leader must appoint a Deputy Leader.
6. A fundamental legal concept within executive arrangements is the split in political responsibility between executive (Leader and Cabinet) and non-executive (Council and Committees) functions. Officers (paid staff) of the Council may exercise both executive and non-executive functions as long as they have been delegated to them.
7. 'Executive functions' cover most (but not all) of the Council's day-to-day functions as designated by Regulations. The Leader is not responsible for the discharge of functions which are not the responsibility of the executive e.g. Planning Development Control, Audit and Governance, Overview and Scrutiny, Standards and Ethics, or the Budget and Policy Framework (which is decided by full Council).

8. The Leader has responsibility for executive functions and decides whether they are undertaken by him or herself, the Cabinet collectively, individual members of the Cabinet, officers, or any combination. There is a clear and transparent governance route for decisions of the Cabinet or Cabinet Members with Responsibility.

9. The Council makes provision in its constitution for accountability arrangements eg regular reports from the Leader and individual Cabinet members, formal Question Time etc.

Contact Points

County Council Contact Points

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Specific Contact Points for this Report

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Background Papers

In the opinion of the Proper Officer (in this case the Head of Legal & Democratic Services) the background papers relating to the subject matter of this report are:

- The agenda papers for Council on 11 September and 18 December 2008, 25 June 2009, and 13 September 2012.