LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 –
GOVERNANCE MODELS

Frequently Asked Questions

New Leader and Cabinet Model

Q - Does the legislation allow for the Council Leader to be selected annually?
A - No - A Council leader will be voted in for a term of 4 years.

Q - If there is a Council resolution to remove the Leader part way through
his/her term of office - is the new Council Leader appointed for a new term of 4
years or for the remainder of the term of the outgoing Leader?
A - They would be appointed for the remainder of the term of the outgoing Council
Leader.(The option to remove the Leader by resolution would however only be
available if incorporated into the constitution.)

Q - What would happen if we disregarded the legislation and continued with
our current model (old style Council Leader and Cabinet)?
A - To ignore the legislation would be unlawful. The Monitoring Officer would be
involved and a new model would be imposed on the Council by Government. This
would be the New Leader and Cabinet model.

Q - If there was a change of political power in Gravesham, could the Council
change the Leader to reflect this?
A - No, he/she is voted in for a 4 year term, and unless he/she resigned, only a vote
of no confidence (if available via the constitution) or major impropriety would remove
him/her during their term

Q - What number of votes are required to elect a new Council Leader?
A - A simple majority is required.

Q - Does a new style Council Leader have to delegate executive functions?
A - No, but it would be very difficult for one person to carry out all executive functions.

Q - Who appoints the members of Cabinet?
A - The Council Leader will appoint his/her own Cabinet members from existing
councillors - up to a total of 10 Cabinet members, inlcuding himself and the Deputy
Leader.

Q - Does the Council Leader have to appoint a deputy?
A - Yes, it is a legal requirement to appoint a Deputy Leader.

Directly Elected Mayor model

Q - How often does the legislation allow the Mayor to be elected?
A - The Mayor will be elected every 4 years.

Q - Can the Mayor be removed by the Council during their term of office?
A - No, there is no mechanism by which the Mayor can be removed by the Council.

Q - Can we retain the current old style Council Leader and Cabinet model in
Gravesham?
A - No, this would be contrary to legislation and would result in a new, strong Council
Leader and Cabinet model being imposed by Government.
Appendix A

Q - What happens to a directly elected Mayor if, during their term of office, there is a change of political power in Gravesham?
A - Nothing. The Mayor is elected for a four year term.

Q - How do executive powers have to be exercised by the directly elected Mayor?
A - The directly elected Mayor will determine how the Council’s executive functions are exercised and who they are delegated to.

Q - Who appoints the Cabinet?
A - The directly elected Mayor will choose who the Cabinet members are and what portfolios they will hold.

Q - Will the directly elected Mayor have a deputy?
A - Yes. It is a legal requirement for the directly elected Mayor to appoint a deputy.

Q – Can there still be a ‘Civic’ Mayor when a directly elected Mayor is in place?
A – Yes – subject to a new name/style for the ‘Civic’ Mayor e.g. Chairman.

Summary of main differences between Gravesham Borough Council’s current executive model and the two options under the Local Government and Public Involvement in Health Act 2007

<table>
<thead>
<tr>
<th></th>
<th>Current Leader and Cabinet Model</th>
<th>2007 Act Leader and Cabinet Model</th>
<th>Directly Elected Mayor and Cabinet Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointment and term of office</td>
<td>Leader appointed by full Council annually</td>
<td>Leader appointed by full Council for a 4 year term (or until the expiry of the Leader's term of office as a councillor)</td>
<td>Elected directly by the electorate for a 4 year term</td>
</tr>
<tr>
<td>Status</td>
<td>Leader is a member or councillor for all purposes</td>
<td>Leader is a member or councillor for all purposes</td>
<td>Directly Elected Mayor is not to be considered a member or councillor unless legislation indicates otherwise</td>
</tr>
<tr>
<td>Removal</td>
<td>Leader can be removed by resolution of the Council</td>
<td>Leader can be removed by resolution of the Council.</td>
<td>Cannot be removed during his/her term of office</td>
</tr>
<tr>
<td>Executive Functions</td>
<td>Full Council agrees the delegation of executive functions</td>
<td>All executive functions vested in the Leader who can then delegate</td>
<td>All executive functions vested in the directly elected Mayor who can then delegate</td>
</tr>
<tr>
<td>Appointment of Cabinet</td>
<td>Full Council appoints Cabinet members</td>
<td>Full Council appoints Leader who then appoints his/her Cabinet members and allocates</td>
<td>Directly elected Mayor appoints his/her Cabinet members and allocates responsibility</td>
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<td></td>
<td>responsibility</td>
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<tr>
<td><strong>Deputy Leader</strong></td>
<td>No legal requirement to have a Deputy Leader</td>
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<td>Legal requirement to have a Deputy Leader - appointed by Leader</td>
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<td></td>
<td>Legal requirement to have a deputy Mayor - appointed by the directly elected</td>
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<td></td>
<td>Mayor</td>
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<tr>
<td><strong>[Civic] Mayor</strong></td>
<td>[Civic] Mayor appointed by full Council annually</td>
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<td>[Civic] Mayor appointed by full Council annually</td>
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<td>The term [Civic] Mayor cannot be used - the person who undertakes civic duties</td>
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<td>and chairs full Council meetings will have a different title e.g. Chairman -</td>
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<td>the person concerned will be elected annually by full Council</td>
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