

BROMSGROVE DISTRICT COUNCIL

COUNCIL

17th November 2010

CHANGES TO GOVERNANCE ARRANGEMENTS

Relevant Portfolio Holder	Geoff Denaro
Relevant Head of Service	Claire Felton
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 As reported to Council on 23 June 2010 the Local Government and Public Involvement in Health Act 2007 requires every authority operating a Leader and Cabinet model to change its executive arrangements in accordance with a statutory timetable. This report sets out the outcome of the public consultation on this issue, the timetable for the necessary changes to be implemented and recommends that Members re-affirm their previously expressed preference that the “Strong Leader Model” should be adopted.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Council notes and considers the responses to the consultation as referred to in Appendix 2 of this Report; and**
- 2.2 Council notes that the next stage is for “proposals” to be published and then be implemented by resolution at the Full Council meeting on 1st December 2010; and**
- 2.3 Council agrees the draft “proposals” based on the “Strong Leader Model” attached at Appendix 3 and resolves that these proposals be published.**

3. BACKGROUND

- 3.1 The Local Government Act 2000 required all authorities to adopt executive arrangements in one of three forms, namely:
- A Mayor and Cabinet executive; or
 - A Leader and Cabinet executive; or
 - A Mayor and Council Manager.
- 3.2 This Council adopted a Leader and Cabinet executive.

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- 3.3 The Local Government and Public Involvement in Health Act 2007 abolishes the Mayor and Council Manager model and replaces the Leader and Cabinet executive model with a Leader and Cabinet Executive (England) model which is known as the “Strong Leader” model. The Strong Leader model is a different legal form of executive to the old-style Leader and Cabinet model. It is a requirement of the Act that the Council changes its governance arrangements to either the Strong Leader model or the Mayor and Cabinet model in accordance with a statutory timetable. The resolution to adopt the new governance arrangements must be passed by 31st December 2010.
- 3.4 In summary, under the “Strong Leader model”, the Council elects a Leader. All executive powers then vest in the Leader and the Leader is then responsible for:
- Determining the size of the Cabinet;
 - Appointing the members of the Cabinet;
 - Allocating portfolios or areas of responsibility to the various Cabinet Members;
 - Allocating decision-making powers to the Cabinet and to individual Cabinet Members; and
 - Removing and replacing Cabinet members.

The Leader must be elected for a 4 year term of office.

There are 3 key differences to the current Leader and Cabinet model:

- The Leader’s term of office is extended beyond the 4th day after the local elections to run up to the day of the first annual meeting after the Leader’s normal day of retirement as a Councillor;
- During his/her term of office the Leader will automatically cease to be Leader on death or disqualification, but may only be removed from office by a resolution of Council. Currently an authority’s Constitution may specify other means of removing a Leader, such as notification that he/she has ceased to be Leader of the relevant political group; and
- There is a requirement for the Leader to nominate a Deputy leader who may act if the Leader is unable to act or the post of Leader is vacant. Currently, a Deputy Leader may only exercise the “portfolio

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responsibilities” of the Leader in his/her absence as opposed to the statutory functions.

- 3.5 The alternative model is for an elected Mayor and Cabinet executive whereby a Mayor is elected directly by the electorate for a 4 year period and he/she must appoint at least 2 members to the Cabinet. The key difference with an elected Mayor is that it is the electorate which selects the Mayor as opposed to the controlling political group, and the Mayor would be under no obligation to select the Cabinet members from the controlling political Group.
- 3.6 As reported to Members previously, the vast majority of local authorities have to date favoured the Strong Leader and Cabinet model. Moving to the Strong Leader model would not differ significantly from the current governance model adopted by this Council, as the Constitution currently empowers the Leader to determine the size of the Cabinet, appoint the members of the Cabinet, allocate portfolios or areas of responsibility to the various Cabinet Members and remove and replace Cabinet members. This would be the least disruptive to implement and would incur the least cost to the Council.
- 3.7 Members are reminded that in drawing up proposals for the new governance model to be adopted, the Council is required under section 33E of the Local Government Act 2000(as amended) to have regard to economy, efficiency and effectiveness.

4. KEY ISSUES

- 4.1 The required changes were considered at the meeting of Council on 23 June. Members expressed a preference towards the “Strong Leader Model” and resolved as follows:-

(a) that the Leader and Cabinet Executive (England) Model known as the “Strong Leader” model be the model on which public consultation is based; and

(b) that the public consultation be undertaken on a modest basis and that views be sought by way of methods such as “Together Bromsgrove” and the Council’s website.

- 4.2 The consultation period closed on 15 October 2010 (having been extended from the original closing date of 30 September).

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4.3 In accordance with the recommendation that consultation be carried out on a “modest basis”, the following consultation took place:-

(1) Press release issued which was published in the Bromsgrove Advertiser and the Bromsgrove Standard.

(2) Through the Council’s website including an option for members of the public to register and express their views on-line (known as the “Consultation Portal”).

4.4 Members may wish to note that since this matter was last considered on 23 June, the Government issued guidance on consultation to Leaders of District Councils in England. In summary, the Government’s view was that Council’s need not incur significant expenditure on consultation around new governance models:-

“ ...it will be for each Council to decide, but in our view no more than a small newspaper advert/article or press release on your website may be proportionate and right in these circumstances”.

4.5 A copy of the briefing note placed on the Council’s website is attached at Appendix 1.

4.6 The result of the consultation was:-

- 4 in favour of Elected Mayor Model
- 2 in favour of Strong Leader Model
- 2 respondents expressing views but no clear preference

4.7 A summary of the comments received is attached at Appendix 2.

4.8 The next stage in the process, now consultation has taken place, is for the Council to draw up it’s proposals for a new governance model. The proposals must be published and then adopted and implemented. In terms of timescale, the proposals will be published immediately following the Council meeting on 17th November; the matter will then be considered again at the Special Full Council Meeting on 1st December with a view to the proposals being adopted. For the purposes of this Report a set of draft proposals is included at Appendix 3, together with a note of the consequential changes which will need to be made to the constitution.

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Conclusions

4.8 The starting point for Council's consideration of the consultation response is:-

- (1) The resolution passed on 23 June that consultation be on the basis of the "Strong Leader Model"; and
- (2) The statutory duty to consider "economy, efficiency and effectiveness" as referred to in para 3.7 above.

4.9 It should be noted that the level of response to the consultation was not such that any significant conclusions can be drawn from the results. Certainly there seems to be no overwhelming appetite amongst the public to move to an Elected Mayor Model. Members previously indicated a preference in favour of the Strong Leader Model. Taking into account the low level of responses there appear to be no strong arguments to support moving away from this position and adopting the Elected Mayor Model.

4.10 Accordingly, Members are asked to consider continuing to pursue the Strong Leader Model. As explained above the next stage will be the publication of "proposals". A set of draft "proposals" based on the Strong Leader Model are set out at Appendix 3 for approval.

5. FINANCIAL IMPLICATIONS

5.1 Of the two options available, the least expensive is to change the governance arrangements to a Strong Leader Model. The costs involved in this are minimal and there are no significant financial implications. There would be costs implications to move to a mayoral system including the cost of the referendum that would be required before any changes could take place. Thereafter if the electorate voted in favour of a mayoral system there would be the associated costs of making changes to the current election arrangements and setting up the new post.

6. LEGAL IMPLICATIONS

6.1 The Local Government and Public Involvement in Health Act 2007 inserts new provisions into the Local Government Act 2000 which make changes to the form of executive arrangements which the authority can have. The legal implications of these changes are set out in the report. Dependent on the

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form of Executive arrangements which is eventually selected, the Council's Constitution will need to be changed to reflect the arrangements chosen.

7. POLICY IMPLICATIONS

7.1 Full Council approval will be required.

8. COUNCIL OBJECTIVES

8.1 N/a

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The main risks associated with the details included in this report are:

- Failure to follow the statutory process

9.2 These risks are being managed as follows:

Risk Register: *Legal & Democratic Services*
Key Objective 3: *Effective Ethical Governance*

10. CUSTOMER IMPLICATIONS

10.1 The "proposals" for the new governance model will be advertised on the Council's website prior to the Special Council Meeting on 1st December 2010.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 N/a

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 N/a

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None

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14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 Governance implications are set out in the report

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 N/a

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 Cabinet is requested to decided the extent and nature of any community and stakeholder engagement in the consultation process

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No

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Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

Appendix 1 Copy of Briefing Note on Governance Models
Appendix 2 Responses to consultation
Appendix 3 Draft Proposals based on Strong Leader Model

23. BACKGROUND PAPERS

Report to Cabinet 28 April 2010
Guidance on consultation issued by Department for Communities and Local Government

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