

BROMSGROVE DISTRICT COUNCIL

COUNCIL

1st December 2010

CHANGES TO GOVERNANCE ARRANGEMENTS

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

1. SUMMARY OF PROPOSALS

1.1 In accordance with the process set out in section 33E of the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007), Full Council on 17 November agreed draft proposals for changing its governance arrangements to the Leader and Cabinet model (also known as the Strong Leader Model). Under the third stage of the process the Council is now required to pass a resolution to formally adopt the draft proposals and make the consequential changes to the Constitution.

2. RECOMMENDATIONS

It is recommended that:

2.1 The Leader and Cabinet model as set out in the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007) and the published proposals set out in Appendix 1 to this report be adopted with effect from the third day after the local elections in May 2011;and

2.2 The Head of Legal Equalities and Democratic Service be authorised to make the consequential changes to the Constitution.

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.

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)

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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 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.

- 3.5 The Council subsequently carried out consultation on the two available models, namely Mayor or Strong Leader. The consultation period ran from the end of July to 15 October 2010 during which time the consultation was advertised on the Council’s website and details were published in the Bromsgrove Advertiser and Bromsgrove Standard. As reported to Full Council on 17 November the number of responses received was 8, of which 4 supported a mayoral system, two supported the strong leader model and two expressed no preference.

- 3.6 At Full Council on 17 November, Members considered the public responses. It was noted that the level of response was lower than would have been hoped for. However, it was noted that the government had issued guidance to District Councils to carry out modest consultation and that other Councils had also recorded low levels of responses. After debating the matter the following recommendations were agreed:-

(a) that the Council notes the responses to the consultation as referred to in Appendix 2 of the report;

(b) that the Council notes the next stage is for “proposals” to be published and then by implemented by resolution at the meeting of the full Council on 1st December 2010; and

(c) that the Council agree the draft “proposals” based on the “Strong Leader” model set out in the Appendix 3 to the report (as altered to read as shown below) and that these be published:

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- “1. The Constitution be amended as shown in Schedule 1.*
- 2. That the Strong Leader model be implemented from 08 May 2011.*
- 3. As a transitional arrangement, from 08 May 2011 until 18 May 2011 (or such other date on which the Council Annual Meeting for 2011 takes place, the current Leader should continue in office”.*

4. KEY ISSUES

- 4.1 The draft proposals for a Strong Leader model are attached at Appendix 1 of this report together with a note of the changes required to Part 2 of the Constitution at Schedule 1. Schedule 1 has been amended very slightly to pick up some minor changes needed for drafting purposes. The proposals have been publicised as follows:-

- by publication on the Council’s website
- by the placing of a public notice in a local newspaper
- by the proposal documents being made available at the Council House and the Customer Service Centre.

In so doing, the requirements of section 33E of the Local Government Act 2000 (as amended by the Local Government and Involvement in Public Health Act 2007) have been met.

- 4.2 The final stage in the process of changing the governance arrangements is for the draft proposals to be formally adopted by resolution of Full Council in accordance with section 33F of the Local Government Act 2000 (as amended by the Local Government and Involvement in Public Health Act 2007).
- 4.3 The new Strong Leader model would be implemented starting on 08 May 2011. This date is set by the relevant statute which specifies implementation from the third day after the local elections (scheduled for 05 May 2011). The consequential amendments required to the Constitution are set out in schedule 1 to Appendix 1. Members will note that that term of office for the Leader will be 4 years as required by the new legislation. The Leader may be removed part way through that term by resolution of the Council. The provisions as to removal of the Leader will therefore not change as the Constitution currently allows for removal of the Leader by resolution of Full Council.

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- 4.4 With regard to the role of the Deputy Leader, Members will note that this post is appointed by the Leader. Unless the Deputy Leader resigns or is removed by the Leader, he/she will remain in office until the end of the term of office of the Leader. If for any reason the Leader is unable to act or the office of Leader is vacant then the Deputy Leader must act in his/her place. If for any reason both the Leader and the Deputy Leader were unable to act then the executive must act in the Leader's place or must arrange for a member of the executive to act in his/her place.

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.

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 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*

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10. CUSTOMER IMPLICATIONS

10.1 The “draft proposals” for the Leader and Cabinet Executive model have been advertised on the Council’s website and by notice in the local press.

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

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

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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
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 Draft Proposals based on Strong Leader Model

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23. BACKGROUND PAPERS

- Report to Cabinet 28 April 2010
- Guidance on consultation issued by Department for Communities and Local Government
- Report to Full Council 17 November 2010

AUTHOR OF REPORT

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