

Extraordinary Meeting of the Council

Mon 14 June
2010
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
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Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



Extraordinary Meeting of the Council

14th June 2010

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	M Hall	W Hartnett
	K Banks (Mayor)	N Hicks
	P Anderson	R Hill
	M Braley	G Hopkins
	A Brazier	R King
	J Brunner	W King
	M Chalk	W Norton
	S Chalk	J Pearce
	G Chance	B Quinney
	A Clayton (Deputy Mayor)	M Shurmer
	B Clayton	Debbie Taylor
	J Cookson	Derek Taylor
	A Fry	D Thomas
	C Gandy	G Vickery
	A Griffin	
	M Hall	

1. Welcome	<p>The Mayor will open the meeting and welcome all present.</p> <p>The Mayor's Chaplain, Canon David Rogers, will lead the Council in prayer.</p>
2. Apologies	To receive any apologies for absence on behalf of Council members.
3. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
4. Communications and Mayor's Announcements	<p>To receive a report from the Mayor on civic matters which have arisen since the last meeting or events which may be occurring in the near future.</p> <p>To give notice of any variation to the items listed in the Forward Plan and/or items accepted as "Urgent Business".</p> <p>(No separate report / oral update)</p>

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5. Leader's Announcements	<p>To receive a report from the Leader on matters considered to be of significance to the Council.</p> <p>(No separate report / oral update)</p>
6. Constitution - New Executive Arrangements / Whole Council Elections (Pages 1 - 14) Head of Legal, Equalities and Democratic Services	<p>To consider new form of governance for the Council's Executive arrangements, to be implemented after its elections in May 2011 and to consider opting for whole Council elections instead of elections by thirds.</p> <p>(Report attached)</p> <p>(No Specific Ward Relevance)</p>
7. Urgent Business - general (if any)	<p>To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in him by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.</p> <p>(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting and/or on the Leader's Forward Plan.)</p>
8. Exclusion of the Public	<p>It may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to the following items of business on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:</p> <p>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the rounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p>

REDDITCH BOROUGH COUNCIL**COUNCIL**

14th June 2010

**CONSTITUTION –
NEW EXECUTIVE ARRANGEMENTS / WHOLE COUNCIL ELECTIONS**

Relevant Portfolio Holder(s)	Cllr Gandy / Cllr Braley
Relevant Head of Service	Head of Legal, Equalities & Democratic Services
Key Decision	

1. SUMMARY OF PROPOSALS

A. To select the new form of governance for the Council's Executive arrangements, to be implemented after its elections in May 2011; and

B. to consider opting for whole Council elections instead of elections by thirds, to take effect for the elections in May 2011, as provided by the Local Government and Public Involvement in Health Act 2007.

2. RECOMMENDATIONS

The Council is asked to **RESOLVE** that

1) the results of the consultation with the public and interested parties in respect of the two potential governance models and whole council elections be noted;

AND

2) EITHER a Mayor and Cabinet OR "New-style" Leader and Cabinet executive governance model be adopted, with effect from the 3rd day after the local elections in May 2011;

AND

3) whole Council elections be adopted, to take effect for the 2011 local elections;

AND

4) the Head of Legal, Equalities and Democratic Services be authorised to make all necessary amendments to the Council Constitution to reflect the adopted model;

AND

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in the situation where the decision at 3) is not passed (and the Council continues with elections by thirds),

- 5) the Constitution be amended to include a provision to enable the removal of the Leader from office by ordinary resolution on notice and for the appointment of a new Leader.

3. BACKGROUND

- 3.1 The Local Government and Public Involvement in Health Act 2007 requires Council's to have a "strong leader" in governance terms.
- 3.2 This person will be either a directly elected Mayor or a Leader appointed by the Council and all of the executive functions of the Council will technically vest in the new-style Leader or Mayor.

Note: This new office and function of 'Mayor' is entirely distinct from the existing position of Mayor, who is currently the Civic leader of the Borough.

- 3.3 In common with other District Councils, the Council must decide by 31st December 2010, which governance model to adopt and implement it 3 days after the local elections in May 2011.
- 3.4 The Local Government and Public Involvement in Health Act 2007 also gave Councils the power to choose between whole council elections and elections by thirds.

4. KEY ISSUES

A. GOVERNANCE MODEL

- 4.1 The current Leader and Cabinet (Executive Committee) model is no longer an option. All authorities with existing Leader and Cabinet models have to adopt a new governance model.
- 4.2 There are only two options
- a) An **elected Mayor and Cabinet executive:**
- i) A Mayor is elected directly by the electorate for a 4 year period.
- ii) Proposals to adopt this model are subject to referendum.

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iii) At least 2 Councillors must be appointed to the Cabinet by the Mayor.

OR

b) A “**new style**” **Leader and Cabinet executive:**

i) A Leader is appointed by Council for a 4 year period.

ii) At least 2 Councillors must be appointed to the Cabinet by the Leader.

iii) Councils can choose whether to adopt procedures to allow the removal of the Leader during the 4 years.

4.3 If the Council does not make a governance decision by the end of December 2010, it will by default have to draw up and adopt the new-style Leader and Cabinet model to take effect after the 2011 elections. If necessary, the Secretary of State can order this.

4.4 To date, the vast majority of local authorities have favoured the Leader and Cabinet model.

4.5 Under the new-style Leader model, a Council appoints the Leader.

4.6 The Leader must appoint a deputy.

4.7 The Leader will appoint the Executive Committee directly and allocate responsibility for the discharge of executive functions – whether by him- or herself, the Executive Committee collectively, individual members of the Executive Committee (for instance Portfolio Holders) or Officers. Non-executive functions (such as Planning, Overview and Scrutiny, Licensing and Standards) remain unaffected.

4.8 For stability (particularly aimed at Councils with elections by thirds), all Leaders will have a fixed term of office for 4 years - subject to any provision made for early removal. Whether a Leader can be removed once appointed is a secondary choice for Councils adopting the new Leader and Cabinet Model.

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4.9 If the option for whole Council elections is not adopted then it will be necessary for the Council to decide whether to have a mechanism within its Constitution for the removal and replacement of the Leader where elections by thirds (or any other election/s) produce a change in political balance in the Council.

This secondary choice is set out at Recommendation '5' above.

4.10 Councils continue operating existing models until the end of the transitional period (which for District Councils is just after the elections in May 2011).

4.11 The process requires that the Council must:

a) take reasonable steps to consult the electorate and other interested persons in the district before drawing up proposals for its governance model;

b) in drawing up proposals, consider the extent to which they would be likely to assist in securing continuous improvements in the exercise of its functions, having regard to economy, efficiency and effectiveness;

c) make the proposals open to public inspection, and place an appropriate notice in newspapers.

4.12 This special meeting of the Council has been convened to decide on its proposals, to comply with the statutory requirements.

B. WHOLE-COUNCIL ELECTIONS

4.13 Under Section 32 of the Local Government and Public Involvement in Health Act 2007, **“a district council ... that is subject to a scheme for elections ... by thirds may resolve that it is to be subject instead to the scheme for whole-council elections under section 34”**.

4.14 Section 34 provides that on passing a resolution for whole-council elections, a Council becomes subject to a scheme for whole-council elections. A whole Council election would then have to be held in the election year following the end of the “resolution period” (current period runs to 31st December 2010) and every 4th year afterwards.

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4.15 Section 33 sets out the requirements for resolving to have whole-council elections:

- a) the Council can't pass the resolution unless it has taken reasonable steps to consult appropriate people on the proposed change;
- b) the resolution must be passed at a meeting specially convened for the purpose of deciding the resolution, with notice given, and by a two thirds majority of the members voting on it;
- c) the resolution has to be passed within the permitted resolution period which is either by 31st December 2010 or in 2014 (or any fourth year afterwards) between the AGM and 31st December;

This means that if no decision to move to whole-council elections is made by 31st December 2010, the next opportunity to do so will be in 2014.

4.16 Section 35 sets out the requirements to produce an explanatory document and publicise various matters such as the change to whole-council elections and when elections will first take place under the scheme. The Council also has to notify the Electoral Commission that it has passed the resolution.

4.17 Whole Council elections would be less costly to run (over the equivalent four year period) than current elections by thirds and would enable more effective strategic leadership, as envisaged by the 'strong leader' model. See Appendix 2.

4.18 Public Consultation and Responses:

Public consultation on both the governance option and whole-council elections was undertaken by:

- a) posting the consultation on the Council website;
- b) publishing it an article in the Borough Magazine "Redditch Matters" in the Autumn/Winter 2009 edition;
- c) publishing a leaflet with a response form on the reverse, which was distributed to the One Stop Shops at Town Hall, Batchley, Woodrow and Winyates; the town centre Library and Information Office; and
- d) sending a form to all Members; and

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- e) a Press Release.

Consultation period ran from November 2009 – end January 2010.

Responses

There were 7 responses in total – 3 leaflets and 4 website responses.

On Governance arrangements

Only three expressed a preference between the elected Mayor and Strong Leader option and all three were in favour of an elected Mayor. One was in favour of neither option but expressed the view that the current system works well.

On Whole Council Election

All 7 responses were in favour of elections by thirds.

- 4.19 The legislation requires the Council to include in its new governance proposals a timetable with respect to implementation of the new governance model and details of any transitional arrangements which are necessary for the implementation of the proposals. These are set out in Appendix 1.

5. FINANCIAL IMPLICATIONS

Whole-Council elections would be less costly to run over the equivalent four year period. An indication is set out at Appendix 2.

6. LEGAL IMPLICATIONS

The Legal implications are set out in Section 4 above.

7. POLICY IMPLICATIONS

None

8. COUNCIL OBJECTIVES

N/A.

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9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

None.

10. CUSTOMER IMPLICATIONS

None directly.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None.

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

Whole-Council elections would be less costly.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None.

14. HUMAN RESOURCES IMPLICATIONS

None.

15. GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS

As set out in the Report.

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

None.

17. HEALTH INEQUALITIES IMPLICATIONS

None.

18. LESSONS LEARNT

None.

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19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

Consultation has been undertaken as required by the Act.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Leader
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	Yes
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	Yes
Head of Service	Yes
Head of Resources	Yes
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All Wards.

22. APPENDICES

Appendix 1 - Proposals for change in Governance.

Appendix 2 - Summary / Comparison of costs of elections.

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23. BACKGROUND PAPERS

Local Government Act 2000
Local Government and Public Involvement in Health Act 2007
White Paper "Prosperous Communities"
Consultation results.

AUTHOR OF REPORT

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Appendix 1

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PROPOSALS FOR CHANGE IN GOVERNANCE

(relevant sections will apply to the chosen option)

- 1) Redditch Borough Council adopts the Leader and Cabinet Executive [*Mayor and Cabinet*] model with effect from the 3rd day after the May 2011 local elections, as set out in the provisions of the Local Government Act 2000 (as amended);
- 2) [*If Leader and Cabinet Executive model*] The Leader of the Council ("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 of the Leader starts on the day of his election as Leader and is for a period of 4 years, unless s/he is removed from office or resigns, ceases to be a member, or is disqualified from being a councillor before then;
- 3) the Leader [*Mayor*] determines the size of and appoints between 2 and 9 members of the Council to the Cabinet in addition to him or herself, allocates any areas of responsibility to them, and may remove them from the Cabinet at any time;
- 4) the Leader [*Mayor*] determines the scheme of delegation for the discharge of the executive functions of the Council;
- 5) [*If Leader and Cabinet Executive model*] The Council's executive arrangements are to provide for the Council to remove the Leader by ordinary resolution on notice during his or her term of office. if the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting;
- 6) the Leader appoints one of the members of the Cabinet to be his or her deputy, to hold office until the end of the term of office as Leader (unless that person resigns as a deputy leader, ceases to be a member of the Council or is disqualified, or is removed from office by the Leader).
- 7) the Leader may, if s/he thinks fit, remove the deputy leader from office, but must then appoint another person in his or her place; and
- 8) if for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his or her place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act

Appendix 1

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TRANSITIONAL PROVISIONS

The Scheme of Delegation to Officers will continue after the 2011 elections until altered or confirmed by the Leader [*Mayor*].

The allocation of functions under Section 13 (3) (b) of the Local Government Act 2000 (those which *may* be the responsibility of the Executive but do not have to be – that is where there is a choice) will continue as for the current Council, until altered by the Leader [*Mayor*] or Council under the new governance arrangements.

TIMETABLE

14 June 2010	Special meeting of full Council to pass the resolution to adopt proposals to changes executive arrangements
May 2011	Local Government Elections
On the third day after the local government elections 2011	Implementation of the amended executive arrangements.
May 2011	<i>[If Leader model]</i> Post-election annual meeting at which the Leader of the Council will be elected and term of office commences.

APPENDIX 2

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SUMMARY / COMPARISON OF POTENTIAL COSTS

ELECTION BY THIRDS

**(9 or 10 seats contested each time –
annual elections /
with County Council Elections in 4th Year)**

Each 10 Ward election – approx. £65,000 - £80,000 x2

One 9 Ward election – approx. £60,000 - £75,000 x1

Total therefore in round terms £200,000 - £250,000

Notes: Costs will vary in detail subject to which precise wards are electing, how many Portakabin Polling Stations are required, etc.

ALL-OUT ELECTIONS

(all 29 seats contested each time – elections every 4th year)

Total approx £80,000 - £100,000

(MAYORAL) REFERENDUM

A full, formal, referendum would cost about the same as an all-out election.

Further details and options would be reported and appropriate funding and other approvals sought, if a Referendum was required.

General Notes:

1. All the above costings exclude the baseline staffing and other costs the Council / Electoral Shared Service would normally have to account for annually, regardless of the Council's choice of electoral arrangements.
2. Some of the above costs may sometimes be offset when local elections are combined with other, externally funded, elections.

