

REDDITCH BOROUGH COUNCIL

COUNCIL

14th June 2010

CONSTITUTION – NEW EXECUTIVE ARRANGEMENTS / WHOLE COUNCIL ELECTIONS

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| 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

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| 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.

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