

# Taunton Deane Borough Council

## Full Council – 5 October 2010

### New Executive Arrangements

#### Report of the Legal and Democratic Services Manager

(This matter is the responsibility of the Leader of the Council, Councillor John Williams)

#### Executive Summary

This report explains provisions in the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) regarding new Executive arrangements for Local Government. The 2007 Act requires every local authority to adopt one of only two specific Executive models:-

- Mayor and Cabinet, or
- Leader and Cabinet (new ‘strong leader’ model).

The Act requires all non-Metropolitan Councils to pass a resolution by 31 December 2010 on which one of the two Executive models will take effect three days after the 2011 elections, which is the timescale required by the Act.

#### 1. Purpose of the Report

- 1.1 The purpose of this report is for Full Council to approve the consultation process and decide which option they consider to be the most appropriate for this Council.

#### 2. Background

- 2.1 Under the former provisions of the Local Government Act 2000 (“the 2000 Act”), there were three specific Executive models for local authorities to choose from:-

- Mayor and Cabinet;
- Leader and Cabinet; or
- Mayor and Council Manager

- 2.2 Taunton Deane Borough Council currently operates an “old-style” Leader and Cabinet Executive”.

- 2.3 The 2007 Act now allows for only two specific executive models:-

- Mayor and Cabinet, or

- Leader and Cabinet ('Strong leader' model).

2.4 The 'new' Leader and Cabinet arrangements provide the closest match with the arrangements that we currently operate. The new arrangements provide for an Executive consisting of:-

- a Leader elected by the Council; and
- two or more Councillors (maximum 9) appointed to the Executive by the Leader.

2.5 The key differences between the new model and our current arrangements are summarised below:-

- the Leader is appointed by Full Council for a four year term of office, but the Council may remove the Leader by resolution before then – *rather than an annual appointment as is the case currently;*
- the Leader remains in his term of office until the Annual Council meeting after the election where his/her successor is appointed;
- the Leader must appoint a deputy, for a term of office to run concurrently with the Leader's term of office (the deputy may be removed by the Leader at any time but, if so, there would have to be a replacement). *Currently there is no requirement for the appointment of a Deputy Leader although we have always had one.*

### **3. Process for changing Executive arrangements**

3.1 In terms of process to be followed in moving from one model to another we only have as much detail as is in the Act. We have learned from the Department of Communities and Local Government that no detailed guidance will be forthcoming. The 2007 Act sets out certain requirements which a local authority must satisfy when changing its governance arrangements. These are summarised in the paragraphs that follow. It should be noted that if the Council fails to comply with this legislation and make the necessary changes the Secretary of State will impose these changes upon us.

3.2 This report has been drafted on the basis that it is anticipated that this Council will outline the two models on offer and will indicate at this stage that it is minded to move towards adopting the new Leader / Cabinet option. This report sets out a 'light touch' approach to meeting the requirements of the legislation as recommended by the Government in a recent announcement.

3.3 In a letter from Grant Shapps, Ministers for Housing and Local Government, it is clear that the Government's view is that Councils need not incur any significant expenditure on these requirements. Indeed it is their expectation that all Councils will pursue this at minimal cost. He advises that it is the Government's intention to repeal this Act in the Localism Bill due to be

introduced later in this Parliamentary session. This may mean that any governance model adopted from May 2011 may be further changed within a year or so.

- 3.4 However, should the Council decide that it wishes to review its present system and look at whether it would like to bring in a different model, that is a Mayor and Cabinet, then it will need to hold a referendum.
- 3.5 If the Council chooses to look at changing its current governance arrangements, it will need to draw up its proposals. In doing so, it must consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 3.6 Once the proposals are drawn up, the Council must hold a referendum on its proposals before taking any steps to implement them.
- 3.7 The Council may not pass a resolution which makes the proposed change unless the result of the referendum is to approve the proposals. There is a very tight timescale for the resolution to be passed from the date of the referendum. If the result of the referendum is not to approve the proposals, the local authority must publish in one or more newspapers circulating in its area a notice which:-
  - (a) summarises the proposals;
  - (b) states that the referendum did not approve the proposals;
  - (c) summarises the authority's existing Executive arrangements, and
  - (d) states that the authority will be continuing to operate those arrangements.
- 3.8 On the basis that it is anticipated this Council will not wish to change from a Leader/Cabinet model then the relevant proposals for the change need to be drawn up which must include a timetable for the implementation of those proposals and detail any transactional arrangements which are necessary.

#### **4. Consultation and timescale**

- 4.1 The Council must pass a formal resolution on its governance structure before 31 December 2010. Before doing so, it must consult the public and other interested persons on the potential models and produce proposals for a change in governance.
- 4.2 The Act specifies that in making proposals about the Council's new Executive arrangements, the Council must take steps to consult electors and other interested persons in the authority's area. It is proposed that the consultation process should involve a letter to the Parish Councils, a public notice in a newspaper circulating in the area and a release on the Council's website. It is further suggested that the consultation period is limited to four weeks.

4.3 In light of the foregoing, the timetable for implementation is as follows:-

<b>Date</b>	<b>Action</b>
5 October 2010	Approval for procedure and consultation process
4 week consultation period	18 October – 19 November 2010
1 December 2010	Report to Executive with results of consultation process and recommendations on the two options
14 December 2010	Full Council resolution to adopt new arrangements
5 May 2011	Borough Council Elections
9 May 2011	New Executive arrangements to take effect.

## **5. Legal Comments**

5.1 The Council must comply with the requirements of the Act to pass a resolution by 31 December 2010 to adopt either a 'Strong Leader' and Cabinet or an Elected Mayor and cabinet arrangements.

## **6. Financial Comments**

6.1 There will be a cost associated with the consultation exercise, but provided such an exercise is in accordance with the recent guidance from the Department for Communities and Local Government these costs can be met from existing budgets.

6.2 Should a directly elected Mayor model be introduced there would be the additional expense associated with holding a Mayoral election. The anticipated costs of holding such an election are estimated to be between £100,000 - £120,000 although this could be less should the election coincide with a normal scheduled election. However there will be additional costs for holding the referendum.

## **7. Links to Corporate aims**

7.1 There are no direct links to the Corporate aims.

## **8. Equalities impact**

8.1 Robust governance arrangements reinforce the Council's commitment to its statutory and non-statutory equality and diversity obligations.

## **9. Recommendations**

9.1 The Council is recommended:-

- (1) To indicate which model they would prefer to implement and authorise the public consultation;
- (2) To delegate authority to the Monitoring Officer and the Chair of the Constitutional Sub-Committee to agree the wording for the consultation;  
and
- (3) To convene a special meeting of Full Council immediately upon the rising of the planned Council meeting on 14 December 2010, to agree new Executive arrangements and the relevant changes to the Constitution.

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