

WYRE FOREST DISTRICT COUNCIL

CABINET
15TH JUNE 2010

Local Government and Public Involvement in Health Act 2007

OPEN	
SUSTAINABLE COMMUNITY STRATEGY THEME:	Stronger Communities
CORPORATE PLAN AIM:	A Well-Run and Responsive Council
CABINET MEMBER:	Councillor J-P Campion
DIRECTOR:	Chief Executive
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APPENDICES:	Appendix 1 Timetable for consideration of proposals

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet of new governance and electoral proposals contained within the Local Government and Public Involvement in Health Act 2007, and to seek agreement to progressing public consultation.

2. RECOMMENDATION

Cabinet is asked to DECIDE that:

- 2.1 **The timetable in appendix 1 for consideration of the issues be endorsed;**
- 2.2 **The Director of Legal and Corporate Services be given delegated authority to commence a consultation (lasting 3 months) to enable the local electorate and interested parties to have an opportunity to express their views on the preferred form of governance and preferred electoral cycle;**
- 2.3 **A further report be presented to Cabinet in October that outlines the outcome of the consultation on the two proposed forms of governance, and options for electoral arrangements, to enable it to make recommendations to a Special meeting of Council.**

3. BACKGROUND

- 3.1 The Local Government and Public Involvement in Health Act 2007 received Royal Assent on 30th October 2007.
- 3.2 Part 3 of the Act introduced requirements for new Executive arrangements in England and specifies the deadline for a decision by each council which is 31 December 2010 in the case of non-metropolitan district councils. Section 33O(5) of the Local Government Act 2000 (as inserted by the 2007 Act) and section 33(6) of the 2007 Act also specify a window, which occurs every four years, during

which executive arrangements and electoral arrangements can be changed – this is the period ending 31 December 2010 and then the period between the annual general meeting in 2014 and 31 December 2014, and so on.

- 3.3 The consequences of the Act are that the council must consult on and decide its executive arrangements during 2010. If there is a desire to change from elections by thirds to elections every four years, again consultation has to be undertaken and a decision has to be reached during 2010 – otherwise the next opportunity to consider such a change will be in 2014.
- 3.4 A proposed timetable for consideration of these matters in Wyre Forest is set out in Appendix 1. While the Cabinet will lead the process in terms of deciding to commence consultation, considering responses and making recommendations to Council, decisions on what form of executive arrangements to adopt and whether or not to change the electoral arrangements would be taken by full Council.
- 3.5 While the Coalition agreement says that the Government “will allow councils to return to the committee system, should they wish to”, this will require legislation. No timetable for the legislation has been set out and therefore the council has to proceed in accordance with the requirements of the 2007 Act at this time.

4. KEY ISSUES

Governance Arrangements

- 4.1 Under the 2007 Act the current Leader and Cabinet model is no longer an option. All Councils operating this scheme will be required to adopt one of the new governance models before 31st December 2010.
- 4.2 Two models of executive arrangements are possible:
 - (a) an elected Mayor and Cabinet Executive (proposals to adopt this model are subject to a referendum);
 - (b) a new style Leader and Cabinet Executive (the so-called “strong leader” model where the Leader is elected by Council but s/he appoints members of the cabinet and allocates responsibility for executive functions)
- 4.3 The terms of office for both models would be 4 years. The first such 4 year term would commence in May 2011.
- 4.4 All the executive functions of the Council will be vested in the Leader or Mayor, who will decide how those powers are to be discharged. He or she will appoint the Cabinet directly and allocate responsibility for the discharge of executive functions.
- 4.5 The Council is able to choose whether to allow for the removal and replacement of the Leader by Council during the 4 year term. The constitution would be amended to reflect this. However, this is not an option in respect of the Mayoral model.

- 4.6 All District Councils in England are required to:
- (a) Draw up a timetable that outlines implementation of the proposals.
 - (b) Before drawing up its proposals, the local authority must take reasonable steps to consult the local government electors and other interested persons in the Authority's area.
 - (c) In drawing up the proposals, the local authority 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 local authority's functions are exercised having regard to a combination of economy, efficiency and effectiveness.
 - (d) After drawing up the proposals the local authority must:
 - (i) Ensure that copies of a document setting out the proposals are available at their principal office for inspection by Members of the public at all reasonable times and
 - (ii) Publish in one or more newspapers circulating in its area a notice which:
 - (a) States that the authority has drawn up the proposals.
 - (b) Describes the main features of the proposals.
 - (iii) States that copies of a document setting out the proposals are available at their principal office for inspection by Members of the public at such times as may be specified by the notice and
 - (iv) Specifies the address of their principal office.
- 4.7 All District Councils must decide by the end of December 2010 which form of governance to adopt for their executive arrangements and implement the new model of governance 3 days after the 2011 elections (Sunday 8th May 2011).
- 4.8 To date the vast majority of Metropolitan, County and London Boroughs have favoured the Leader and Cabinet form of Governance. These authorities were required by the legislation to make decisions on their form of governance ahead of District Councils.
- 4.9 If the Council failed to make the change to its governance arrangements in accordance with the legislative requirements, the Secretary of State can make an order specifying that the new Leader and Cabinet Executive arrangements will apply.

Electoral Arrangements

- 4.10 Section 32 of the 2007 Act contains powers for District Councils to change their electoral arrangements. Currently Wyre Forest District Council has a scheme for elections by thirds. The legislation allows the Council to opt for whole Council elections.
- 4.11 If the Council were minded to change its electoral arrangements it must take reasonable steps to consult persons as it thinks appropriate on the proposed change. A resolution to implement any change would need to be passed:
- (a) At a meeting which is specially convened
 - (b) by a majority of at least two thirds of the members voting on it.
- 4.12 If the Council decided to opt for whole-Council elections it would be required to:
- (a) Produce an explanatory document.
 - (b) Make the explanatory document available for public inspection at the council's principal office at all reasonable times.
- 4.13 If a resolution was passed by the Council to change its electoral arrangements to whole council elections, the scheme would commence in 2011 and elections would be held in May 2011 and every four years thereafter. The Council would also be required to notify the Electoral Commission that it had passed a resolution to change to whole Council elections.
- 4.14 Arguments for changing the electoral cycle to four years include:
- (a) It promotes stability and a strategic approach in the councillor body: councillors know they have to work together as a team for four years and, subject to any by-elections that may occur, there is consistency of membership with strong relationships being formed over the term of office;
 - (b) It would avoid the current situation where councillors may be tempted to put off difficult decisions because there are elections in almost every year – in particular there is a risk of “blight” in the months before any election period;
 - (c) It aligns with the statutory requirement for the leader to be elected for a four year term;
 - (d) significant cost savings: one set of elections rather than three would save an estimated £140+k over a four year period. When cuts in services and staff are having to be contemplated as a consequence of the economic situation, the cost of elections by thirds seems inefficient.
- 4.15 A potential disadvantage of elections every four years is that there can be a significant change in councillors at each set of elections, whereas elections by thirds tend to result in more gradual change in personalities. Elections by thirds

also allow the electorate to express their displeasure with the council generally or particular political groups on a regular basis, although this does not necessarily outweigh the advantages of four yearly elections set out above.

- 4.16 If the council chose not to move to four yearly elections in 2011, it would not be able to do so until 2015 at the earliest.

5. FINANCIAL IMPLICATIONS

- 5.1 There will be financial costs to the authority as it is required to consult with the local electorate and interested parties on the two forms of governance. The Council would be able to include the consultation on its website but for total accessibility it is considered that it would be necessary to publish the consultation in a local newspaper. We would nevertheless keep costs to a minimum. It would be more cost effective to conduct consultations about changing the electoral cycle at the same time as this, rather than separately.
- 5.2 If the electorate demonstrated that they would prefer the Council to adopt an Elected Mayor and Cabinet Executive, the Council would be required to hold a referendum and there would be further significant costs associated with this – similar to the cost of holding an election across the whole district.
- 5.3 If the Council, after consultation, gave its approval to whole-Council elections there would be savings as whole Council elections every four years are less costly to run than elections covering most of the district three years in every four.

£	Current budget provision (estimate in 2013-14 onwards)	Estimated budget provision if elections held every four years	Difference
2011-12	152,760	180,000	+27,240
2012-13	156,300	72,000	-84,300
2013-14	73,000	73,000	0
2014-15	159,000	74,000	-85,000
Total saving over four years			-142,060

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There are a number of legal requirements which have been covered in the key issues section in 4 above.
- 6.2 The Council will need to amend its constitution to reflect the change to the new form of governance.
- 6.3 A change to the electoral cycle could mean that some town and parish council elections would no longer be held at the same time as District Council elections.

The potential implications for how such elections are organised and funded will be addressed in the consultation paper, and the views of parish councils will be sought as part of the consultation process.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 An equality impact assessment has been undertaken and it is considered that there are no discernable impacts on the six equality strands.

8. RISK MANAGEMENT

- 8.1 If the Council failed to make the change to its governance arrangements in accordance with the legislative requirements, the Secretary of State can make an order specifying that the new Leader and Cabinet Executive arrangements will apply.

9. CONCLUSION

- 9.1 The new style of governance is intended to strengthen the role of the political leader who will become directly responsible for the discharge of functions as they wish to arrange it. To date the vast majority of Metropolitan, County and London Boroughs have favoured the Leader and Cabinet form of Governance. These authorities were required by the legislation to make decisions on their form of governance ahead of District Councils.
- 9.2 The consultation about governance arrangements provides the opportunity for views also to be sought about the electoral arrangements.

10. CONSULTEES

- 10.1 Chief Executive
10.2 Leader of the Council
10.3 Corporate Management Team

11. BACKGROUND PAPERS

- 11.1 Local Government Act 2000
11.2 White Paper : Strong and Prosperous Communities
11.3 Local Government and Public Involvement in Health Act 2007

APPENDIX 1

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

Proposed Timetable for Implementation

Action	Date
Workshop on the 2007 Act – this is being facilitated by a councillor peer from the IDeA and allows members to discuss informally what options exist and the implications for councillors and the council	7 June 2010
Report to Cabinet outlining requirements for District Councils regarding proposals for new style Leader or Mayor and option to include proposals for whole Council elections. Seek agreement to timetable for implementation and authority for issue of consultation document	15 June 2010
Report to Council on progress of consultation etc	July 2010
Consultation: Newspaper/Website/Hub/Libraries (minimum period 12 weeks)	To commence late June 2010 – 30 September 2010.
Option of further report to Council on progress of consultation etc	September 2010
Report to Cabinet to outline the outcome of the consultation on the two models of governance and (if included in the consultation) electoral cycle. Cabinet to make recommendations to Council	October 2010
Special Council Meeting to agree new form of governance and (if the Cabinet recommends a change) electoral cycle	(Must be before 31st December 2010) Presently planned for immediately before the scheduled Council meeting on 1 st December 2010 but could be held on another date
Implementation of New form of Governance	Third day after 2011 elections - Sunday 8 th May 2011.
Implementation of new electoral arrangements (if agreed)	May 2011