

WYRE FOREST DISTRICT COUNCIL

EXTRAORDINARY COUNCIL

1st December 2010

Local Government and Public Involvement in Health Act 2007

| OPEN | |
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| SUSTAINABLE COMMUNITY STRATEGY THEME: | - |
| CORPORATE PLAN AIM: | A Well Run and Responsive Council |
| CABINET MEMBER: | Councillor J-P Campion |
| DIRECTOR: | Chief Executive |
| CONTACT OFFICER: | Diana Glendenning, Principal Committee Officer |
| APPENDICES: | None |

1. PURPOSE OF REPORT

- 1.1 To consider recommendations from the Cabinet on changes to governance arrangements.

2. RECOMMENDATION

2.1 RECOMMENDED TO COUNCIL:

the adoption of the Strong Leader Model for Corporate Governance.

3. BACKGROUND

- 3.1 The Council is required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act) to adopt a new model of Executive Governance arrangements.
- 3.2 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. and implement the new model of governance 3 days after the 2011 elections (Sunday 8th May 2011).
- 3.3 The 2007 Act requires that before Council can make a decision it must take reasonable steps to consult the local government electors and other interested persons in the Authority's area. This report sets out the two Governance Models which are provided by the 2007 Act and also the details and results of the consultation process which was undertaken.

4. KEY ISSUES

- 4.1 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)
- 4.2 The terms of office for both models would be 4 years. The first such 4 year term would commence in May 2011.
- 4.3 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.
- 4.4 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.
- 4.5 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.

- 4.6 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).
- 4.7 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.
- 4.8 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.

Consultation and Results

- 4.9 The legislation requires that before drawing up its proposals, the Council must take reasonable steps to consult the local government electors and other interested persons in the Authority's area.
- 4.10 The Council held a public consultation exercise from 8th July to 8th October 2010 that asked for views on governance arrangements and the electoral cycle.
- 4.11 At the meeting of the Cabinet held on 16th November 2010 a report was considered from the Chief Executive that outlined the results of the public consultation that had been undertaken on proposals for the Council's governance arrangements and its election cycle.
- 4.12 129 responses were received to the on line consultation and 86 (67%) of responses supported the option of the new style Leader and Cabinet executive. 43 (33%) of responses supported the option of an elected mayor and Cabinet executive.
- 4.13 The relatively low level of response to the consultation compared to the number of electors in the district (75,000) means that the response is not statistically significant. While the Cabinet and Council should take account of the consultation response in reaching decisions, it should not be assumed that the consultation response is necessarily an accurate reflection of the views of residents in general.
- 4.14 Although most people were in favour of the New Leader and Cabinet Model some of the electorate considered that a Mayor might be more accountable to the electorate.
- 4.15 A seminar for councillors was held on 7 June and was facilitated by a councillor peer from Local Government Improvement and Development. 25 members attended and the feedback from the event suggested that there was little or no appetite among councillors for an elected mayor as it was perceived that it would be putting too much power into the hands of one person.
- 4.16 While the consultation shows that there is a range of views about this question and the response slightly favours the New Leader and Cabinet model, as noted above, this has not reached a statistically reliable level where Councillors could interpret it as an accurate reflection of the views of residents across the district.

5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications of adopting the new style Leader and Cabinet Member can be met from existing budgets.
- 5.2 However, if the Council was required to hold a referendum as a result of a petition with the requisite number of signatures, there would be significant costs associated with holding a referendum – similar to the cost of holding an election across the whole District.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Under the Local Government and Public Involvement in Health Act 2007 the current Leader and Cabinet model is no longer an option. All Councils operating this scheme will be required to adopt one of the two new governance models before 31st December 2010.
- 6.2 The Cabinet, at its meeting on 16th November 2010 has recommended that the Council adopts the 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.
- 6.3 The term of office for the new style Leader and Cabinet Executive is 4 years. The first such 4 year term would commence in May 2011.
- 6.4 All the executive functions of the Council will be vested in the Leader, who will decide how those powers are to be discharged.
- 6.5 The Council is able to choose whether to allow for the removal or replacement of the Leader by Council during the 4 year term. The constitution would be amended to reflect this.
- 6.6 Having taken reasonable steps to consult its electors and other interested parties in the Authority’s area the Council is required to:
- 6.7 (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;
 - (c) 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
 - (d) Specifies the address of their principal office.

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 arrangements, the Secretary of State can make an order specifying that the new Leader and Cabinet Executive arrangements will apply.

9. CONCLUSION

- 9.1 The report sets out the results of the public consultation and other relevant factors. It also explains the considerations that have led to the proposed recommendations to Council.

10. CONSULTEES

- 10.1 Leader of the Council
10.2 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
11.4 Report to Cabinet 15th June 2010
11.5 Report to Cabinet 16th November 2010