

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE –13th April, 2010

CHANGE OF EXECUTIVE ARRANGEMENTS

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 For members to consider the implications of changes in the law that require changes in the decision-making structure

2.0 RECOMMENDATIONS

- 2.1 Note the position regarding the proposed changes to the Council's decision-making structures
- 2.2 Recommend the proposed draft timetable to Council

3.0 SUMMARY

- 3.1 The Council needs to review its decision-making structures in the light of changes in the law. To do this the Council needs to approve the timetable, proposed consultation process and decision-making structures to ensure that a decision is taken by Council for implementation from May 2011.

4.0 PREVIOUS MINUTES

- 4.1 None

5.0 INFORMATION

- 5.1 This authority has to review its executive arrangements. Currently the Council elects a Leader. The Leader can then appoint up to nine other councillors to form a Cabinet. The Cabinet is collectively responsible for recommending an overall budget and the policies that make up the Council's policy framework to the Full Council.
- 5.2 The Cabinet then delivers and implements the budget and policies that have been decided by the Full Council and is also the focus for forming partnerships with other key organisations to address local needs. The Leader and Cabinet are held to account by the scrutiny committees which are made up of Councillors from all the political groups represented on the Council.
- 5.3 Under the Local Government and Public Involvement in Health Act 2007 the Council has to reconsider their decision-making arrangements, principally the two alternative options for how executive decision-making by Councillors should operate from May 2011.
- 5.4 The two options now available to the Council are:

Option A: Leader and Cabinet

Similar to the current arrangements, the Council elects a Councillor to become the Leader. This Leader would be elected for a period of four years instead of just one. As currently the Leader would still appoint up to nine Councillors to act as Cabinet members. The Leader would also decide their portfolios and the extent to which each Cabinet member could make decisions on an individual basis. The Leader would appoint a Deputy Leader who would also serve a four-year term.

The Council could also make provision in its constitution for removal of the Leader by resolution.

Option B: Directly elected Mayor and Cabinet

Directly elected by voters at the same time as they elect the other Councillors to serve for a period of four years. The Mayor would then choose a Cabinet of not more than nine Councillors.

The remaining elected Councillors would continue to have a role on the Council's scrutiny Committees and to hold the directly elected Mayor and Cabinet to account.

The Mayor would appoint a Deputy Mayor who would also serve a four-year term.

The Council would have to decide whether to continue also to have a traditional, civic and ceremonial Mayor and, if so, identify a way of differentiating the political Mayor's role from the ceremonial Mayor. Alternatively, the directly elected Mayor could carry out civic and ceremonial functions.

There is no provision for the removal of a directly elected Mayor during the four-year term of office.

Attached at Appendix 1 details a comparison between the 2 options.

6.0 TIMETABLE

Appendix 2 provides a detailed timetable for how this matter will be progressed through to Council at the end of November

7.0 OTHER INFORMATION

Equality & Diversity	The consultation process will be designed to integrate equality and diversity issues.
Environmental Impact	None arising directly from this report.
Legal Comment	The legal comment is set out within the main body of this report.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in

	local democracy.
Opportunities & Risks	The opportunities and risks associated with this process have been assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.
Financial Implications	A budget is in place for payment of allowances to elected members under the current leadership structure. The total cost of member allowances paid under the proposed new structure will need to be managed within the resources available. Costs associated with the consultation exercise will be met from existing budgets. MLB 17.03.10.
Ward Implications	Borough wide

10.0 **BACKGROUND PAPERS**

Council Constitution

Report prepared by Jonathan Eatough, Head of Governance, telephone 01952 383200

Appendix 1

Leader and Cabinet Executives compared with Elected Mayor and Cabinet Executives

	Leader and Cabinet	Elected Mayor and Cabinet
Status	As now, the leader would be elected by the Council in May 2011	The mayor is not a councillor but is directly elected by voters.
Term of office	The leader's term of office would start on the day of his or her election as leader and ends four years later on the day of the post-election annual Council meeting.	The term of office of an elected mayor is expressly said to be four years.
Discharge of functions	The leader may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an employee of the Council.	The mayor may discharge executive functions or may arrange for their discharge by: the cabinet, a member of the cabinet, a committee of the cabinet or an officer of the authority.
Appointment of Cabinet	The Council's constitution must provide for the leader to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.	The constitution must provide for the mayor to determine the number of councillors appointed to the Cabinet but this must be no less than two and no more than ten.
Deputy	The leader must appoint a deputy leader, who will hold office as such until the end of the leader's term of office unless he or she resigns as deputy leader, ceases to be a member of the Council, or is removed by the leader. If the office of deputy leader is vacant, the leader must appoint one.	The mayor must appoint a deputy mayor, who will hold office as such until the end of the mayor's term of office unless he or she resigns as deputy mayor, ceases to be a member of the authority, or is removed by the elected mayor. If the office of deputy mayor is vacant, the mayor must appoint one.
Provisions if unable to act	If the leader is unable to act or the office of leader is vacant, the deputy leader must act in his or her place. If neither the leader nor the deputy leader is able to act, the cabinet must act in the leader's place or arrange for a member of the cabinet to do so. .	If the elected mayor is unable to act or the office of elected mayor is vacant, the deputy mayor must act in his or her place. If neither the mayor nor the deputy mayor is able to act, the cabinet must act in the mayor's place or arrange for a member of the cabinet to do so.

	Leader and Cabinet	Elected Mayor and Cabinet
Removal	A local authority's constitution may provide for the council to remove the leader by resolution at any time during the term.	No provision for removal during the mayor's term of office.
Appointment of assistants	In the Leader and Cabinet model, there is not a direct equivalent to the power for the Secretary of State to provide for the appointment of a person to provide assistance to an elected mayor. However, the Local Government and Housing Act 1989 contains provisions for the appointment of assistants by political groups.	The Secretary of State may by regulations make provision for or in connection with the appointment of a person to provide assistance to an elected mayor. The (Elected Mayor and Mayor's Assistant) (England) Regulations 2002 have been made to provide for this.
Civic and ceremonial duties	The Council would be entitled to retain a civic and ceremonial Mayor who would also chair meetings of the full Council.	<p>Only the directly elected Mayor could use the title of "Mayor".</p> <p>The Council could decide to disestablish the position of a civic and ceremonial Mayor. In which case the directly elected Mayor would decide to what extent he or she would wish to perform civic and ceremonial functions.</p> <p>A Councillor would have to be appointed to chair Council meetings if the traditional position of civic and ceremonial Mayor was disestablished</p>

Appendix 2

Timetable for Process to consider options and agree changes to the Council's Executive Governance arrangements

Date	Committee/action	Purpose
13/04/10	Council's Constitution Committee (CCC)	To consider options and to recommend to Council the process and timetable for the review of the Council's Executive Governance arrangements.
29/04/10	COUNCIL	To agree the process and timetable for the review of the Council's Executive Governance arrangements. To agree delegation to the CCC to agree the consultation documentation.
01/04/10 – 21/05/10	Develop consultation documentation	Governance, Corporate Core service areas and reviewed by CMT
Tbc but during w/c 24/05/20	Council's Constitution Committee (CCC)	To agree the consultation documents (under delegation from Council).
01/06/10 to 31/08/10 (3 months)	Consultation	All affected by the Council's Executive Governance arrangements – including the Community, citizens panel, stakeholders, partners, parish councils, scrutiny etc (not an exhaustive list)
Early September 2010	Evaluation of responses	Governance & CMT
14/09/10 (moved from 07/09/10)	Present preferred option to Council's Constitution Committee (CCC)	Consider output from consultation and evaluation and recommend preferred proposal to Council for further consultation
07/10/10	COUNCIL	
11/10/10 - 19/11/10 (6 weeks)	Consultation on preferred option	To all previous consultees but particularly to those who made a comment.
23/11/10 - 29/11/10	Final papers to CMT and then prepared for despatch for CCC	Final papers prepared for CCC for recommendation to Council
07/12/10	Council's Constitution Committee (CCC)	Agree future arrangements to make final recommendations to Council.
16/12/10	COUNCIL (additional meeting)	To approve future arrangements
17/12/10 – 07/02/11 - 10/02/11	Update Constitution to reflect approved arrangements and reviewed by CMT	Governance
11/01/11 or 22/02/11	Council's Constitution Committee (CCC)	Review amendments to the Constitution to reflect approved arrangements
03/03/11	COUNCIL	Approve changes to the constitution to reflect the approved arrangements