

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE - 25th MAY, 2010

**CONSULTATION ON THE POSSIBLE CHANGES TO THE EXECUTIVE
ARRANGEMENTS**

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 For members to consider the consultation documents and consultees that the Council will use to enable it to consult with stakeholders over proposed changes to its decision-making structures as required by law.

2.0 RECOMMENDATIONS

Members approve:-

- 2.1 the draft consultation document;**
2.2 the proposed consultees and timetable.

3.0 SUMMARY

- 3.1 On the 29th April 2010 full Council approved a proposed timetable for ensuring that, as required, full Council can consider final proposals before the end of this calendar year, attached at Appendix 1.
- 3.2 Council also delegated the power to this committee to review and approve final consultation documents and approved an overview of those to be consulted.
- 3.3 Attached at Appendix 2 is the information on the differences between the 2 models as outlined at the previous committee.
- 3.4 Attached at Appendix 3 is a copy of the consultation information to be inserted on the website and in Insight. There are also additional documents attached which will be available through the website or on request.
- 3.5 Consultation will take place with those as outlined in paragraph 5.4 below.

4.0 PREVIOUS MINUTES

- 4.1 Council's Constitution Committee – 13 April 2010 (CB-15)
Council - 29 April 2010 (Minute No. 106)

5.0 INFORMATION

- 5.1 Members, during the debate at both the Council Constitution Committee and full Council gave a very clear steer to officers that they whilst they accepted that this was a legal requirement and consultation was a crucial element of the process the nature and level of consultation needed to be planned to be proportionate to the issue to ensure that resources diverted from delivery of Council priorities was kept as low as reasonably possible. The consultation process has been designed with that guiding principle in mind.
- 5.2 In terms of the process to be followed, the Local Government and Public Involvement in Health Act 2007 sets out certain requirements which Local Authorities must satisfy when changing the Governance arrangements. These are:-
- 5.2.1 The Authority must draw up formal proposals for the new arrangements, but before doing so, must consult the public in relation to their draft proposals. As a minimum, the draft proposals will be placed on the Council's Website and a Notice must be placed in a local newspaper advising the public of the proposed changes required by the 2007 Act.
- 5.2.2 Following such consultation, the Authority must draw up formal proposals. The proposals must be the subject of a Notice in a local newspaper and on the Council's Website describing the proposals and where information about them is available.
- 5.2.3 In drawing up the proposals, the Authority must consider the extent to which, if implemented, the proposals are likely to assist in securing continuous improvements in the way in which its functions are exercised and having regard to the economy, efficiency and effectiveness of the same.
- 5.2.4 A Resolution of the Council will be required by the end of December 2010 to implement the change to the City Council's Governance arrangements.
- 5.2.5 Following the passing of the Resolution, a further Notice must be placed in a local newspaper with the relevant details.
- 5.3 The consultation timetable in Appendix 1 outlines that the information will be on the Council's website from 1st June to 31st August 2010 and there will be information in the June edition of the Insight.
- 5.4 The consultees were outlined in the timetable but have now been clarified as:
- a) The community
 - b) Parish Council's
 - c) Members of the Local Strategic Partnership (LSP)
 - d) Political associations
 - e) Scrutiny members

This list covers the consultees identified in the original timetable. All consultees will have the opportunity to vote on line or by correspondence. The community consultation will be through the website and Insight, for Parish Council's a letter will be sent to each Parish and there will be an item on the Parish Forum meeting agenda during the consultation period. The LSP is made up of the Council's other main stakeholders and again they will each receive a letter and an item at one of their meetings during the consultation period. The political associations will be written to. The Democratic Services Manager will attend a Group meeting for each of the groups on the Council during the consultation period to answer questions. Scrutiny members will also be consulted through a meeting.

- 5.5 Following consultation a preferred solution will be identified and agreed by Council on 7th October and the same consultees will be notified of this preferred option during the period 11th October to 19th November 2010. Those who have specifically made representations will be contacted separately.

6.0 **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	There will be marginal costs of making changes to the existing Constitution to accommodate the move from the existing Leader and Cabinet Model to the new Leader and Cabinet Model. However, there will be substantially more costs of moving to any Elected Mayor and Cabinet Model from the existing Leader and Cabinet Model. Such costs are difficult to quantify, at present, or justify on value for money or in terms of any objectively quantified economy, efficiency or effectiveness of service improvement grounds. A fundamental review of the Constitution will, of course, be necessary to reflect any Elected Mayor arrangements, plus the costs associated with running an election for an Elected Mayor in May 2011, if the council resolved to adopt, in December 2010,

	<p>the Elected Mayor Model of Governance.</p> <p>An Elected Mayor may, of course, appoint consultants or advisors to assist him / her. Such posts would be in addition to Cabinet Members. This could, therefore, create additional cost pressures on the Council.</p> <p>Summary information in respect to costs has been included in the consultation information.</p>
Ward Implications	Borough wide

7.0 BACKGROUND PAPERS

Council Constitution
Local Government Public Involvement in Health Act 2007

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

Appendix 1

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

Appendix 2

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.

	Leader and Cabinet	Elected Mayor and Cabinet
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.
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.	Only the directly elected Mayor could use the title of "Mayor". 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. A Councillor would have to be appointed to chair Council meetings if the traditional position of civic and ceremonial Mayor was disestablished

Consultation Documents

Website

LOGO

How do you want Telford & Wrekin Council to be run?

Consultation on new executive arrangements *Consultation closes Tuesday 31 August 2010*

If you would wish to receive this consultation document in an alternative format, such as large print, please let us know by contacting Democratic Services by either:

e-mail democraticservices@telford.gov.uk
telephone on (01952) 383211.

Telford & Wrekin Borough Council is reviewing its existing executive arrangements following legislation passed by the Government. The legislation requires the Council to change its executive decision making process to one of two leadership options, namely Strong Leader or Elected Mayor. The Council would like to find out your views on the two options. At the end of this consultation document are 2 questions.

This explanation is intended to give you background information. More detailed information can be found in the following documents:

☐ A copy of the report recently submitted to Council members.

<http://www.telford.gov.uk/NR/ronlyres/11D66955-0E11-4F9B-8A78-2BD1EC81B79B/0/REporttoccc130410.pdf>

☐ A House of Commons briefing note on the subject of Directly Elected Mayors.

<http://www.telford.gov.uk/NR/ronlyres/B2FC2E54-A711-4105-92B5-F341D7418F3C/0/houseofcommonspaper.pdf>

☐ A series of 3 essays discussing the pros and cons of the Directly Elected Mayors published by Localis (an independent think-tank).

<http://www.telford.gov.uk/NR/ronlyres/F85FFDCB-86A7-4380-9844-F0B0F4AB8CD8/0/Localisreport.pdf>

(Copies of all 3 documents listed above can be viewed at the Main Reception area at the Civic Offices, Telford Town Centre, Telford).

Background to the review

Under the existing leadership arrangements, Telford & Wrekin Council has a Cabinet of seven Councillors which is chaired by the Leader of the Council. Members of the Cabinet are appointed by the Leader at the start of each Council year beginning in May. The Cabinet is formed by the majority party and has a wide range of executive responsibilities, including the power to determine all proposals, within existing policy,

which require member approval, and carry out all functions that are not otherwise reserved to the Council, its Committees or delegated to Officers.

New legislation has been introduced by the Government which requires any Council which currently operates executive arrangements to adopt one of two options. The Council is seeking, through this consultation, the views of the community, stakeholders, partners, parish councils, political parties and the Chamber of Commerce in order to inform a decision on which of the two options to adopt. That decision will be made by a Special Meeting of the Full Council to be held later this year.

The options

Under the new legislation, the Council can opt for one of two models:

1. Strong Leader and Executive Cabinet – comprises a Councillor elected as Leader by the Council for a four year term, and two or more Councillors appointed to the Cabinet by the Leader. The Council would still have the power to remove the Leader from office.

2. Directly Elected Mayor and Cabinet – comprises a directly elected Mayor for a four year term who appoints two or more Councillors to the Cabinet. The Elected Mayor could not be removed from office by the Council.

In each case, the Leader/Mayor would hold responsibility for all executive functions. He/she would appoint Councillors to a Cabinet and delegate decision making powers to individual Councillors and Officers. The Council as a whole would continue to approve the annual budget, key Council policies and set council tax levels. The key difference is how they are appointed and removed from office.

The directly elected Mayor is not a Councillor, but is chosen in a separate election and cannot be removed by the Council.

The Strong Leader would be an elected Councillor, elected as Leader by the Council. The Council would also retain powers to remove the Strong Leader from office.

The arrangements for decision making in relation to regulatory and governance functions (e.g. licensing, planning, electoral matters, and staff appointments) are not the responsibility of the Cabinet and will remain unchanged.

What happens to the civic Mayor?

Under the Strong Leader model there would be no change to the position and role of the Mayor. A Civic Mayor would still be elected from among the members of the Council each year at the annual meeting.

If an Executive Mayor was directly elected, the responsibilities of a Civic Mayor would be undertaken by a Council Chairman.

Should a referendum be held?

If the Council was minded to adopt the Directly Elected Mayor model it could choose to hold a referendum. All local electors would then have a chance of saying if they wanted this model or not. The Council is only obliged to hold such a referendum if a petition

signed by over 5% of the Borough's electors is received.

If a referendum is held the Council must abide by the voters' decision (even if there is a low turn-out).

The Council cannot hold a referendum if it is minded to adopt the Strong Leader model as there is no legal basis for holding such a poll.

Are there extra costs?

The Strong Leader model would cost no more than the current arrangements.

There would be extra costs if there was a Directly Elected Mayor:

- If the Council decides that a referendum should be held then it is likely that the costs of holding the poll will run to about £100,000. The poll would have to be run in the same way that local or parliamentary elections are conducted with poll cards being issued, polling stations set up and electors allowed to vote by post if they have chosen this method of voting.
- Every 4 years an election would be held for the Mayor. Although this would be held at the same time as the election of Councillors, there would be some additional costs specific to the Mayoral election. These would be between £20,000 and £35,000 depending on the extent to which the Council agrees to fund the leaflet which has to be sent to all electors giving details of Mayoral candidates.
- There will be an annual on-going increase in allowances for the Directly Elected Mayor and his/her deputy and a potential increase in administrative costs of support and advice to an independently mandated Mayor (prudent estimate £50,000).

Timetable

The Council must opt for one of the above models by December 2010, for implementation after the elections in May 2011. We are seeking feedback from residents and interested parties on the model you would prefer to see.

Consultation questions

Please use the online Local Democracy Contact Form to send us your comments, by Tuesday 31 August 2010 at the latest.

(Alternatively write to Democratic Services, Civic Offices, Telford, TF3 4HD or e-mail democraticservices@telford.gov.uk with the words "Executive Consultation" in the enquiry subject line).

Please answer the following questions.

1. Preferred option:

- **Strong Leader**
- **Directly Elected Mayor**

2. **Please provide one or more reasons for your choice of model and any further comments you would like to make.**

Monitoring Information¹

Please complete the following information. All responses will remain strictly confidential

3. **Do you live in the Borough?**

- Yes**
- No**

4. **Name, Address including postcode, Email and Telephone Number (for validation purposes only)**

If you have any questions relating to this consultation please contact Phil Griffiths, Democratic Services Manager on (01952) 383211 or democraticservices@telford.gov.uk

Insight Article

¹ Monitoring information will be securely disposed of once the Council decision has been made.

Insight

Insert LOGO here?

How do you want Telford & Wrekin Council to be run?

Consultation on new executive arrangements

Consultation closes Tuesday 31 August 2010

Telford & Wrekin Borough Council is reviewing its existing executive arrangements following legislation passed by the Government. The legislation requires the Council to change its executive decision making process to one of two leadership options, namely Strong Leader or Elected Mayor. The Council would like to find out your views on the two options.

This brief explanation is intended to give you background information. More comprehensive information can be found on the Council's website including a detailed comparison of the differences, what happens to the Civic Mayor, information about a referendum and additional costs.

<http://www.telford.gov.uk/Council+democracy/ConsultationonnewExecutiveArrangements.htm>

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Under the new legislation, the Council can opt for one of two models:

1. **Strong Leader and Executive Cabinet** – comprises a Councillor elected as Leader by the Council for a four year term, and two or more Councillors appointed to the Cabinet by the Leader. The Council would still have the power to remove the Leader from office.

2. **Directly Elected Mayor and Cabinet** – comprises a directly elected Mayor for a four year term who appoints two or more Councillors to the Cabinet. The Elected Mayor could not be removed from office by the Council.

In each case, the Leader/Mayor would hold responsibility for all executive functions. He/she would appoint Councillors to a Cabinet and delegate decision making powers to individual Councillors and Officers. The key difference is how they are appointed and removed from office. The arrangements for decision making in relation to regulatory and governance functions will remain unchanged.

Timetable

The Council must opt for one of the above models by December 2010, for implementation after the elections in May 2011. We are seeking feedback from residents and interested parties on the model you would prefer to see.

You can vote on line at:

<http://www.telford.gov.uk/Council+democracy/ConsultationonnewExecutiveArrangements.htm>

Or complete the form below and return it to Democratic Services, Civic Offices, Telford, TF3 4HD

Please answer the following consultation questions:

1. Preferred option for the Council's Executive Arrangements:

- Strong Leader
- Directly Elected Mayor

2. Please provide one or more reasons for your choice of model and any further comments you would like to make.

Monitoring Information²

Please complete the following information. All responses will remain strictly confidential

3. Do you live in the Borough?

- Yes
- No

4. Name, Address including postcode, Email and Telephone Number (for validation purposes only)

If you have any questions relating to this consultation please Democratic Services on (01952) 383211 or democraticservices@telford.gov.uk

² Monitoring information will be securely disposed of once the Council decision has been made.