

## **COUNCIL CONSTITUTION COMMITTEE**

### **Minutes of a meeting of the Council Constitution Committee held on Tuesday, 14<sup>th</sup> September, 2010 at 5.55 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors S.M. Kelly (Chairman), R.K. Austin, E.J. Carter, A.J. Eade, G.M. Green, J.M. Seymour, C.F. Smith and V. Tonks

#### **CCC-12      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Council Constitution Committee held on the 8<sup>th</sup> June, 2010 be confirmed and signed by the Chairman.

#### **CCC-13      APOLOGIES FOR ABSENCE**

None.

#### **CCC-14      DECLARATIONS OF INTEREST**

None.

#### **CCC-15      LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – EXECUTIVE ARRANGEMENTS**

The report of the Head of Governance requested Members to recommend to Council a preferred option for the Executive Arrangements following the recent consultation process. Following a further consultation period the Council would then be required to adopt either the Mayor & Cabinet model or the Leader & Cabinet model. Attached as Appendix 2 of the report was information on the differences between the two models.

On the 29<sup>th</sup> April 2010 full Council had approved a proposed timetable for ensuring that, as required, it could consider the final proposals before the end of this calendar year. Attached as Appendix 1 to the report was a proposed amended timetable that would enable final proposals to be considered by the Council meeting scheduled for 7<sup>th</sup> October, 2010 rather than there having to be an additional Council meeting in December.

Members, during the debate at both the Council Constitution Committee of the 25<sup>th</sup> May, 2010 and full Council in April had given a very clear steer to officers that, 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.

Full Council in April had also delegated to the Committee the power to review and approve the final consultation documents and approved an overview of those to be consulted. There had been very few responses to the consultation so far, with those received showing a majority in favour of the Leader & Cabinet model. At least two

Parish Council's had indicated that they would be submitting responses in early September 2010.

Following the initial consultation, the Council was required to draw up formal proposals which would be the subject of a Notice in a local newspaper and on the Council's Website describing the proposals and where information about them was available. In drawing up the proposals, the Council had to consider the extent to which, if implemented, the proposals were likely to assist in securing continuous improvements in the way in which its functions were exercised and having regard to the economy, efficiency and effectiveness of the same. A Resolution of the Council would be required by the end of December 2010 to implement the change to the Council's Governance arrangements following which a further Notice must be placed in a local newspaper with the relevant details.

Once the preferred solution had been identified and agreed by Council on 7<sup>th</sup> October, 2010 the same consultees would be notified during the period 11<sup>th</sup> October to 19<sup>th</sup> November, 2010. Those who had specifically made representations would be contacted separately. The existing form of Leader and Cabinet model of governance would continue in force until after Borough elections in May 2011.

**RESOLVED – that Council be RECOMMENDED to:**

- (a) that the Leader & Cabinet model be the preferred option for Executive Arrangements;**
- (b) that further consultation, as set out in Appendix 1 of the report, take place on the preferred option.**

The meeting ended at 5.59 p.m.

**Chairman:** .....

**Date:** .....

## **TELFORD & WREKIN COUNCIL**

### **COUNCIL CONSTITUTION COMMITTEE - 9<sup>TH</sup> NOVEMBER, 2010**

#### **LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – FORMAL ADOPTION OF EXECUTIVE ARRANGEMENTS**

#### **REPORT OF THE HEAD OF GOVERNANCE**

### **1.0 PURPOSE**

- 1.1** For Members to recommend to Council the formal adoption of the Leader and Cabinet model for Executive Arrangements and to confirm implementation following the May 2011 Borough elections.
- 1.2** The Local Government and Public Involvement in Health Act (2007) requires the Council to change its Executive Arrangements, choosing either a Leader and Cabinet model with a strong role for the Leader or an Elected Mayor. The legislation requires a decision to be made by 31 December 2010.

### **2.0 RECOMMENDATIONS**

**Members recommend to Council that:**

- 2.1 The Leader and Cabinet model be formally adopted for the Council's Executive Arrangements with effect from 8 May 2011, following the May 2011 Borough elections.**

### **3.0 SUMMARY**

- 3.1** On the 7<sup>th</sup> October, 2010 Full Council approved the Leader and Cabinet model as the preferred option.
- 3.2** Attached at Appendix 1 is the timetable for changes to Governance Arrangements. Attached at Appendix 2 is a briefing note on the differences between the two models as outlined at the previous meeting of this Committee.
- 3.4** Attached at Appendix 3 is a copy of the consultation responses. To date, a total of eight responses have been received. Five responses are from Parish Councils and were received by e-mail. One of these responses does not state a preference but states that the item would be discussed at a future Parish Council meeting. Three responses have been received

from members of the public via the Council's website. The responses are summarised below:

	Leader & Cabinet Model	Mayor & Cabinet Model	No Preference Given
Parish Councils	3	1	1
Public via Website	2	1	
<b>Total</b>	<b>5</b>	<b>2</b>	<b>1</b>

#### **4.0 PREVIOUS MINUTES**

Council's Constitution Committee – 13 April 2010 (Minute No. CCC-15)  
Council Constitution Committee 25 May 2010 (Minute No. CCC-4)  
Council Constitution Committee – 14 September 2010 (Minute No. CCC-15)  
Council - 29 April 2010 (Minute No. 106)  
Council – 7 October 2010 (Minute No. 45 (i))

#### **5.0 INFORMATION**

- 5.1 Members, during the debate at both the Council Constitution Committee and Full Council indicated that, 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.
- 5.2 There have been very few responses to the consultation so far. The responses received show a majority in favour of the Leader and Cabinet model.
- 5.3 The limited response to the consultation may indicate that there is relatively little public interest in the issue. On 7 October the Authority drew up formal proposals which identified the Leader and Cabinet model as the preferred option, consultees were notified of the Council's preferred option.
- 5.3.1 In drawing up the proposals, the Authority was required to consider the extent to which, if implemented, the proposals were likely to assist in securing continuous improvements in the way in which its functions were exercised and having regard to the economy, efficiency and effectiveness of the same.
- 5.3.2 A Resolution of the Council is required by the end of December 2010 to implement the change to the Council's Governance arrangements.
- 5.3.3 Following the passing of the resolution, the new Governance Arrangements must be publicised in accordance with legislation. The existing form of Leader and Cabinet model of governance will continue in force until 3 days after Borough elections in May 2011.

## 6.0 OTHER INFORMATION

<b>Equality &amp; Diversity</b>	There are no implications directly arising from this
<b>Environmental Impact</b>	None arising directly from this report.
<b>Legal Comment</b>	The legal comment is set out within the main body of this report.
<b>Links with Corporate Priorities</b>	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
<b>Opportunities &amp; Risks</b>	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.
<b>Financial Implications</b>	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, the Elected Mayor Model of Governance.
<b>Ward Implications</b>	Borough wide

## 7.0 BACKGROUND PAPERS

Council Constitution

Local Government Public Involvement in Health Act 2007

Report prepared by Phil Griffiths, Democratic Services 01952 383210

## Appendix 1

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

<b>Date</b>	<b>Committee/action</b>	<b>Purpose</b>
07/11/10	Council's Constitution Committee (CCC)	Recommendations to Council.
25/11/10	COUNCIL	To approve future arrangements
29/11/10 to 31/12/10	Update Constitution to reflect approved arrangements	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

	<b>Leader and Cabinet</b>	<b>Elected Mayor and Cabinet</b>
<b>Status</b>	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.
<b>Term of office</b>	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.
<b>Discharge of functions</b>	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.
<b>Appointment of Cabinet</b>	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.
<b>Deputy</b>	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.

	<b>Leader and Cabinet</b>	<b>Elected Mayor and Cabinet</b>
<b>Provisions if unable to act</b>	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.
<b>Removal</b>	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.
<b>Appointment of assistants</b>	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.
<b>Civic and ceremonial duties</b>	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".  A councillor would have to be appointed to chair Council meetings if the traditional position of civic and ceremonial Mayor was disestablished.

	<b>Leader and Cabinet</b>	<b>Elected Mayor and Cabinet</b>
		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.

## Consultation Documents

Consultee	Response
Little Wenlock Parish Council	Strong Leader and Cabinet Option
Church Aston Parish Council	Strong Leader and Cabinet Option
The Gorge Parish Council	To be discussed at parish council meeting on 6 September, 2010
Rodington Parish Council	Directly Elected Mayor and Cabinet Option
Hadley & Leegomery Parish Council	Strong Leader and Cabinet Option
On-Line Responses from members of the public	2 for Strong Leader and Cabinet 1 for Directly Elected Mayor and Cabinet