

## **BRECKLAND COUNCIL**

### **REPORT OF STEPHEN ASKEW, EXECUTIVE MEMBER FOR CORPORATE RESOURCES to the CABINET: 30 November 2010**

(Author: John Chinnery)

#### **NEW EXECUTIVE ARRANGEMENTS**

**Purpose of Report:** To inform Members of the results of the public consultation on new statutory requirements for Strong Leader/Mayor Executive Arrangements, and to suggest that the recommendation to Council should be the minimum change option.

**Recommendations:** That a recommendation is made to full Council to adopt the Strong Leader and Cabinet option for Executive Arrangements from May 2011.

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

#### **1.0 Background**

1.1 Under the Local Government and Public Involvement in Health Act 2007, the Council's current executive arrangement must change to new style arrangements. There are only two options available. The Council must decide whether it wishes to adopt either:

- an indirectly elected leader and cabinet executive; or
- a directly elected mayor and cabinet executive model of governance.

1.2 On 12 August of this year, the Council approved the public consultation proposals, which were carried out in September and October. The results are set out below.

#### **2.0 The New Style Leader and Cabinet Model**

2.1 Breckland's Constitution from its inception in 2001 has contained most of the features that are now required. The only differences which will lead to changes are:

- Change to tenure of office of the Leader from one year to four years – the existing power for Council to remove the Leader during this period can remain unaltered.
- The Deputy Leader is appointed by the Leader rather than by Council.

2.2 The new Coalition Government have recently made it clear that they will be bringing forward legislation which will remove the necessity for the Leader's term of office to be four years. (Also, new laws will allow a return to the committee system.) However, for the present, the existing requirements remain.

#### **3.0 Directly Elected Mayor and Cabinet Model**

3.1 In the directly elected Mayor and Cabinet model, the Mayor is directly elected by the local authority electorate and unlike the Leader is not a Councillor and does not have his/her own ward.

3.2 Changing to a mayor and cabinet model would be a radical shift in governance and culture for the Council. Most authorities in England operate with the leader and cabinet executive. Few Councils operate the Mayor and Cabinet model.

#### **4.0 Implementation of the New Arrangement**

- 4.1 The Council must draw up proposals for change. However, before drawing up the proposals, the Council had to take “reasonable steps” to consult with residents and other interested parties in its area. The Council must take into account the results of the consultation, but are not bound by them.
- 4.2 In deciding how to proceed from this point, the Council must consider the extent to which proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the Council’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 4.3 The details of the proposals and its availability for inspection must be published in the local newspapers.
- 4.4 By 31<sup>st</sup> December 2010, the Council must pass a resolution on the governance arrangements it intends to adopt.

#### **5.0 Results of the Public Consultation**

- 5.1 The consultation was advertised in Voice and put on the Council’s website. A copy was sent to all town and parish councils. There were only 25 responses, of which 18 (72%) were in favour of the Leader and Cabinet model, and 6 (24%) were for the Mayor/Cabinet model, with one undecided.
- 5.2 Many of the responses said that the reason why they favoured the Leader/Cabinet model was that this option was the most cost effective, and avoided the need for a second, separate election for a mayor.
- 5.3 Bearing in mind both the consultation responses and the anticipated changes to be brought forward (referred to above), it would be reasonable to choose the new Leader/Cabinet option for Breckland. A recommendation will need to be made by Cabinet to full Council.
- 5.4 Following the decision of full Council, amendments will have to be made to the Constitution to take into account the new governance arrangement post May 2011.

#### **6.0 Alternative Options**

- 6.1 Under the 2007 Act, the Council has to adopt one of the two new style executive arrangements for after the May 2011 Elections. Therefore, the options open to members are:
  - a) Leader/Cabinet model;
  - b) Mayor/Cabinet model.

#### **7.0 Recommendation**

- 7.1 That a recommendation is made to full Council to adopt the new Leader/Cabinet model for Executive arrangements from May 2011, with all existing Executive functions remaining the same as in the current Constitution apart from the required changes stated in paragraph 2.1 above.

#### **7.2 Reasons for Recommendation(s)**

- (a) To comply with the results of the public consultation
- (b) To continue with Breckland’s current choice of model
- (c) To adopt the most cost effective course of action

#### **8. Risk and Financial Implications**

8.1 **Risk**

8.1.1 If the recommendations contained in this report are not accepted the primary risk is that the Council's Constitution will not conform with the Law, and the Secretary of State will have to take appropriate action.

8.2 **Financial**

8.2.1 The report has no significant financial implication, except that if Option b) is chosen there will be an additional election for a Mayor.

9. **Legal Implications**

9.1 This report has been prepared by the Monitoring Officer to address the legislative requirements set out in the Report, and she is satisfied that if the recommendations in this report are agreed the legality of the Council's system of governance and Constitution will be in conformity with the law.

10. **Other Implications** None

- a) Equalities: No significant equalities issues are raised by this report.
- b) Section 17, Crime & Disorder Act 1998: N/A
- c) Section 40, Natural Environment & Rural Communities Act 2006: N/A
- d) Human Resources: There would be additional electoral demands if the Mayor/Cabinet model is chosen.
- e) Human Rights: N/A
- f) Other: [e.g. Children's Act 2004] N/A

11. **Alignment to Council Priorities**

11.1 The amendments to the constitution will enable the Council to discharge its functions efficiently and effectively.

12. **Ward/Community Affected**

12.1 All.

Background Papers  
*Breckland Constitution*

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Key Decision Status (Executive Decisions only):  
*Key*