



Leicester
City Council

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Cabinet
Council

9 December 2010
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NEW EXECUTIVE ARRANGEMENTS – OUTCOME OF CONSULTATION

Report of the Director of Corporate Governance

1. PURPOSE OF REPORT

To ask Council to consider the responses to the consultation on the Leader and Cabinet or Elected Mayor and Cabinet models of governance, according to the Local Government and Public Involvement in Health Act 2007 (the 2007 Act), and to state Council's preferred model of governance in advance of a resolution at a further Special Council meeting to be held on 22 December 2010.

2. SUMMARY

Leicester City Council is required to adopt a new model of governance as set out in the 2007 Act.

The two models available are:

- 1) Leader and Cabinet Executive (England) model (often described as the "strong leader" model).
- 2) Mayor and Cabinet Executive model

The Council, at a Special meeting on 19 November 2010, agreed a timetable for consultation and implementation and agreed to commence consultation.

Council must now state its preferred model, publish its proposals, place a notice in the local press and, by 31 December 2010, pass a resolution to adopt the new model at a Special meeting of Council convened for that purpose only.

Government has also indicated that the planned Decentralisation and Localism Bill will make further provisions concerning elected mayors.

The 2007 Act does not affect the requirement on the Council to hold a referendum if at least 5% of the local electorate petitions for a referendum on the Council's governance arrangements.

3. RECOMMENDATIONS

3.1 Cabinet is recommended to consider the report and make comments to Council as it sees fit.

3.2 Council is recommended to:

- 1) State its preferred model of governance in order for proposals to be made available to the public and a notice to be published in the local press, in advance of passing a resolution at a Special Meeting of Council on 22 December 2010; and
- 2) Agree that the format and wording of the proposals document be delegated to the Director of Corporate Governance, in consultation with the Leader of the Council.

4. REPORT

4.1 The Local Government Act 2000 introduced the requirement for local authorities to adopt a prescribed model for executive arrangements. Following this, Leicester City Council adopted the "Leader and Cabinet Executive" model. The 2007 Act introduced a new Leader and Cabinet Executive model which differs from the existing in some key areas. Councils have been required to take steps to adopt one of the two current models available i.e. Strong Leader and Cabinet Executive or Mayor and Cabinet Executive.

Although the proposed Decentralisation and Localism Bill may require the Council to hold a referendum on the introduction of an elected mayor, as one of the 12 largest cities without an elected mayor, the Government has advised Councils that work needs to continue on adopting one of the models required by the 2007 Act but that attempts should be made to contain costs.

4.2 **Key features of each model**

Leader and Cabinet Executive

- Leader is elected for a four-year term at the next Annual Council following the Local Elections.
- The Leader will be able to appoint up to nine other Councillors to the Cabinet Executive. The Leader can change these appointments within the four-year term.
- The Leader is responsible for the allocation and discharge of all executive functions.
- The Leader can discharge any function of the executive, or determine whether the Cabinet, officers or Council committees can discharge executive functions.
- The Council can make provision in the Constitution for the removal of the Leader by a resolution of full Council.

Current arrangements differ from this model in that the Leader and Cabinet are appointed by Council annually, and executive functions are allocated by Council.

Mayor and Cabinet Executive

- The Mayor is directly-elected by the local electorate for a four-year term.
- The Mayor will be able to appoint up to nine other Councillors to the Cabinet Executive.
- The Mayor is responsible for all executive decisions of the authority.
- The Mayor can discharge any function of the executive, or determine whether the Cabinet, officers or Council committees can discharge executive functions.
- The Mayor cannot be removed by a resolution of full Council during their period of office.
- The Mayor cannot also be a Councillor. If elected to both, a vacancy arises for the position of Councillor.

4.3 **The process for adopting a new model**

The 2007 Act gives detail of the implementation process to be followed. This is summarised below.

- 1) Agreement by Council on timetable for consultation and implementation.
- 2) Carry out consultation.
- 3) Prepare proposals following consultation and submit to Council for agreement.
- 4) Make the proposals available, and put a notice in the Leicester Mercury.
- 5) Report to a Special Council before 31 December, to obtain a resolution to adopt the new model.
- 6) Make available for public viewing the provisions of the new arrangements and place a notice in the Leicester Mercury.
- 7) Changes to Constitution to be agreed by Council.
- 8) If the Mayoral model is adopted, hold mayoral election on 5 May 2011 at the same time as the Local Elections.
- 9) 8 May 2011 – new executive governance arrangements come into effect.
- 10) If Strong Leader model is adopted, the Leader would take position at Annual Council in May 2011.

4.4 **Consultation**

The Council was required to take reasonable steps to consult local electors and interested parties before drawing up its proposals.

When considering options for consultation, Members were advised to have regard to Government's recent letter from the Right Honourable Grant Shapps MP, Minister for Housing and Local Government, which was issued by the Department for Communities and Local Government on the 7th July. This encouraged the Council to minimise costs of consultation.

Consultation commenced on 20 November 2010 and is due to finish on 6 December 2010. Views are being sought from people who live in Leicester or have an interest in the City.

Although a majority of authorities have concentrated their consultation on-line, it was felt that this was inappropriate for Leicester City, and, therefore, a range of consultation methods have been used. These have included:

- On-line consultation
- Press releases
- Letters/emails to Community Meetings publicity database contacts
- Advert in Leicester Mercury
- Article in the Council's publication, Link
- Dedicated email address: leaderormayor@leicester.gov.uk
- Notification of consultation via Voluntary Action Leicester and Leicester Partnership
- Feed-in of a separate consultation carried out by the Chamber of Commerce
- You Tube video by the Leader
- Focus groups
- Email to Council staff
- Discussion at some Community Meetings held within the period
- Posters in Council buildings

There has also been a live radio debate and phone-in and reports in the local media, including the television.

There will be validation checks of all responses. The on-line responses are validated by postcode and by IP addresses, whereby, excluding large organisations, such as Leicester City Council, addresses with a large number of responses are scrutinised to identify whether they are repeat submissions.

The responses from the consultation will be collated and circulated as an addendum to this report as soon as possible after 6 December 2010, prior to the Council meeting on 9 December 2010.

4.5 **Publication of proposals**

The Council is statutorily required to make the proposals for the new model of governance available to the public and to place a notice in one or more local newspapers (i.e. the Leicester Mercury.)

The proposals must include:

- A timetable with respect to the implementation of the proposals, and
- Details of any transitional arrangements which are necessary for the implementation of the proposals.

In drawing up its proposals the 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.

Copies of the proposals must be made available for inspection by members of the public at all reasonable times, and will be made available in the Customer Service centre

The notice to be placed in the Leicester Mercury should:

- State that the Authority has drawn up the proposals;
- Describe the main features of the proposals;
- State that copies of the document setting out the proposals are available at the Customer Service Centre for inspection by members of the public at such times as may be specified in the notice, and
- Specifies the address of the Customer Service Centre.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1. Financial Implications

There are additional costs associated with the Mayor and Cabinet Executive model in the form of a mayoral election. The cost of the Council election in 2007 was around £183,000 and the costs of a separate election are therefore likely to be similar. However, if the mayoral election took place at the same time as the Council election in 2011, costs for the mayoral election itself would be minimal. A mayoral referendum followed by a mayoral election at a later date would have additional cost implications.

Mark Noble, Chief Finance Officer, x297401

5.2 Legal Implications

The legal implications are covered in the report. In addition:

- The scope of the consultation undertaken between 20th November to 6th December was designed to meet that requirements to “*consult the local government electors for, and other interested persons in, the authority’s area*” [section 33E(6) LGA 2000].
- The consequence of the Council failing to agree proposals would mean that the Council would not comply with the imperative to resolve its governance arrangements by 31.12.10. The Secretary of State would then have the power to order the Council to adopt a Leader and Cabinet Executive model.
- The Decentralisation and Localism Bill is not available at the time of writing. If, as is speculated, it does compel the Council to hold a Mayoral referendum it is unclear what effect such a requirement might have on the Council’s strategy for elections in May 2011. Currently there is nothing to indicate that any plans to hold, nor the outcome of, Mayoral elections in the City in May 2011 would be declared retrospectively unlawful by any Localism Act 2011.
- Following the publication of proposals the public will be entitled to submit any representations to the Council, and Council will consider these at the time of passing its final resolution on 22 December 2010.
- Section 245 of the Local Government Act 1972, as amended, provides that where a Council decides to operate an Elected Mayor and Cabinet Executive, then the “style of Mayor” previously used by the Chairman of the Council shall no longer be used. This means that the current Lord Mayor position would have to be re-titled, for example, “Chairman” if the Elected Mayor adopts the title “Mayor”.

Peter Nicholls, Director of Legal Services x29 6302

5.3 **Climate change implications**

This report does not contain significant climate change implications and therefore should not have a detrimental effect on the Council's climate change targets.

Claire Pipe, Senior Environmental Consultant - Climate Change x 29 6776

6. **OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/NO	Paragraph Within the Report	References
Equal Opportunities	No		
Policy	No		
Sustainable and Environmental	No		
Crime and Disorder	No		
Human Rights Act	No		
Elderly/People on Low Income	No		
Corporate Parenting	No		

7. **BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

Local Government Act 2000

Local Government and Public Involvement in Health Act 2007

Letter to Council Leader from the Rt Honourable Grant Shapps MP, Minister for Housing and Local Government, 7 July 2010

8. **REPORT AUTHOR**

Heather Kent

Democratic Support

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