

Title of Report:	Consultation on the Adoption of the 'Stronger Leader Model'
Report to be considered by:	Council
Date of Meeting:	29 July 2010
Forward Plan Ref:	C2135

Purpose of Report: To outline the changes that are required to be made to the Council's leadership arrangements by implementing a revised governance model in accordance with the Local Government and Public Involvement in Health Act 2007 ('The 2007 Act') and to agree a process for consulting on these changes.

Recommended Action: The following recommendations are made from this report:

- (i) That Council agrees the proposition in this report of the 'Strong Leader Model' as its preferred option to form the basis of the consultation required by the 2007 Act;
- (ii) That Council agrees to proceed to take proportionate steps to consult local government electors and other interested persons on the proposition to implement the 'Strong Leader Model' in West Berkshire (in accordance with s.33(G)(6) of the 2007 Act);
- (iii) That any representations received in the course of the consultation in (ii) above be considered when the proposed changes to the Constitution are drawn up, and that these changes be advertised to the public before they are presented to Council for adoption on 9th December 2010.

Reason for decision to be taken: Councils operating a Leader and Cabinet model of Executive are required to change its governance arrangements in accordance with a statutory timetable laid down by the 2007 Act.

Other options considered: A variety of consultation methods were considered.

Key background documentation: Local Government Act 2000
Local Government & Public Involvement in Health Act 2007
Council Minutes & Report from meeting on the 14th July 2001
West Berkshire Council's Constitution
The Coalition Programme for Government, 20th May 2010

Letter from the Minister for Housing and Local
Government dated 07 July 2010

The proposals will also help achieve the following Council Plan Themes:

- CPT14 - Effective People**
- CPT15 - Putting Customers First**
- CPT16 - Excellent Performance Management**

The proposals contained in this report will help to achieve the above Council Plan Priorities and Themes by:

increasing the term of appointment of the Leader of Council from one to four years, strengthening the governance model already in place.

Portfolio Member Details

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Date Portfolio Member agreed report:	E-mailed Graham Jones on 25 th June 2010

Contact Officer Details

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Implications

Policy:	The revised governance model changes the Council's existing policy surrounding the appointment of the Executive and Leader of Council, with particular regard to the length of time the Leader of Council is appointed for.
Financial:	The consultation measures agreed by Council will be met from within existing resources and budgets.
Personnel:	N/a
Legal/Procurement:	Requires amendments to the Council's Constitution.
Property:	N/a
Risk Management:	N/a
Equalities Impact Assessment:	N/a.
Corporate Board's Recommendation:	Model which was in use at present

Is this item subject to call-in?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input checked="" type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Commission or associated	<input type="checkbox"/>	
Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary

1. Introduction

- 1.1 This report details a proposal to move from West Berkshire Council's current Leader and Cabinet governance model to the Strong Leader Model as necessitated by the 2007 Act.
- 1.2 There is little practical difference between the current and proposed arrangements, except the term that the Leader of Council is appointed for is extended from one to four years, that the Leader then assumes full responsibility for appointing a Cabinet (Executive) and distributing portfolios. The Deputy Leader is also appointed by the Leader and ceases to be Deputy Leader when the Leader ceases to be Leader.
- 1.3 Previous work completed on governance models had discounted the Elected Mayor and Cabinet model and this work has been taken into account in this report's proposal to move to the Strong Leader Model.

2. Proposals

2.1 It is recommended that:

- (1) That Council agrees the proposition in this report of the 'Strong Leader Model' as its preferred option to form the basis of the consultation required by the 2007 Act;
- (2) That Council agrees to proceed to take reasonable steps to consult local government electors and other interested persons as outlined in paragraph 2.3. in the main body of the report on the proposition to implement the 'Strong Leader Model' in West Berkshire (in accordance with s.33(G)(6) of the 2007 Act); and
- (3) That any representations received in the course of the consultation be considered when the proposed changes to the Constitution are drawn up, and that these changes be advertised to the public before they are presented to Council for adoption at the meeting to be held on 9th December 2010.

3. Conclusion

- 3.1 Members are asked to approve the proposals outlined in this report to enable the Council to be in position to adopt the new governance model by the end of 2010.

Executive Report

1. Introduction

1.1 Following the Local Government Act 2000, West Berkshire Council adopted the Leader and Cabinet Model of governance at the meeting of Full Council held on 14th July 2001. The Leader and Cabinet Model replaced the old Committee System previously operated by the Council. The Leader and Cabinet Model features:-

- (1) The annual election of a Leader of the Council
- (2) The appointment of Members of the Executive by Full Council.

1.2 The Local Government Act 2000 was amended by the 2007 Act. The amendments set down a statutory timetable for all councils to pass a resolution to adopt one of the two new governance arrangements. In the case of district councils, such as West Berkshire, this timetable dictates that a resolution must be passed by 31st December 2010.

1.3 The two new arrangements can be summarised as follows:-

- (1) An elected Mayor and Cabinet
- (2) A Leader and Cabinet model which differs from the existing arrangements in three ways:
 - (i) The Leader is appointed for a four year term by Council (or for the remainder of his/her term as a councillor, if this expires first. Full Council may adopt provisions to allow the Leader to be removed by resolution).
 - (ii) After Full Council has appointed the Leader, the Leader has full responsibility for appointing Members to the Cabinet and distributing their portfolios.
 - (iii) A Deputy Leader of Council must be formally appointed by the Leader, who must cease to be Deputy Leader when the Leader ceases to be Leader, instead of stepping up to deputise in times that the Leader's position falls vacant.

1.4 The revised Leader and Cabinet Model described in 1.5(2) above is colloquially known as the 'Strong Leader Model' and this phrase is used throughout this report.

1.5 The governance arrangements were first discussed by the New Structures Task Group on 11th July 2001, which fed into the old Policy & Resources Committee at the time of the original move away from the committee system. The elected Mayor and Cabinet model was then discounted in favour of the Leader and Cabinet model, the task group having taken account of all responses received in the public consultation undertaken.

- 1.6 The recommendations presented to Full Council on 14th June 2001 read “The [New Structures] Task Group had subsequently recommended that Council: adopt the Leader with Cabinet form of executive arrangements under Section 29 of the Local Government Act 2000, having taken account of all the responses received from the public consultation and the requirement to secure continuous improvement; agree that the information in the report regarding consultation be submitted to the Secretary of State as required by the Local Government Act 2000 (Proposals for Executive arrangements) (England) Direction 2000, together with the description of the executive arrangements as set out in the draft Constitution; agree that the new Executive arrangements be introduced from 2nd September 2001..... RESOLVED that the recommendations of the New Structures Task Group, as set out above, be adopted”.
- 1.7 On the basis of this resolution and the extensive work previously done on the suitability of these governance arrangements in West Berkshire, the proposal is to move forward with consultation on the Strong Leader Model in this report. It is not proposed to re-include any consultation on the Elected Mayor and Cabinet Model.

2. The Way Forward

- 2.1 There was unfortunately very little guidance published by the then Government on the level and type of consultation that councils should undertake when moving between governance arrangements. There is however a legal requirement to undertake some form of consultation on this issue.
- 2.2 A letter received by the Leader of the Council dated the 07 July 2010 from the Minister for Housing and Local Government states that ‘I wish to highlight the Government’s view that councils need not incur any significant expenditure on these, and our expectation in today’s circumstances is that all councils will pursue this at minimal cost’. The letter also goes on to state that it is Government’s intention to repeal this legislation and reiterated the Government’s commitment to allow councils to return to the Committee System should they wish to. It also states that it will remove the need to elect a leader for four years. This may mean that any governance arrangements adopted by the Council by May 2011 may be amended again within a year or so.
- 2.3 It is therefore proposed that the level of consultation undertaken on this issue be proportionate to the degree of change that the move between the two governance models necessitates. With that in mind, the following consultation is proposed in West Berkshire;
- (1) Consultation with all District Councillors;
 - (2) Consultation with the West Berkshire Partnership;
 - (3) Consultation with all Town and Parish Councillors;
 - (4) Notices on the Council’s website (posted on Consultation Finder); and
 - (5) An article in the West Berkshire Partnership Magazine and in staff magazine ‘Reporter’;
- 2.4 If Members elect to undertake public consultation it will need to subscribe to the good practice outlined in the Council’s Consultation Policy. The consultation will

clarify the purpose of the consultation and provide the right level of information to allow people to make an informed choice. The following information will therefore be included in the consultation:

A Strong Leader Model	
Pros	Cons
Closest fit with existing arrangements	No direct mandate from the electorate to the Leadership
No reason to change a system which works	
No additional expenditure and a minimum of change	
Full Council can retain the right to remove the Leader	

3. Recommendations

3.1 It is recommended that:

- (1) That Council agrees the proposition in this report of the 'Strong Leader Model' as its preferred option to form the basis of the consultation required by the 2007 Act;
- (2) That Council agrees to proceed to take reasonable steps to consult local government electors and other interested persons as outlined in paragraph 2.3. above on the proposition to implement the 'Strong Leader Model' in West Berkshire (in accordance with s.33(G)(6) of the 2007 Act); and
- (3) That any representations received in the course of the consultation in 3.1(2) above be considered when the proposed changes to the Constitution are drawn up, and that these changes be advertised to the public before they are presented to Council for adoption at the meeting to be held on 9th December 2010.

Appendices

There are no Appendices to this report.

Consultees

Local Stakeholders: To be consulted in accordance with paragraph 2.4 of this report.

Officers Consulted: Moira Fraser, Andy Day, Corporate Board

Trade Union: N/a