

REPORT TO: Executive Board

DATE: 5 March 2009

REPORTING OFFICER: Strategic Director Corporate and Policy

SUBJECT: Council Internal Governance – Government Consultation Paper on Mayors and Indirectly Elected Leaders

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To consider the way forward for the Council's internal Governance arrangements in light of the Government's latest Consultation document.

2.0 RECOMMENDATION:

(1) That the Council notes the Consultation Paper and defers a decision on consultation and on the choice between the two models for internal governance until the Government has published the final version of its guidance; and

(2) that the Strategic Director Corporate and Policy be authorised to determine the Council's response to the Consultation paper on the basis set out at paragraph 3.10

3.0 SUPPORTING INFORMATION

Internal Governance – Two new models

3.1 On 30 December 2007 section 64 and Schedule 4 the Local Government and Public Involvement in Health Act 2007 came into force. This inserts new provisions into the Local Government Act 2000. These compel Councils to adopt one of two new governance models. In Halton's case this decision must be taken by no later than 31 December 2010.

3.2 The two new governance models are (1) New-style Leader and cabinet executive OR (2) Mayor and cabinet executive. *No change* is not an option. Only these two models are now allowed.

3.3 The key features of these new models are:-

3.3 (1) **New style leader and cabinet executive** - The executive comprises a councillor elected as leader by the Council, and two or more councillors of the authority appointed to the executive by the executive leader. If the whole Council is elected every four years, the leader holds office until the annual meeting after the next elections. If the Council is elected by

halves or thirds, the Leader holds office until his or her term of office as a councillor expires. The constitution may allow the Council to remove a leader from office prematurely. These differ from the present "old style" arrangements in that there is no annual election of a leader (unless he or she is removed from office), and the leader must select and appoint the members of the executive and allocate delegated powers, not the Council.

- 3.3 (2) **Mayor and cabinet executive** - The executive comprises a directly elected mayor who appoints two or more councillors to the executive. The mayor holds office for four years. He or she appoints the members of the executive and allocates delegated powers.
- 3.4 The maximum number of members that an executive may have remains 10.
- 3.5 The decision on which of the two models to adopt is subject to various procedural, notice and consultative requirements. It could be taken at any time from 30 December 2007 to 31 December 2010 and no later although the absence - as things stand - of the now expected statutory guidance is unhelpful. It provides a measure of risk if decisions are taken in advance of the issue of the guidance.
- 3.6 The Council has to take reasonable steps to consult electors, and other interested persons in its area, over the choice between the two models then draw up proposals, including a timetable. In drawing up the proposals, the Council must consider the extent to which they 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.
- 3.7 **Outline provisional timetable – Internal Governance (assuming final government guidance issued May 2009):-**
- September 2009 - All Member - consideration.
 - December 2009 – Report to Executive seeking approval of public consultation document and process
 - January 2010-March 2010 – Public Consultation on options.
 - March 2010 – consider outcome of consultation, officers draw report
 - April 2010 – Full Council – CX having identified which of two options is favoured following consultation submits report via Executive moving to new model. Council passes resolution.
 - May 2010 new internal governance arrangements take effect.

Guidance and Decisions

- 3.8 The Council must have regard to any guidance to be issued by the Secretary of State. As yet no such guidance has been published. While a decision could legally be taken without such guidance it is recommended, in the interests of prudent government, that a decision on the model and consultation about the decision is not taken until the

guidance has been issued. There is a risk that a decision taken or consultation undertaken before such guidance exists would have to be rescinded and the process restarted. No doubt the consultation process will need to have regard to the Government's Code of Practice on Consultation and the council's own public consultation strategy but the government's guidance may include special features associated with the choice between the two models.

3.9 In December 2008 the Government published a consultation paper on Changing Council Governance Arrangements- Mayors and Indirectly Elected Leaders. It is important to bear in mind that this NOT the guidance itself. It is consultation **about** the Guidance.

3.10 The consultation paper sets out seven consultation questions to which the Council may choose to respond and the deadline for responses is 13 March 2009:-

Question	Proposed Halton Response
<p>Q1 Should we remove the special requirements that a proposal to move from a mayor and cabinet executive must include a statement setting out the arguments for and against the change and the council's reasons for wanting to make that change?</p>	<p>No. It seems entirely appropriate that a rationale for change should be required from those proposing the change.</p>
<p>Q2 Do you agree with the proposal that the moratorium period should be reduced from ten years to four years where a governance referendum does not result in a change?</p>	<p>No the moratorium period should be retained at ten years. In the interests of stable governmental arrangement.</p>
<p>Q3 Should the threshold for a petition to trigger a governance referendum be reduced across the board? If yes, to what level should the threshold be reduced, bearing in mind the considerations about the balance between the practicalities of collecting signatures and the demonstration of a significant level of interest in change.</p>	<p>The threshold should be retained at current level. It certainly should not be reduced. There should be a requirement for a substantial number of signatures before the costs associated with testing the electorate are incurred.</p>

- Q4** Should numerical thresholds be set? If so, what should the basis and bands for these thresholds be? No
- Q5** Should the threshold be a percentage, but subject to certain minimum and maximum numerical thresholds? What should those percentage and numerical thresholds be? Yes - adhere to present threshold.
- Q6** Do you agree that a traditional no paper based petition calling for a governance referendum may be supplemented, if the petition organiser so wishes, by e-petitioning? No
- Q7** Do you agree that e-petitioning for a governance referendum must be through a secure e-petitioning facility provided by the council concerned? E petitioning is not supported

4.0 POLICY IMPLICATIONS

4.1 There are none

5.0 OTHER IMPLICATIONS

5.1 None

6.0 POLICY IMPLICATIONS

6.1 None

7.0 OTHER IMPLICATIONS

7.1 None

8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

8.1 None

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

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