

ROTHERHAM BOROUGH COUNCIL

COUNCIL SUMMONS

Notice is hereby given that a meeting of the Council of the Borough of Rotherham will be held at the Town Hall, Rotherham, on Wednesday, 22nd July, 2009 at 2.00 p.m.

A G E N D A

1. To submit for approval the minutes of the Council Meeting held on 15th May, 2009 - Pages 1A to 8A (Section A)
2. To consider any communication received by the Mayor or the Chief Executive and to pass a resolution or resolutions thereon.
3. To consider any questions from the Public.
4. To receive and consider reports, minutes and recommendations of the Standards Committee - Pages 1B to 6B (Section B)
5. To receive a report from the Leader and to consider reports, minutes and recommendations of the Cabinet - Pages 1C to 33C (Section C) including the following recommendations to Council :-
 - Housing Rent Increase 2009/10 (Minute No. C21) (Pages 15C/16C)
 - Parish Review/Community Governance Review (Minute No. C31) (Pages 22C/23C)
 - Delegation of Powers – Revenues (Minute No. C32) (Pages 23C/24C)
 - Ex-Gratia Payments (Minute No. C36) (Page 26C)
 - Revenue and Capital Outturn 2008/09 (Minute No. C38) (Pages 27C-29C)
 - Credit Crunch Funding (Minute No. C43) (Pages 31C/32C)
6. To consider the following reports of meetings of Cabinet Members:-
 - Children and Young People – Pages 1D to 25D (Section D)
 - Community Development and Engagement – Pages 1E to 6E (Section E)
 - Cultural Services and Sport – Pages 1F to 4F (Section F)

Economic Development, Planning and Transportation – Pages 1G to 37G (Section G)

Health and Social Care – Pages 1H to 30H (Section H)

Housing and Neighbourhoods – Pages 1J to 16J (Section J)

Resources – Pages 1K to 9K (Section K)

Streetpride– Pages 1L to 6L (Section L)

Economic Development, Planning and Transportation and Streetpride – Pages 1M to 12M (Section M)

Deputy Leader – Pages 1N to 4N (Section N)

7. To receive and consider reports, minutes and recommendations of the Audit Committee - Pages 1P to 15P (Section P)
8. To receive and consider reports and minutes of the Licensing Board - Pages 1Q to 5Q (Section Q)
9. To receive and consider reports and minutes of the Planning Board - Pages 1T to 50T (Section T)
10. To put questions, if any, to Cabinet Members and Chairmen (or their representatives) under Standing Order No. 7(1) and 7(3).
11. To put questions, if any, to the designated Members on the discharge of functions of the South Yorkshire Police Authority, South Yorkshire Fire and Rescue Authority, South Yorkshire Integrated Transport Authority and South Yorkshire Pensions Authority, in accordance with Standing Order No. 7(5).
12. Audit Committee Annual Report 2008/09 (copy attached) (Pages 1 - 14)
13. Standards Committee - Allowances for Co-opted Members (report attached) (Pages 15 - 17)
14. Appointment of Chief Executive - Leader to report
15. Appointment of Returning Officer (report attached) (Pages 18 - 20)

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Council Meeting
2.	Date:	22nd July 2009
3.	Title:	Audit Committee Annual Report 2008/09
4.	Directorate:	Financial Services

5. Summary

This report refers to and contains at Appendix A, the Audit Committee Annual Report 2008/09.

6. Recommendations

The Audit Committee is asked:

- **To approve the attached annual report for the year 2008/09**
- **To endorse the presentation of the report by the Chair of the Audit Committee to the next appropriate Cabinet and Council Meetings**

7. Proposals and Details

The Audit Committee's Terms of Reference and best practice as contained in the CIPFA, IPF document "A Toolkit for Local Authority Audit Committees" require the Audit Committee to complete an annual report.

A copy of a draft annual report is attached at Appendix A. It shows key information relating to the Committee, its achievements during the year and key targets for 2009/10.

The Audit Committee has previously been commended by the external auditor and the annual report shows that it has successfully fulfilled its terms of reference and has improved the Council's governance and control environments.

It is proposed that the report is agreed by the Audit Committee and that the Annual Report is then presented to the next appropriate Cabinet and Council meetings by the Chair of the Audit Committee.

8. Finance

There are no direct financial implications.

9. Risks and Uncertainties

The Council achieved a maximum 4 score for its Use of Resources in 2008 having previously received a commendation for its Audit Committee in 2007. The preparation of an Annual Report is in line with best practice and will help the Council to achieve a positive Use of Resources score in 2009.

10. Policy and Performance Agenda Implications

Good Governance is wholly related to the achievement of the objectives in the Council's Corporate Plan.

11. Background Papers and Consultation

Corporate Management Team, 18 May 2009

"A Toolkit for Local Authority Audit Committees", CIPFA, IPF, 2006

Contact Names:

C. Earl, Director of Internal Audit & Governance, x2033

Appendices:

Appendix A

Audit Committee Annual Report 2008/09

AUDIT COMMITTEE

ANNUAL REPORT 2008/09

Councillor A Sangster, Chair
Councillor B Kaye, Vice-Chair



Learning

Achieving

Alive

Safe

Proud

FOREWORD BY THE CHAIR OF THE AUDIT COMMITTEE

I am pleased to present this 3rd Annual Report of the Audit Committee, which shows how the Committee has again successfully fulfilled its terms of reference and continues to make a positive contribution to the Council's governance and control environments.

The Audit Committee contributed significantly to the Council's rating of 4 out of 4 on its Use of Resources assessment for a third successive year; firstly by having its own arrangements that comply with good practice and secondly by overseeing many other arrangements that are reflected in the assessment.

The environment in which the Audit Committee, Rotherham Council and local government in general operate is changing perceptibly. We will work increasingly with our public, private and voluntary sector partners to provide the services that the Public expects. This will require much greater emphasis on partnership working and has significant implications for our risks. Governance arrangements need to be more flexible and yet stronger to ensure we can effectively mitigate the risks.

We have already held meetings with Rotherham Council's Standards Committee and with the Chair of the NHS Rotherham's Audit Committee to discuss areas of mutual interest and we will continue with and extend these in 2009/10. We have also continued to make a substantial contribution at the sub-regional level, supporting events held by partners of the South Yorkshire and Wakefield Audit Committee Forum including looking collectively at best practice in 'The Role of Audit Committees' and 'Managing the Risk of Fraud'.

From this year there will be greater emphasis on demonstrating the positive outcomes we achieve from our services and our investments and rightly so, since we should be capable of continuously improving services and be accountable for doing so. The Audit Committee has a significant role in helping the Council to achieve its ambitious targets.



***Councillor Alex Sangster
Chair, Audit Committee 2008/09***

For 2009/10 we will set ourselves some significant challenges, and we are confident we will be successful. The Audit Committee will:

- Host a joint event with representatives from the NHS, Police, Fire and other partners to explore partnership issues, the Comprehensive Area Assessment and the Use of Resources (UOR)
- Continue to drive up standards to meet the demanding requirements of the new UOR assessment
- Continue to support the improvement of standards across all relevant organisations at a sub-region level, specifically by hosting an Autumn conference

AUDIT COMMITTEE: ANNUAL REPORT 2008/09

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INTRODUCTION

This is the third annual report produced by Rotherham MBC's Audit Committee. It is produced in accordance with latest best practice ^{*1} and shows that the Council is committed to working as an exemplar organisation, operating the highest standards of governance.

This report shows how the Audit Committee has successfully fulfilled its terms of reference and has improved the Council's governance and control environments.

SOME KEY INFORMATION

Audit Committee Membership

The Audit Committee has 5 Members:

Councillor Alex Sangster	-	Chair
Councillor Barry Kaye	-	Vice-Chair
Councillor Michael Clarke		
Councillor Neil License		
Councillor Shelia Walker		

In addition, as Deputy Leader and Cabinet Member for Finance, Councillor Terry Sharman is invited to attend Audit Committee meetings. There is strong officer support to the Audit Committee, through the regular attendance of the Strategic Director of Finance, the Assistant Chief Executive (Legal Services), the Director of Central Finance and the Director of Internal Audit & Governance. Other officers attend as and when appropriate, including the Chief Executive, the Assistant Chief Executive (Performance & Quality), Financial Services staff and other Directorates' staff.

Meetings and attendance

The Audit Committee meets normally on the penultimate Wednesday of each month. There have been 10 meetings between May 2008 and April 2009 (no meetings were held in July and August 2008). Attendance was 83% ^{*2}

¹ Best practice as contained in the CIPFA, IPF document "A Toolkit for Local Authority Audit Committees"

² excluding Councillor Walker who has had a long term incapacity

Key features of the Audit Committee and its operation

Comparison against best practice standards illustrates our strength.

Best Practice Standard	Expectation	Met?	Comment
Independence	Independent from the executive and scrutiny	√	The Committee reports to the Council
Number of Members	3-5	√	The Committee has 5 Members
Number of meetings	Aligned to business needs	√	The frequency of meetings enables all business to be considered in a timely manner
Co-option	To be considered relative to skills	√	Training is provided to increase Members' skills
Terms of Reference	Accord with suggested best practice	√	The Committee has adopted the model ToR
Skills and training	Members have sufficient skills for the job	√	General and, through the PDR process, specific training is provided to increase Members' skills

CORE ACTIVITY 2008/09

Terms of Reference

The Audit Committee's current terms of reference cover 6 main areas and are copied at Appendix 1 to this annual report. The Committee's work and outcomes in each of its areas of responsibility are summarised in the following sub-sections.

Internal Audit

The Audit Committee:

- Approved the Chief Auditor's audit plan
- Considered quarterly reports produced this year by the Chief Auditor, highlighting internal audit work completed in the quarter, internal audit performance against key indicators, management's response to recommendations and any significant issues arising during the period
- Considered the Chief Auditor's annual report and opinion on the Council's control environment
- Considered the review of effectiveness of the system of internal audit
- Ensured internal and external audit plans were complementary and provided optimum use of the total audit resource.

We continue to provide support to the Internal Audit service to ensure management is responsive to recommendations made and agreed.

External Audit

The Audit Committee:

- Considered the external auditor's audit plan
- Considered progress against the plan presented by the external auditor
- Received and considered all external audit and inspection reports issued in the year and considered management's response to them, ensuring robust and thorough responses
- Reviewed the Council's progress on all external audit and inspection recommendations on a quarterly basis and asked managers to explain progress, thereby holding them to account.

Risk Management

The Audit Committee:

- Received and considered quarterly reports on the corporate risk register
- Received reports on specific risks highlighted in the corporate risk register, for example on the 'Yes' Project
- Received feedback from the Corporate Governance Group which has considered risk issues in more detail.

Internal Control and Governance

The Audit Committee:

- Agreed the Council's Annual Governance Statement and action plans to improve identified weaknesses
- Considered and supported changes to the action plan required to address amendments to the 2008 Use of Resources criteria
- Considered and supported changes to the Official Code of Conduct
- Considered and supported amendments to Financial Regulations.

Accounts

The Audit Committee:

- Agreed the annual statement of accounts
- Received and considered the external auditor's report on the accounts, and ensured that the Council is responding to the auditor's comments
- Agreed the Council's accounting policies
- Considered the Council's treasury management policy and prudential indicators
- Considered the implications of changes to the Code of Practice for Local Authority Accounts.

Specific Issues

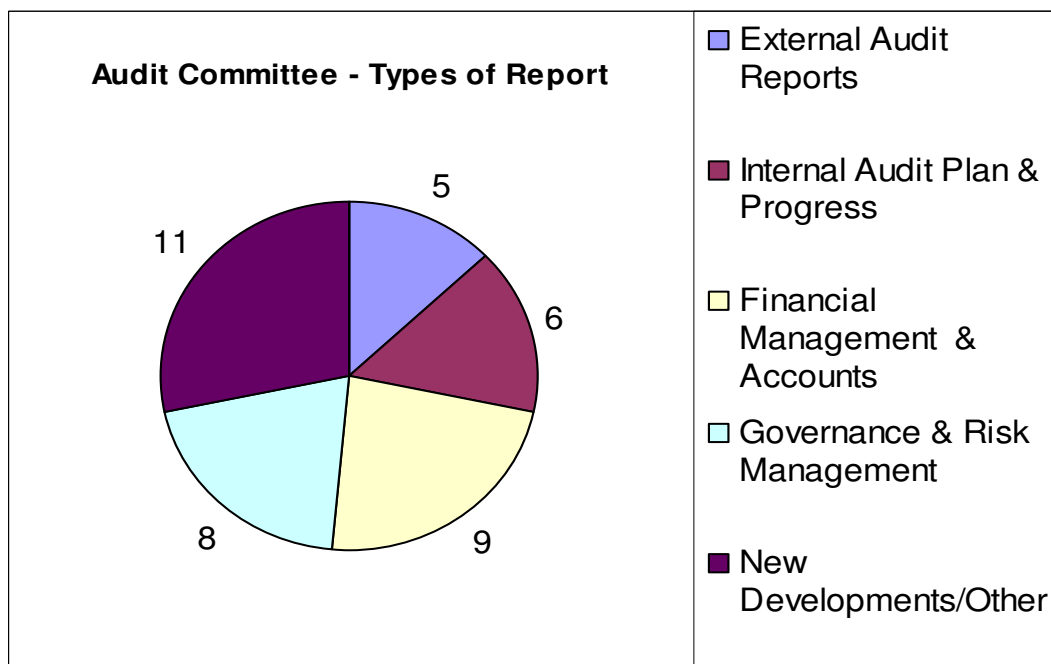
The Audit Committee also considered reports on the following specific issues which arose in the period:-

- Customer Satisfaction (Place Survey)
- ‘Credit Crunch’
- Health Inequalities
- Icelandic banking crisis
- Partnerships’ Governance
- 2010 Rotherham Ltd
- Waste Inspection

To give a flavour of our business during the year, the following shows the types and numbers of reports considered between May 2008 and April 2009:

Numbers and types of reports considered by the Audit Committee

The Audit Committee covered a wide range of business



OTHER ACTIVITIES

As part of our ongoing commitment to identifying and sharing good practice we have continued to support events in the sub-region during 2008/09.

Further events took place:

- June 2008 (Doncaster MBC) - The purpose and role of the Audit Committee

- January 2009 (Wakefield MDC) - Presentations by both the Audit Commission and Price Waterhouse Coopers on Risk, Fraud and responsibilities of an Audit Committee.

Going forward in to 2009/10 two further seminars are planned:-

- July 2009 – to be hosted by Sheffield City Council on the Comprehensive Area Assessment, Use of Resources and Partnerships' Governance.
- Spring 2010 – to be hosted by Barnsley MBC covering internal control and governance

We can be pleased that Rotherham set up this forum in December 2006 and that it has developed successfully since then. To mark its further maturity, Rotherham will be hosting the first annual conference of the group in November 2009, when we will look at the skills required for Audit Committees and their Members.

OUTCOMES

Our main focus is on adding value through our activity. By concentrating on outcomes we can identify the benefits of our work. Our achievements this year are:

- The Audit Committee oversaw and contributed to work leading to the maintenance of the maximum level 4 assessment by the external auditor under their Use of Resources judgement
- In particular, we were responsible for risk management and audit committee arrangements which were considered as 'notable practice' by the external auditor
- Oversight work on the statement of accounts which received a clean opinion from the external auditor
- Learnt from others, shared our good practice and facilitated shared learning activity
- Encouraged and presided over a strengthening control environment, specifically by overseeing reviews of Financial Regulations, the Local Code of Corporate Governance, Ethical Standards and Partnerships' Governance

In addition, individual Members and the Audit Committee collectively continued to develop and learn about our roles, and deliver these roles effectively.

PLANS FOR 2009/10

We want to continue to develop and build on our current status. For 2009/10 we will:

- Continue to drive up standards to meet the demanding requirements of the new UOR assessment
- Continue to review all governance arrangements to ensure the Council adopts the very latest best practice
- Have a particular focus on developing partnerships' governance arrangements
- Continue to support the work of Internal and External Audit and ensure appropriate responses are given to their recommendations
- Ensure we maintain our standards in relation to the production of accounts and monitor the implementation of International Financial Reporting Standards
- Closely monitor the economy and review and support officers' Treasury Management proposals
- Continue to support the improvement of standards across all relevant organisations at a sub-region level, specifically by hosting an Autumn conference
- Host a joint event with representatives from the NHS, Police, Fire and other partners to explore partnership issues, the Comprehensive Area Assessment and the Use of Resources
- Continue to work closely with our Standards Committee colleagues and NHS Rotherham Audit Committee members
- Equip existing and any new Members to fulfil our responsibilities by providing refresher training on finance and risk management.

During 2008/09 we have consolidated the progress we made in previous years, and going forward we look to continue to be a champion of good governance both a local and sub-regional level.

Councillors Alex Sangster (Chair) and Barry Kaye (Vice-Chair)

Rotherham MBC Audit Committee

May 2009

Audit Committee

Statement of Purpose

To provide independent assurance of the adequacy of the audit and risk management frameworks and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.

Terms of Reference

Internal Audit

To approve (but not direct) the internal audit manager's proposed strategy plan and performance and ensure that this gives an adequate level of assurance over the Council's main risks.

To consider summaries of specific internal audit reports as requested and seek assurance that action has been taken where necessary.

To consider reports from the internal audit manager on agreed recommendations not implemented within a reasonable timescale.

To consider reports dealing with the management and performance of the internal audit service.

To consider the internal audit manager's annual report and opinion.

To ensure that there are effective relationships between internal and external audit, inspection agencies and other relevant bodies.

External Audit

To consider and comment upon the external audit plan.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To consider specific reports as agreed with the external auditor.

To consider the adequacy of management response to external audit advice, recommendations and action plans.

To consider issues arising from the external auditor's annual management letter prior to its submission to the full council.

To commission work from internal and external audit.

To liaise with the Audit Commission over the appointment of the Council's external auditor.

To provide feedback to the external auditor upon external audit performance.

Risk management

Consider the effectiveness of the Council's risk management arrangements and control environment.

Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.

Review the robustness of risk registers.

Internal control arrangements and Corporate Governance

To consider and review the statement of internal control prior to recommending it to the full Council.

Be satisfied that the Council's assurance statements including the Statement of Internal Control properly reflect the risk environment and any actions required to improve it.

Review the procedures followed in compiling the Statement of Internal Control and supporting documentation to determine the robustness of the evidence and assurances upon which the statement is based.

Consider and monitor action plans for addressing any significant internal control weaknesses disclosed.

To consider the Council's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice.

To maintain an overview of financial regulations and contract procedure rules.

To review and consider the adequacy of the Council's anti-fraud and corruption policy and to monitor its effectiveness throughout the Council.

To review and consider the statement of internal control prior to recommending.

Accounts

To consider and review the annual statement of accounts prior to recommending it to the full Council.

To consider the external auditors SAS610 report on the audit of the annual financial statement prior to recommending the audited statement of accounts to the full Council.

To consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statement or from the audit.

General

To review any issue referred by the Council, a Council body, the Chief Executive, an Executive Director, the Section 151 Officer or the Monitoring Officer.

To submit for consideration by the full council an annual report as to the work of the committee at the end of each financial year.

To liaise with the Audit Committees of 2010 Rotherham Limited, other partner organisations and other South Yorkshire authorities over the mutual exchange of views, good practice and approaches to issues of common concern.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Council
2.	Date:	22nd July, 2009
3.	Title:	Members' Allowances Scheme – Co-opted Members on the Standards Committee
4.	Directorate:	Chief Executive's Directorate

5. Summary

The attached report from the Independent Remuneration Panel recommends the payment of allowances to the Independent Members and Parish Council representatives on the Council's Standards Committee.

6. Recommendations

- (1) That Co-optees' Allowance of £1,000 per annum be paid to the Independent Members and Parish Council representatives on the Standards Committee.**
- (2) That additional Co-optees' allowances of £2,500 and £1,500 be payable respectively to the Chairman and Vice-Chairman of the Standards Committee.**
- (3) That the Council's Members' Allowances Scheme be amended accordingly.**

7. Proposals and Details

The Council is required regularly to review its Members' Allowances Scheme and is advised by an Independent Remuneration Panel. The Panel may recommend payments for those who serve Committees or Sub-Committees of an authority, but are not Members of the authority. The Panel may also make a recommendation as to the level of any such allowances. Some element of the contribution made by Co-opted Members should be voluntary. However, consideration should be given to the need to encourage non-Councillors to give their services to local government and to ensure that Co-optees are not financially disadvantaged by their civic activity.

The Independent Remuneration Panel has recently considered whether to pay allowances to the Independent Members and Parish Council representatives on the Council's Standards Committee. This follows an increase in the work of the Committee over the last year, as a result of the assumption of responsibility for the initial assessment of all allegations that Members of the Borough Council, or Town and Parish Councils within the Borough have failed to comply with the Code of Conduct. A copy of the Panel's report and recommendations is attached.

The Panel has recommended an annual allowance of £1,000 for the eight Independent Members and three Parish Council representatives on the Standards Committee.

The Panel also recommended that a further £4,000 be allocated in respect of the responsibilities of chairing the Standards Committee and the Assessment, Review and Consideration and Hearing Panels of the Committee. It is suggested that this be allocated as to £2,500 to the Chairman and £1,500 to the Vice-Chairman.

Payments should take effect from 1st August 2009.

8. Finance

There will be a full year cost to the proposals of £15,000 and a cost in the current financial year of £10,000. The Strategic Director of Finance considers that this cost can be contained within the Democratic Representation budget, subject to careful monitoring.

9. Risks and Uncertainties

The Council last year increased the number of Independent Members on the Standards Committee from six to eight, in order better to deal with the Committee's additional responsibilities. Expressions of interest in being Independent Members are obtained through public advertisement. It has in the past proved difficult to attract sufficient expressions of interest from candidates with the necessary qualities, although this was not a problem during the last recruitment exercise in October 2008. The payment of an allowance to Independent Members may assist with future recruitment.

10. Policy and Performance Agenda Implications

The appointment of Independent Members and Parish Council representatives to the Standards Committee is a statutory requirement. The changes to the Committee's responsibilities which came into effect last year meant that the number of Parish Council representatives on the Committee was increased from one to three. At the same time, the number of Independent Members was increased from six to eight, in line with the Council's policy that the Independent Members should comprise a majority of the Committee as a whole.

11. Background Papers and Consultation

Report of the Independent Remuneration Panel attached.

Contact Name :

*T. C. Mumford, Assistant Chief Executive (Legal and Democratic Services).
Extension 3502. e-mail: tim.mumford@rotherham.gov.uk*

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Council
2.	Date:	22nd July 2009
3.	Title:	Appointment of Returning Officer
4.	Directorate:	Chief Executive

5. Summary

The report advises members of the requirement to ensure that a continuing returning officer appointment for elections and registration officer appointment for electoral registration is in place at the retirement of the existing appointee, M H Cuff, Chief Executive Officer.

6. Recommendations

Members are asked to:

- 6.1 Appoint the new Chief Executive Officer as Returning Officer for all local government elections from the date he takes up appointment as Chief Executive.**
- 6.2 Appoint the Assistant Chief Executive (Legal & Democratic Services) interim Returning Officer for local government elections held during any interval between the departure of the present Chief Executive and the commencement of his successor.**
- 6.3 Note the existing appointment of the Assistant Chief Executive (Legal & Democratic Services) as Deputy Registration Officer.**

7. Proposals and Details

Section 35 of the Representation of the People Act 1983 requires every district council to appoint an officer as returning officer for elections of district or parish councillors. The returning officer may then appoint one or more persons as deputy returning officer(s).

Section 8 of the Representation of the People Act 1983 requires every district council to appoint an officer to be registration officer for any constituency or part of a constituency in the area of the council. It also provides for the duties and powers of the registration officer to be carried out by a deputy approved by the council.

Section 28 of the Representation of the People Act 1983 provides for the registration officer to act as returning officer at parliamentary elections and allows him or her to appoint deputies.

With the departure of the existing Returning Officer, the appointments of Deputy Returning Officer held by the Assistant Chief Executive (Legal & Democratic Services) and the Chief Elections & Electoral Registration Officer will be invalidated. Consequently, elections could not be legally conducted. It is necessary to ensure that the new incumbent is appointed Returning Officer immediately upon take up of appointment as Chief Executive.

Should there be an interval between the departure and commencement dates, an interim Returning Officer should be appointed in case of any by-elections taking place during the intervening period.

If a parliamentary election were called in the interim, the deputy Registration Officer would undertake the duties of the Returning Officer. The Assistant Chief Executive (Legal & Democratic Services) is already approved as Deputy Registration Officer and as approval is the prerogative of the council, the appointment is not invalidated when the Registration Officer ceases to be appointed on his retirement.

8. Finance

There are no additional financial implications.

9. Risks and Uncertainties

Elections are conducted by the Returning Officer who has a personal responsibility in law. If no valid Returning Officer appointment were in place, elections could not take place and the council would be in breach of the law and voters could be disenfranchised.

10. Background Papers and Consultation

The Representation of the People Act 1983

Contact Name:

Mags Evers, Chief Elections and Electoral Registration Officer,
tel ext: 3521, e-mail mags.evers@rotherham.gov.uk

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Council Meeting
2.	Date:	22nd July, 2009
3.	Title:	Local Government & Public Involvement in Health Act 2007 – Executive Arrangements
4.	Directorate:	Chief Executive's

5. Summary

The Local Government & Public Involvement in Health Act 2007 (c. 28) makes new provisions for the Executive Arrangements for local authorities, and requires that the Council must now consult on either an Elected Mayor and Cabinet, or “Strong” Leader and Cabinet model, to be brought into effect in May 2010.

This report provides for members to determine the preferred model for consultation and the consultation arrangements.

6. Recommendations

That the Council:-

- a) **Determine the preferred model for consultation;**
- b) **Note that the consultation will be undertaken in accordance with the Council's Consultation and Community Involvement Framework;**
- c) **Agree that the proposals be open to consultation from late July until late October.**

7. Proposals and Details

The Local Government Act 2000 (c. 22) provided that most local authorities had to adopt a form of executive governance, either a directly elected Mayor or Leader and Cabinet. Like Rotherham, most councils chose the Leader and Cabinet model

The White Paper, "Strong and Prosperous Communities", published in 2006 proposed to "strengthen" executive leadership in those councils operating the Leader and Cabinet model, in effect to put the position of Leader on a par with that of an elected Mayor, holding the position for a four year term and appointing the Cabinet. This the Government refers to as the "Strong Leader" model.

Part 3 of Chapter 5 of the Local Government & Public Involvement in Health Act 2007 (c. 28) brings into effect the proposals from the White Paper by making new provisions for Executive Arrangements. It provides that the Executive of the Council must take one of two forms:

- A Mayor and Cabinet Executive, where the Mayor is directly elected by the public for a four year term and Cabinet Members are appointed by the Mayor from members of the Council; or
- A Leader and Cabinet Executive (England), where the Leader is elected from among the members of the Council for a period of four years, or until the Leader's current term of office as a councillor ends. Cabinet Members are appointed by the Leader from members of the Council.

The later "Strong Leader" model is a change in Executive Arrangements from the current Leader and Cabinet model operated in Rotherham. The Act therefore requires that the Council undertakes a review of its Executive Arrangements, to come into force on the third day after the Council elections in 2010.

The new Leader and Cabinet Executive (England) model is a different legal form of executive from the old-style Leader and Cabinet Executive model, with the result that the transition to new Leader and Cabinet Executive model, as required by the Act, is a "change to the form of the executive". Accordingly even where the authority is currently operating an old-style Leader and Cabinet Executive, it still has to go through the process set out in the Act, even though the actual change in the form of executive would be very limited.

The legislation sets out a three stage process for change:-

- (a) Before drawing up proposals for change the Council must take reasonable steps to consult the local government electors and other interested persons in the area.
- (b) The Council should then draw up proposals which will include the proposed changes to the Constitution, the implementation timetable and any transitional arrangements. The Council should consider the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Once the proposals

have been drawn up, the Council must make them available to the public and advertise that they are available, although there is no further requirement for consultation at this stage.

- (c) The Council resolve to implement the proposals by 31st December 2009.

The Council is not required to hold a referendum as its current arrangements were not approved by referendum.

Members are asked to consider which of the two forms of Executive Arrangements they would wish to propose for the purposes of the consultation. In doing so, members should consider what the advantages are of the proposed model and why this is the preferred way forward for stable and good governance in Rotherham.

The main difference between the two forms of Executive Arrangements is that in the Leader and Cabinet Executive (England) Model, the Council may include provisions to allow it to remove the Leader during the Leader's term of office. In the Mayor and Cabinet Executive, the Mayor is directly elected and cannot be removed by the Council during his or her term of office.

8. Finance

There are only minor costs directly associated with this report. These will relate primarily to the consultation – advertisements and associated materials.

Should a directly elected Mayor model be introduced, there would be the additional costs of holding a Mayoral election alongside the ordinary local government elections in May 2010.

9. Risks and Uncertainties

The Council would be in breach of the Act if it failed to consult on and bring into effect the change in Executive Arrangements within the timescale specified in the Act.

The Act provides that if the Council fails to implement these provisions, the Secretary of State can intervene and by order prescribe the application of the Leader and Cabinet Executive (England) Model as from May 2011.

10. Policy and Performance Agenda Implications

The Government's policy direction for these changes was set out in the White Paper "Strong and Prosperous Communities", published in October 2006.

The actions are taken forward in work stream 3.4 of the Council's Local Government Reform Implementation Plan and align to the work of the "Our Future" group 1.

11. Background Papers and Consultation

The extent of consultation is not prescribed. The consultation will be undertaken in accordance with the Council's "Consultation and Community Involvement Framework". This provides for a twelve week consultation period. To meet the requirement to make a resolution in December, it is proposed that the consultation runs from late July to late October, providing for reports to be prepared for a December decision.

Background Papers

"Strong and Prosperous Communities" White Paper

The Local Government Act 2000 (c. 22)

The Local Government and Public Involvement in Health Act 2007 (c. 28)

RMBC Local Government Reform Implementation Plan

Rotherham CCI Framework

Contact Names:

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RMBC, ext 3500, tim.mumford@rotherham.gov.uk

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Council
2.	Date:	22nd July, 2009
3.	Title:	Appointment of Independent Member to the Standards Committee
4.	Directorate:	Chief Executive's Directorate

5. Summary

The report recommends the appointment of Mr. Peter Edler as an Independent Member of the Standards Committee to fill a casual vacancy that has arisen.

6. Recommendations

- (1) That Mr. Peter Edler be appointed to the Standards Committee as an independent member until January 2011.**
- (2) That Mr. Jovan Maric be thanked for his past service as an Independent Member of the Standards Committee.**

7. Proposals and Details

I have received notice from Mr. Jovan Maric of his resignation as an Independent Member of the Standards Committee as a result of changes to his work commitments.

In October 2008 I reported to the Council on recommendations made as to the appointment of Independent Members of the Standards Committee by the Independent Panel. The report stated that the Panel had also identified additional candidates during the interview process whom they would recommend to the Council should further vacancies occur in the near future.

The first such candidate is Mr. Peter Edler who has confirmed his continued interest in being appointed to the post of Independent Member. Brief details of Mr. Edler's background are attached to this report.

It is recommended that Mr. Edler be appointed for the remainder of Mr. Maric's term of office, until January 2011.

8. Finance

Independent Members are currently eligible for travel and subsistence in accordance with the Council's scheme and will receive a co-optee's allowance of £1000 per annum under the scheme should this be approved by the Council.

9. Risks and Uncertainties

Failure to recruit and retain a sufficient number of suitable Independent Members could mean that the Committee has difficulty in performing the functions of carrying out assessment of complaints in line with its stated objective of having a majority of independent Members at each stage of the process.

Training will be provided for newly appointed Independent Members to the Committee.

10. Policy and Performance Agenda Implications

The appointment of Independent Members is a statutory requirement. It is not a statutory requirement that they should comprise a majority of the Committee, but this is a principle that the Council has adopted since the Standards Committee was first created.

The Council last year reviewed membership of the Committee in view of its additional responsibilities and increased the number of Independent Members from six to eight.

11. Background Papers and Consultation

Report to Council 8th October 2008.

Contact Name :

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Mr. P. E. Edler

Mr. Edler has recently retired from BT, having worked there for thirty years. He served on the Post Office Engineering Unions Sheffield Committee from 1982 to 1992. For four of those years he was the union's welfare officer and three years as the union's magazine editor. He was a representative for the Sheffield POEU at two POEU Conferences. Mr. Edler now works as a teaching assistant in Sheffield schools on a voluntary basis.