

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, 21st October, 2009 at 2.00 p.m.

A G E N D A

1. Council Minutes
2. Communications
3. Questions from the Public
4. Standards Committee
5. Cabinet Minutes
Crinoline House Project (Minute No. C111) (Page 87C)
6. Delegated Powers Minutes
 - Children and Young People – Pages 31D to 37D (Section D)
 - Community Development and Engagement – Pages 12E to 16E (Section E)
 - Cultural Services and Sport – Pages 10F to 17F (Section F)
 - Economic Development, Planning and Transportation – Pages 55G to 67G (Section G)
 - Health and Social Care – Pages 43H to 48H (Section H)
 - Housing and Neighbourhoods – Pages 31J to 43J (Section J)
 - Resources – Pages 10K to 13K (Section K)
 - Streetpride – Pages 10L to 11L (Section L)
 - Economic Development, Planning and Transportation and Streetpride – Pages 15M to 20M (Section M)
 - Deputy Leader – Page 1N (Section N)

7. Audit Committee
8. Licensing Board
9. Planning Board
10. Questions to Cabinet Members
11. Questions to Spokespersons
12. Local Government and Public Involvement in Health Act 2007 - Executive Arrangements (Pages 1 - 5)
13. To determine any item which the Mayor is of the opinion should be considered as a matter of urgency

T. C. MUMFORD

Assistant Chief Executive, Legal and Democratic Services

12th October, 2009

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS
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1.	Meeting:	Council
2.	Date:	21st October 2009
3.	Title:	Local Government and Public Involvement in Health Act 2007 – Executive Arrangements
4.	Directorate:	Chief Executive

5. Summary

The Local Government and Public Involvement in Health Act 2007 makes new provisions for the executive arrangements for local authorities.

Following consultation, the Council is now required to draw up proposed changes to the Constitution and must resolve to implement the changes no later than 31st December 2009.

This report makes recommendations for the drawing up and publication of the proposed changes.

6. Recommendations

- (a) That the Council confirms its preference for the strong Leader and Cabinet model of executive.**
- (b) That the Assistant Chief Executive (Legal and Democratic Services) be authorised to draw up the proposed changes to existing governance arrangements on the basis this report.**
- (c) That the Assistant Chief Executive (Legal and Democratic Services) be authorised to publicise the proposed changes following their consideration by Cabinet on 18th November 2009.**
- (d) That a report be submitted to Council in December recommending that the Council formally adopts the new executive arrangements.**

7. Proposals and Details

On 22nd July 2009, the Council considered a report on the provisions of the Local Government and Public Involvement in Health Act 2007, which makes new provisions for the executive arrangements for local authorities. The Council is required by 31st December 2009, to change its governance arrangements, so as to adopt one of the following forms of executive:-

- The Mayor and Cabinet model where the Mayor is directly elected by the public for four year terms and Cabinet Members are appointed by the Mayor from Members of the Council, or
- The Leader and Cabinet Executive (England) model 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. This is often referred to as the "strong" Leader model.

The new executive arrangements will come into force on the third day after the Council elections elections n 2010.

The main difference between the two forms of executive arrangements is that in the Leader and Cabinet 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 model, the Mayor is directly elected and cannot be removed by the Council during his or her term of office. A further difference is that the Leader's budget proposals can be overturned by a simple majority of the Council, whereas a two thirds majority is required to overturn the Mayor's budget proposals.

At its meeting on 22nd July, the Council resolved that the "strong" Leader and Cabinet model be determined for consultation, that the consultation be undertaken in accordance with the Council's consultation and community involvement framework and that the proposals be open to consultation from late July until late October.

The Council consulted in the following manner:-

The consultation started in July through to October 16th 2009. Information about the two options were placed on the Council's website and a press release sent out to both written and oral media, which went out on the 5th August 2009. There was an article in the September edition of Rotherham News which is delivered to every household in the borough. There was an article in the Rotherham Advertiser describing the options and explaining the process. This appeared on Friday 25th September 2009

In addition all the Parish Councils were contacted by letter inviting their comments. The Assistant Chief Executive (Legal and Democratic Services) did a radio interview on 7th August. The Chief Executive Officers group of the Rotherham Local Strategic Partnership considered the matter at their meeting held on Thursday 8th October 2009.

The results of the consultation may be summarised as follows

There have been very few responses. Two parish councils and three individuals have responded supporting the strong Leader and Cabinet model with some comment as to how the model might be improved. One parish council and three individuals have supported the Mayor and Cabinet model. A further parish council could not form a view on which model they preferred but wanted a strengthening of accountability of decision making whichever model was adopted.

As will be seen from the above, there has been only a very limited response from the public and partner organisations to the consultation and associated publicity. This might suggest that there is relatively little public interest in this issue.

The Council must have regard to the results of the consultation and take them into account when drawing up its proposals for the new governance arrangements. Such proposals should 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 proposed changes have been drawn up, the Council must publicise them and make them available to the public, although there is no further requirement for consultation at this stage.

On the basis that the Council proposes to adopt the strong Leader and Cabinet model, the following mandatory changes to the Constitution will be required to reflect legal requirements:-

- The Leader must be elected by the Council at its Annual Meeting following the Local Government elections in 2010 and will hold office for a four year term or until the first Council meeting after he or she stands for re-election as a Councillor, whichever is the earlier.
- The Leader must nominate a Deputy Leader and provision must be made for the Deputy or in his/her absence the remaining Cabinet Members to act if the Leader is unable to act or if the post of Leader should, for any reason, become vacant. This power includes exercise of the statutory functions conferred upon the Leader.
- The Deputy Leader will hold office for the same term as the Leader unless he or she is removed by the Leader, resigns or ceases to be a Councillor.
- The Leader will be responsible for appointing the other Members of the Cabinet subject to the statutory maximum of ten and for determining their portfolios.
- The Council may, by resolution, remove the Leader during his or her four year term of Office.
- Existing arrangements regarding the Council's Overview and Scrutiny Committees and other Committees will continue under the new arrangements.

It is suggested that the proposal to adopt the strong leader and Cabinet model and the necessary amendments to the Council's Constitution are now drawn up in more detail by the Assistant Chief Executive (Legal and Democratic Services), in consultation with the Chief Executive, and reported to Cabinet on 18th November 2009. Following this, and after taking account of any comments made by Cabinet, it is recommended that the Assistant Chief Executive (Legal and Democratic Services) be authorised to publicise the proposal to adopt the strong Leader and Cabinet model and changes to the Constitution, as required by the legislation.

A further report will then be submitted to full Council in December 2009, at which the Council will be requested to resolve formally to change its current governance arrangements to give effect to the adoption of the strong Leader and Cabinet model on the third day after Borough Council Elections in 2010. The existing form of Leader and Cabinet model of governance will continue in force until that date.

8. Finance

Whichever form of executive the Council chooses to adopt, there will be the cost of publicising the proposals once they have been drawn up.

Should a directly elected Mayor model be introduced, there will be 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 strong Leader and Cabinet 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

"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
Responses to the consultation

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