Cheltenham Borough Council
Council – 13 December 2010
New Executive Arrangements

Accountable member	**Leader , Councillor Steve Jordan**
Accountable officer	**Assistant Chief Executive, Jane Griffiths**
Accountable scrutiny committee	**Economy and Business Improvement**
Ward(s) affected	**All indirectly**
Significant Decision	**Yes**
Executive summary	As previously advised in July, the Council has a statutory obligation to adopt new executive arrangements; either a new style strong leader and cabinet model or a directly elected mayor and cabinet model. As agreed, contact was made with DCLG, after which it was confirmed that we must adopt the new arrangements by end December 2010, following public consultation. Having considered the responses to that consultation, and for the reasons set out in this report, it is recommended that a new style strong leader and cabinet model be adopted.
Recommendations	**To adopt a new style strong leader and cabinet model to take effect May 2012** **That the Borough Solicitor and Monitoring Officer update the Council Constitution to facilitate the new executive arrangements as set out in paragraph 3.4 of this report**

Financial implications	The council already has an 'old style' strong leader and cabinet model and there are no additional financial implications arising from the proposal for new governance arrangements. **Contact officer: Paul Jones,** **paul.jones@cheltenham.gov.uk, 01242 775154**
Legal implications	As set out in the body of the report. The Council is required to adopt new executive arrangements pursuant to Sch 4 LGPIH and full council must make its decision on new arrangements before 31 December 2010, following public consultation. If the Council fails to comply with these statutory requirements the Secretary of State may intervene and impose a 'new style' strong leader and cabinet model. Under Sch 4 LGPIH the new executive arrangements will take effect on the third day following the date of the May 2012 Borough elections. **Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01684 272012**

HR implications (including learning and organisational development)	None arising from this report **Contact officer: Amanda Attfield, Amanda.attfield@cheltenham.gov.uk, 01242 264186**
Key risks	See attached risk register
Corporate and community plan Implications	None arising from this report
Environmental and climate change implications	None arising from this report

1. Background

1.1 At the Council meeting in July members were advised that under the Local Government and Public Involvement in Health Act 2007 (LGPIH) we needed to review our governance arrangements. Given that the new coalition government had announced that they would be proposing changes to this legislative requirement, Council agreed that we write to the Secretary of State indicating that we were not proposing to change our current arrangements. In October we received notification from DCLG that there was a statutory requirement to consult on executive arrangements (although how we did this was at our discretion) and to adopt either a strong leader or elected mayor form of executive arrangement by the statutory deadline.

1.2 During November an online consultation exercise was undertaken seeking views from the public on the whether the council should move to a directly elected mayor or a new style leader. The results of the consultation are set out in paragraph 5 below.

2. Reasons for recommendations

2.1 The Council has a statutory requirement to adopt one of the two new models. The new coalition government has already indicated that it will be reviewing the LGPIH as part of its overall review of local governance arrangements..   The current arrangements ie a leader and cabinet seem to be working well, there was little public interest in the review and the Council has more immediate issues in relation to budget pressures, and any transitional change to a mayoral model would divert both member and officer time.

2.2 The Council, in determining its executive arrangements, has to have regard to these securing continuous improvement in the way in which its functions are exercised, having regard to economy, efficiency and effectiveness. The Council has had leader and cabinet arrangements in place since 2001 and these have assisted in delivering continuous improvement to the way in which the Council delivers its functions. The leader and cabinet model includes being able to hold the leader and their cabinet to account at both overview and scrutiny committee, at council meetings and ultimately by the public through two yearly elections when there can be changes to the adminstration.

2.3 The new strong leader and cabinet model is very similar to the current strong leader and cabinet model which the Council operates. The main differences with the new model are that the leader is appointed for a 4 year term (but may be removed earlier by Council) and the leader must appoint a deputy leader.

2.4 The Council Constitution will need to be reviewed and updated to facilitate the new executive

arrangements, which will include the following:

- Provision for the Leader to be appointed for a four year term of office (or for the period remaining on their elected term as a councillor) ;

- Provision for the removal of the Leader (within the four year term of office) by resolution of Full Council, and for the appointment of a new Leader;

- All executive power to be vested in the Leader and the Leader will then decide which powers to delegate to Cabinet, individual Cabinet Members or Officers;

- The leader to appoint a deputy leader (who will hold office while the Leader remains in office) to undertake the leader's functions where the leader is absent or unable to act;

- Provisions to cover the absence or incapacity of both the leader and deputy leader

3. Alternative options considered

3.1 Before the Council adopted its current executive arrangements it did hold a referendum and at the time there was overwhelming support for a leader as opposed to an elected mayor. The leader can be removed from office during their term of office and both the public and members believed this to be a stong constitutional safeguard. The council also has a civic mayor and having both an elected and civic mayor may be confusing to the public. The elected mayoral model would also be more costly in that we would have the additional cost of elections for a mayor and, although the independent remuneration panel would need to determine the appropriate level of allowance, it is anticipated that this would probably be greater than that currently paid to a leader.

3.2 Each year the Council has published via a public notice the requirements should someone seek to petition for a referendum for an elected mayor but we have never had anyone pursue this course of action. Earlier in the year we were asked by the English Democrats about the petition requirements, which we understand was part of a national campaign but have heard no more from the organisation.

3.3 If the Council adopts a strong leader model and subsequently there is a groundswell of public opinion to adopt an elected mayor then the Council if so minded could review the situation and undertake more detailed consultation on future options, particularly once government legislation on local governance arrangements has been clarified. If the Council was to recieve a petition from 5% of the electorate within a 12 month period then it has a statutory duty to hold a referendum on a mayoral model.

4. Consultation and feedback

4.1 There was no feedback from the public when the council considered the matter at its meeting in July and at the time of writing the report there are been over 1000 "hits" to the online web page setting out the proposed options and only one person who had responded. They indicated that they wanted the council to have a leader as they were unhappy that an elected mayor could not be removed during their term of office.

4.2 A number of councillors also contacted officers during the November consultation and indicated that they would want to see a strong leader model.

4.3 The council must now publish a notice that it is proposing to adopt the new arrangements and also set out any transitional arrangements. There are not deemed to be any transitional arrangements.

5. Performance management –monitoring and review

5.1 There are no performance management issues arising from this report.

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Appendices	1. Risk Assessment
Background information	1. Council report 26 July 2010

Risk Assessment   **Appendix 1**

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	The council may be challenged that there was only an online consultation exercise with limited publicity	Assistant Chief Executive	1 November 2010	2	2	4	Accept	No action to be taken.	n\a	n\a	n\a
2	If the council fails to adopt a model before 31 December then there is a risk that the SoS would impose a governance structure which may have reputation risks	Assistant Chief Executive	1 November 2010	2	2	4	Accept	Report drafted for council 13 December	n/a	n/a	n/a

Guidance

Types of risks could include the following:

- Potential reputation risks from the decision in terms of bad publicity, impact on the community or on partners;
- Financial risks associated with the decision;
- Political risks that the decision might not have cross-party support;
- Environmental risks associated with the decision;
- Potential adverse equality impacts from the decision;
- Capacity risks in terms of the ability of the organisation to ensure the effective delivery of the decision
- Legal risks arising from the decision

Remember to highlight risks which may impact on the strategy and actions which are being followed to deliver the objectives, so that members can identify the need to review objectives, options and decisions on a timely basis should these risks arise.

Risk ref

If the risk is already recorded, note either the corporate risk register or TEN reference

Risk Description
Please use "If xx happens then xx will be the consequence" (cause and effect). For example "If the council's business continuity planning does not deliver effective responses to the predicted flu pandemic then council services will be significantly impacted."

Risk owner
Please identify the lead officer who has identified the risk and will be responsible for it.

Risk score
Impact on a scale from 1 to 4 multiplied by likelihood on a scale from 1 to 6. Please see risk scorecard for more information on how to score a risk

Control
Either: Reduce / Accept / Transfer to 3rd party / Close

Action
There are usually things the council can do to reduce either the likelihood or impact of the risk. Controls may already be in place, such as budget monitoring or new controls or actions may also be needed.

Responsible officer
Please identify the lead officer who will be responsible for the action to control the risk.
For further guidance, please refer to the risk management policy

Transferred to risk register
Please ensure that the risk is transferred to a live risk register. This could be a team, divisional or corporate risk register depending on the nature of the risk and what level of objective it is impacting on