
Format of the Council's Executive - The Choice of Executive Leader or Elected Mayor

Report of the Head of Democratic and Central Services

1. INTRODUCTION

- 1.1 A review of the democratic structure of the Council was undertaken by a working party chaired by Councillor K J Churchill in the autumn of 2008 which reported to the Council in April 2009. Most of the recommendations were determined at that meeting, although some were deferred until the June meeting of the Council. A review of the changes implemented is currently underway and the working party will be reporting to a meeting of the Council to be held on 3rd November 2010.
- 1.2 One aspect of the working party's review concerned the choice of executive for the District Council with legislative change having narrowed the choice of executive to two – an executive leader or an elected mayor – with the change being required by May 2011. The Council agreed to consult on the options with a view to an early implementation of the final choice. Further examination of the legislation before the consultation took place however resulted in an acknowledgement that the change could not be implemented before May 2011, with a final decision due by the end of December 2010. As a result, the consultation exercise was delayed until this summer with a closing date of 30th July.
- 1.3 The purpose of this report is to inform the Council of the result of the consultation and to invite Members to determine the choice of executive for Huntingdonshire.

2. CURRENT ARRANGEMENTS

- 2.1 Before turning to the outcome of the consultation, it may be useful to explain the background to the choices available and the implications of the legislative change.
- 2.2 The Council currently operates under the provisions of the Local Government Act 2000 which requires the Council to have one of three types of executive – an elected mayor and cabinet, an elected mayor and council manager, or a leader and cabinet. Under the latter, the cabinet is chosen either by the leader (referred to as the 'strong leader' model) or by the Council (the 'weak leader' model). The Council operated the latter, until the annual meeting in May 2010

when a change was made to the strong leader model. Inclusive of the mayor or leader, a cabinet must have a minimum of 2 and a maximum of 10 councillors.

- 2.3 The vast majority of councils operate under the leader and cabinet model. Despite consistent Government support for directly elected mayors, there are only 12 currently throughout the country. Only one authority operated the mayor and manager model but has reverted back to a leader and cabinet. If 5% of the electorate sign a petition in favour of an elected mayor, the Council must hold a referendum to obtain the public's reaction. In the event of a majority voting in favour of a mayoral system at the referendum, the Council must introduce that form of administration. Once a mayoral system had been introduced, it was not possible, prior to the Local Government and Public Involvement in Health Act 2007, for an authority to return to a leader and cabinet system.

3. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

- 3.1 The 2007 Act has narrowed the choice of executive arrangements open to local authorities to -
- ◆ an elected mayor and cabinet appointed by him, or
 - ◆ an executive leader appointed by the Council from amongst its membership and a cabinet appointed by that leader.
- 3.2 In either case the cabinet still must comprise between 2 and 10 councillors inclusive of the mayor or executive leader.
- 3.3 The Act has introduced significant changes to the leader and cabinet system which are explained in the following paragraphs.
- 3.4 The executive leader must be elected at the first annual meeting of the Council following the transition to the new executive leader and cabinet executive model in May 2011. He or she holds office until the annual meeting after his normal date of retirement as a councillor. In the case of an authority operating partial-council elections such as Huntingdonshire, that period could therefore be up to 4 years in length or such lesser period when the leader's term of office as a councillor comes to an end. If an executive leader would normally have ceased to be a councillor when his term of office comes to an end (because he has decided not to stand again or is not elected), he nevertheless will remain as executive leader and a councillor until the ensuing annual meeting when a new executive leader is appointed.
- 3.5 The Council can resolve to remove an executive leader from office at any time and appoint a replacement either when the executive leader is removed from office or at a later meeting.

- 3.6 The executive leader must appoint one of the members of the cabinet executive to be the deputy executive leader who shall serve for the same period of office as the executive leader, unless he resigns as either deputy executive leader or as a councillor in the interim or he is removed as deputy executive leader by the executive leader. The deputy executive leader will act in place of the executive leader if the latter position is vacant or the executive leader is unable to act. If both are unable to act or both positions are vacant, the cabinet must act in the place of the executive leader or can appoint a member of the cabinet to do so.
- 3.7 The Act effectively gives the executive leader the same powers as a mayor in terms of the discharge of the executive functions of the Council. The leader can discharge any of those functions himself or can arrange for them to be discharged by the cabinet, by a member of the cabinet, by a committee of the cabinet or by an officer. That choice is his and not the Council's. The Act enables the cabinet, a committee of the cabinet or an executive member to further delegate any executive power delegated to them to an officer but gives the leader a right of veto over any such further delegation.
- 3.8 The Council must decide which form of executive it wishes to operate by the end of the transitional period specified in the Act. In the case of district councils, a resolution to change the governance arrangements must be made no later than 31st December 2010 with the new arrangements coming into effect no later than the third day after the day of elections to the Council in May 2011. If a resolution is not passed by the due date, the Council must implement the executive leader and cabinet executive arrangements. The Council's existing arrangements remain in place until the new arrangements are implemented.
- 3.9 The Council can change governance arrangements subsequently only during a permitted resolution period which extends from the date of the annual meeting in 2014 until the end of that year and a similar period every 4 years thereafter. The change would come into effect on the third day after the day of election in 2015 and any fourth year thereafter. It is open now for an authority to move back from an elected mayor and cabinet system to an executive leader and cabinet executive system.
- 3.10 Before passing a resolution as to which new form of executive to adopt, the Council must take reasonable steps to consult the electorate and other interested parties. The Council must then draw up proposals for change in order to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The Council had the discretion to make a decision on the choice of executive the subject of approval by a referendum but chose not to do so.
- 3.11 The change introduced by the Act does not affect the opportunity for the electorate to petition for the introduction of a mayor and cabinet

under the 2000 Act which would not follow the above timetable. However where a change to a mayoral system has been made as a result of a referendum, either as a result of a petition or by choice on the part of the authority, the Council cannot resolve to change governance arrangements again without another referendum being held. If a referendum is held as a result of a petition, another referendum cannot be held until a period of 10 years has elapsed.

4. DEMOCRATIC STRUCTURE WORKING PARTY

4.1 The Council accepted a recommendation from the working party not to hold a referendum on the choice of executive on the basis that this would lengthen the timescale for the consultation exercise and there was thought to be little enthusiasm locally for an elected mayor to justify the cost of a referendum.

4.2 It was the view of the working party -

- ◆ that there was a lack of support nationally for the mayoral model,
- ◆ that the public consultation that was undertaken on the choice of executive in Huntingdonshire when the 2000 Act was implemented favoured the leader and cabinet model,
- ◆ that the County Council (which had to move to the new arrangements earlier in the statutory timescale) had adopted the executive leader model with effect from May 2009 in response to its public consultation on the choice,
- ◆ that there was an apparent lack of enthusiasm both in Huntingdonshire and elsewhere within Cambridgeshire for an elected mayor, and
- ◆ that the Council's existing leader and cabinet arrangements are understood and have been embedded in the organisation since their initial implementation.

4.3 The working party recognised that the mayoral system enables an individual person to become elected, potentially on the basis of a populist electoral campaign or a single contentious issue of concern, without the benefit of support from one of the political parties. This has the potential to lead to tensions between the mayor and elected councillors from whom the cabinet would be chosen and to consequential operational and practical difficulties in terms of working relationships. Members felt that there was little to be gained and potentially much to be lost if a mayoral system was introduced.

5. THE CONSULTATION EXERCISE

5.1 An extensive consultation exercise has been undertaken, commencing in mid May and with a closing date of 30th July.

5.2 An article was included in the June edition of District Council which is delivered to all households in Huntingdonshire. Information was included on the Council's website and letters sent to a range of

organisations, including town and parish councils, chambers of trade, town centre partnerships, Hunts Forum and other LSP partners. Flyers were distributed at the neighbourhood forums throughout Huntingdonshire in July and an item included on the agenda for the forum meetings, drawing attention to the consultation. The consultation exercise was reported in the local media.

5.3 A copy of an explanatory leaflet which was available on the website and which accompanied the consultation letter is attached as Annex A.

5.4 Subsequent to the start of the consultation, the coalition government has begun announcing their plans for alternative choices for the way in which local authorities take decisions, including 'super mayors' for the largest cities and the option of a return to the committee system which applied before 2000. The government recognises that, until such time as alternative forms of administration are approved in the forthcoming Localism Bill, authorities are required to comply with the timetable set by the 2007 Act. The Government has therefore asked that Councils do not incur any significant expenditure on the consultation exercise, especially in today's economic climate and that this need be no more than a small newspaper advertisement or article and notice on the website. The consultation exercise undertaken by the Council has therefore been more than sufficient under the circumstances.

6. OUTCOME OF THE CONSULTATION

6.1 Few responses were received to the consultation exercise, notwithstanding an editorial by one of the local newspapers earlier in the year advocating the choice of an elected mayor for Huntingdonshire.

6.2 Twelve parish councils replied to say that they had resolved to support the choice of an executive leader, with one town council replying to say that its members had been unable to reach a consensus. Two parish councillors wrote separately to support an executive leader, as did one charitable organisation in the District. Four members of the public wrote in support of an executive leader and four in favour of an elected mayor.

6.3 The clear preference of those who responded therefore was for an executive leader.

7. CONCLUSION

7.1 The government has indicated that it is committed to allowing councils to return to the committee system, should they wish, or have elected mayors. The government also intends to remove the necessity to elect a leader for four years. The changes will be contained in the Localism Bill which may mean that any change that the Council implements in May 2011 may be of short duration and may need to be changed again within a year or so.

- 7.2 Until the Bill is passed, the Council must operate within the existing legislation which requires a decision to be made on the choice of executive leader or elected mayor by the end of December 2010 for implementation in May 2011. It was the view of the Democratic Structure Working Party that the Council should move to an executive leader and this has been supported by the great majority of the comments received in response to the public consultation.

8. NEXT STAGE

- 8.1 Having carried out the consultation exercise, the Council must draw up proposals for the change in executive arrangements which must include a timetable and details of transitional arrangements (if any). Copies of the proposals must be made available for inspection and must be advertised in one or more local newspapers. The proposals are set out in Annex B attached.
- 8.2 A resolution to change governance arrangements must be passed at a meeting of the Council specially convened for the purpose. Once a resolution has been passed, a document setting out the proposals must be made available for inspection and a notice published in one or more local newspapers.

9. RECOMMENDATION

- 9.1 It is therefore

Recommended

that the Council approves the proposals for a change in governance arrangements in accordance with the Local Government and Public Involvement in Health Act 2007 as set in Appendix B attached to this report.