

APPENDIX C.1

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 25 MAY 2010

Title:

**CONSULTATION ON THE POLITICAL LEADERSHIP
OF WAVERLEY BOROUGH COUNCIL**

[Portfolio Holder: Cllr Robert Knowles]

[Wards Affected: All]

Summary and purpose:

Under the Local Government and Public Involvement in Health Act 2007, all local authorities are obliged to consult the public about their political leadership arrangements. This report sets out the proposed information to be provided to the public, a proposed timetable and possible consultation methodology for Waverley to carry out a review of its governance arrangements. A new governance model (either Strong Leader or Elected Mayor) for the Council must be agreed by 31 December 2010 and implemented in May 2011 after the Borough elections.

How this report relates to the Council's Corporate Priorities:

The purpose of the new leadership arrangements - as stated in the 2006 White Paper on Strong & Prosperous Communities and the 2007 Local Government & Public Involvement in Health Act - is to contribute to more effective and decisive decision-making (under all corporate priorities).

Equality and Diversity Implications:

The public consultation should be accessible and the consultation document/questionnaire will need to be available in a variety of formats. The key features and implications of both models should be explained clearly to the public to enable an informed decision.

Resource/Value for Money implications:

- Public consultation costs will be kept to a minimum through use of the Citizens' Panel, though it is proposed that other methods are also used.
- A petition signed by 5% of Waverley's electorate could force a referendum on the Council's decision regarding a new governance model. The cost of such a referendum could be over £100,000.
- There is an implication for members' allowances if the elected mayor model is chosen, as elected mayors are normally given a larger allowance than leaders to account for their combined civic and political duties (for Waverley, the allowance for an elected mayor is estimated at an additional £50,000 on top of existing allowances, plus £130,000 in extra policy and secretarial staffing costs).
- The additional cost of running a mayoral election alongside Council elections is estimated to be at least £40,000.

Legal Implications:

- There are statutory deadlines involved in the process (set out at the summary above), and the law requires the move to one or other model of governance.
- There is a risk of the imposition of a new governance model upon the Council if one is not agreed and implemented by the statutory deadline.
- There is a small risk that the public could force a referendum on a governance model if they do not feel listened to at the consultation stage. This would be costly.
- The new governance arrangements will require a review of Waverley's Constitution and will have to be endorsed by full Council.

WAVERLEY'S NEW LEADERSHIP ARRANGEMENTS

Statutory requirements

1. Under Part Three of the Local Government and Public Involvement in Health Act (2007), Waverley is required to move to one of two possible forms of governance: either a Strong Leader model or a directly elected Mayor. The key features and implications of choosing each model are set out at Annexe 1.
2. A new model and any necessary constitutional amendments must be agreed by 31 December 2010, or the Secretary of State could impose a new style leadership and cabinet executive on the Council. The new governance arrangements must be in place as of the third day after the May 2011 Borough elections.
3. The Act requires the Council to take 'reasonable steps' to consult with the local electorate and other interested parties before drawing up and agreeing proposals relating to one or the other option. A proposed public consultation document is attached at Annexe 1.

Changes from the current governance model

4. Councillors will maintain their current responsibilities under the new governance arrangements. They will still appoint the leader (unless the option of an elected mayor is chosen, in which case they will be voted for by the public). Councillors will continue to exercise their powers under section 4.02 of the Council's Constitution, with the exception of part of subsection (d).
5. Under the new arrangements, the leader or mayor will appoint a deputy leader and cabinet and decide on their powers. They will devolve responsibilities, as they consider necessary, to the Executive, Committees and officers. This is a change from the rules under the current Constitution, whereby the Council appoints the leader, deputy leader and Executive.
6. Additionally, whichever model is chosen, the leader/mayor will be appointed for a four-year term, rather than one year as under the current Constitution.

Key stages of the change of governance process in more detail:

The key stages of the process are set out as follows:

Endorsement

The process documents, including the consultation proposals will be endorsed by Corporate Management Team and agreed by the Executive.

Public consultation

The consultation will run for a six-week period from early June to mid July 2010.

It will be sent to Waverley's Citizens' Panel and will be available to the wider public on the Council's website. Copies will be made available at the Council's offices.

Proposal and decision on new governance model

The results of the consultation and further information on the implications of either option will be provided to the Executive and then to Council. The Executive will make a recommendation to Council on which governance model to adopt.

The decision will be taken by formal resolution of the Council.

Under the terms of the Act, the decision on which model to adopt must have regard to:

- The result of the consultation exercise and most significantly:
- The extent to which either option would be likely to assist in securing continuous improvement vis a vis how the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness (known as the Best Value measures).

Proposals must include a timetable for implementation and any arrangements for transitional government in the interim period between an Election and the appointment of a new Leader or Mayor.

Possible stage: referendum

Once the Full Council has made a decision on which governance model to adopt, members can choose to hold a referendum on the subject. Most councils have not chosen this option, due to the associated expense (estimated at £115,000 by Guildford Borough Council) and poor responses to the initial consultation (Birmingham City Council received no responses to their consultation, Surrey County Council received 158).

It should be noted that a referendum could be triggered if 5% of the electorate (approximately 4,500 people) sign a petition asking for one. Since 2000, there have been 37 referenda in the UK to decide whether or not to adopt the elected mayor system of governance. In 14 cases, the local population has forced one.

A third of all referenda on the subject of elected mayors have resulted in Yes votes, with an average 60% turnout. Two thirds have resulted in No votes, with an average 63% turnout.

Publication of proposals

Once proposals have been drawn up and approved by the Council, there are statutory publicity requirements as follows:

- Copies of the document setting out the proposals should be available for public inspection at the council offices at all reasonable times.
- A notice should be published in one or more newspapers circulating in the Waverley area which states the authority has drawn up the proposals, describes the main features of the proposals, states that copies are available at public offices and specifies the address of the offices. The cost of such a notice is approximately £500 per newspaper.

Constitutional Review

The Constitution will then need to be reviewed and amended, to be agreed at Full Council by 31 December 2010.

New Executive Arrangements

New Executive Arrangements must come into force three days after the May 2011 Borough elections.

Conclusion

7. Waverley is required by law to conduct public consultation before the end of the current year on its political leadership arrangements. The proposals contained within the report are commended to the Executive as a proportionate approach to this legal requirement.

Recommendation

It is recommended that the Executive endorse the report and consultation proposals on Waverley's political leadership arrangements post 2011.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

CONTACT OFFICER:

Name: Sarah Hadland

Telephone: 01483 523514

E-mail: sarah.hadland@waverley.gov.uk