

APPENDIX E

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 30 NOVEMBER 2010

Title:

PROPOSALS FOR NEW EXECUTIVE ARRANGEMENTS

[Portfolio Holder: Cllr Robert Knowles]

[Wards Affected: All]

Summary and purpose:

This report summarises the response to the recent public consultation on mandatory new governance arrangements for Waverley in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007 and invites the Council to adopt draft proposals to change the Council's executive arrangements to the indirectly elected strong leader and executive model.

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 and Prosperous Communities and the 2007 Local Government and Public Involvement in Health Act - is to contribute to more effective and decisive decision-making (under all corporate priorities).

Equality and Diversity Implications:

The key features of the new executive arrangements will be clearly explained and advertised in the local press. They will also be available on the Waverley website.

Resource/Value for Money Implications:

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 £100,000.

Legal Implications:

There are statutory deadlines involved in the process and the proposals have to be adopted at a Special Meeting of the Council before 31 December 2010. The new governance arrangements will require a review of Waverley's Constitution and will have to be endorsed by the Council.

The Leader of the Council has made unsuccessful representations to the Secretary of State for Local Government asking Government to delay the timetable for this, as the coalition has already announced that Councils will be given the option of choosing its own Executive arrangements. The Minister has explained that it is not possible in the timescale to change the existing law.

Background

1. The Local Government and Public Involvement in Health Act 2007 requires Waverley Borough Council to make changes to its current governance and decision-making arrangements. The new arrangements will come into operation on the third day after the local elections in May 2011.

Consultation with the Public

2. In preparation for the change, all local authorities are obliged to consult the public about their political leadership arrangements. Following approval by the Executive on 25 May 2010, the consultation period ran from early June to mid July 2010. The website and the Citizens' Panel were used to explain the key features and implications of both the strong leader and elected mayor models to members of the public.
3. The results of the consultation were as follows:-
 - 89% selected strong leader
 - 10% selected elected mayor
 - 2% did not respond.
4. In accordance with the views of the public it is proposed that the Council moves to the Strong Leader and Executive model.

Proposed Executive Arrangements

5. These proposals will be subject to the decision of the Special Meeting of the Council on 14 December 2010 which will take place before the Ordinary Council Meeting on this date. The key elements of the proposals are:-

- i. **Election of the Leader**

The Leader is elected by full Council at its post-election annual meeting (or, if the Council fails to elect a leader at that meeting, at a subsequent meeting of the Council). The term of office as Leader starts on the day of his/her election as Leader. The Leader is elected for a 4 (four) year period, unless his/her term of office as a Councillor is shorter, in which case the term of office as Leader will be the same as their term of office as a Councillor.

The Leader will cease to be Leader if he/she is removed from Office or resigns; ceases to be a Councillor; or is disqualified from being a Councillor before that day.

- ii. **Appointment of the Executive and Scheme of Delegation**

The Leader determines the size of and appoints between 2 and 9 Members of the Council to the Executive in addition to himself/herself, allocates any areas of responsibility (portfolios) to them, and may remove them from the Executive at any time. The Leader determines the scheme of delegation for the discharge of the executive functions of the Council.

The Leader will report to the Council on all appointments to and changes to the Executive.

iii. Appointment of Deputy Leader

The Leader appoints one of the Members of the Executive to be his/her deputy, to hold office until the end of the term of his/her office as Leader (unless the person resigns as Deputy Leader, ceases to be a Councillor or is disqualified or removed from office by the Leader). The Leader may, if he/she thinks fit, remove the Deputy Leader from office, but must then appoint another person in his/her place.

iv. Absence of Leader

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in his/her place. If the Deputy Leader is unable to act or the office is vacant, the Executive must act in the Leader's place or arrange for a member of the Executive to do so.

v. Removal of Leader

Section 44c of the Local Government Act 2000 (amended) states that the executive arrangements which provide for a leader and executive may include provision for the Council to remove the executive leader by resolution. It is proposed that Waverley Borough Council should have the power to remove the Leader by way of resolution by a simple majority, with the detailed provision for the removal of the Leader and election of a new Leader, to be included in the Constitution of the authority.

vi. Referendum

Under the Act, the Council has the option whether or not to make its proposals subject to a referendum. A referendum would require registered electors to endorse the Council's proposals. The cost of a referendum would be significant and given the low level of interest shown by the public about the leadership arrangements, and the effectiveness of the current Leader and Executive arrangements, it is felt that there is insufficient justification to undertake a referendum in addition to the consultation exercise. Accordingly, it is proposed that no referendum as to the Executive form of Waverley Borough Council should be held.

Timetable

6. The proposed timetable is as set out in Annexe 1.

Transitional Arrangements

7. Under the Act, the Council must agree transitional arrangements for the period following the local elections up until the Annual Meeting of Council. It is proposed that the existing Leader would remain in place (providing he/she is still a Councillor) until the Annual Meeting after the 2011 elections, at which the new Leader will be elected.

The Constitution

8. Detailed changes to the Council's existing Constitution to include the above proposals will be agreed by the Council prior to the date on which the proposals come into effect. It is proposed that the Corporate Overview and Scrutiny Committee will consider the changes to the constitution and make appropriate recommendations to the Executive and Council in February 2011.

Continuous Improvement

9. The new Leader and Executive model is the one which most closely reflects the Council's current executive arrangements, which have worked well for Waverley over the past decade. The Council will continue to demonstrate improvement under the proposals set out above and the Leader and Executive model offers the best value for the residents of Waverley and is in accordance with the overwhelming preference of local residents when consulted.

Corporate Overview and Scrutiny Committee

10. The Corporate Overview and Scrutiny Committee considered this report at its meeting on 15 November and agreed to endorse the recommendations below.

Recommendation

It is recommended that

1. approval be given to placing a public notice in the local press setting out the Council's intention to change its executive arrangements; and
2. the Special Meeting of the Council on 14 December 2010 adopts the proposal to change the Council's executive arrangements to the indirectly elected strong leader and executive model.

Background Papers

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

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