

REPORT TO: Executive Board

DATE: 23 September 2010

REPORTING OFFICER: Strategic Director – Resources

SUBJECT: Review of the Council's Governance Arrangements

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To advise Members of the outcome of the consultation exercise in respect of the Council's Governance arrangements and make recommendations on the model of governance to be adopted.

2.0 RECOMMENDATION: That Executive Board

- (1) note the outcome of the consultation exercise.**
- (2) recommend to Council that the Leader with Cabinet model of governance be adopted with effect from May 2011 and the proposals, as detailed in the report, be published.**

3.0 GOVERNANCE ARRANGEMENTS - OPTIONS

- 3.1 A report was submitted to Executive Board on 17 June on the implications of the Local Government and Public Involvement in Health Act 2007 in relation to the Council's governance arrangements and the process for consultation.
- 3.2 Section 62 of the Act modifies the provisions in the Local Government Act 2000 in respect of the forms of Executive which local authorities may operate. It requires the Council to operate one of the following models:-
- Leader and Cabinet Executive (England); or
 - Mayor and Cabinet Executive
- 3.3 The features of the Leader and Cabinet are very similar to those currently being operated by Halton, in that the Leader is appointed by the Council for a term of office. However, whereas this term of office in Halton is currently annual, the Act now requires that the Leader of the Council be appointed either:-
- (i) where the whole Council is elected every four years, until the annual meeting after the next elections; or
 - (ii) where the Council is elected by halves or thirds (as is the case for Halton), until the annual meeting after the Leader's normal day of retirement as a councillor.

- 3.4 The legislation therefore requires the Leader to remain in office for four years or for the remainder of his/her term of office as a councillor. However, the Constitution can also be amended to enable the Council to pass a resolution to agree that a Leader ceases his/her term of office before this statutory period has come to an end. This provision within the Constitution would be required to deal with the circumstances such as the Leader wishing to retire or step down, political change, or the Council wishing to remove the Leader from office.
- 3.5 Under the new legislation, the Leader (rather than the Council as at present) would then appoint his/her own Executive Board of two or more Members up to a maximum of ten (including the Leader), and would be responsible for determining the Executive Members' portfolios and decision-making powers.
- 3.6 The Mayor and Cabinet executive model comprises a directly elected Mayor who appoints two or more Councillors to the Cabinet (again to a maximum of ten Members in total on the Cabinet). The Mayor holds office for four years.
- 3.7 In terms of governance arrangements, recent clarification of the legislation has shown that "no change" is no longer an option for Halton. Whilst the 'new style' Leader and Cabinet Executive is very similar to that in operation in Halton, the Council must pass a resolution to move to one of the two models outlined. The decision on which of the two models to adopt must be taken prior to 31 December 2010 following a consultation period, with the new model coming into effect on the third day after the ordinary elections of councillors in May 2011. In these circumstances, the Council's proposals must now be published, and a final report must be brought to Council in December.

4.0 CONSULTATION

- 4.1 As Halton must make a formal resolution on the model it is to adopt by 31 December 2010, a period of consultation has taken place. Information about the new arrangements have been published on the Council's website.
- 4.2 The consultation period expired on 10 September 2010 and no representations or comments have been received.

5.0 PUBLISHING PROPOSALS

- 5.1 It is recommended that the following proposals be published:
- (a) The Leader and Cabinet Executive model of governance be adopted;

- (b) The Leader be appointed until the annual meeting after the Leader's normal day of retirement as a Councillor;
- (c) Provision be made in the Constitution to enable the Council to pass a resolution to agree that the Leader ceases his/her term of office before this statutory period has come to an end, if required;
- (d) The Leader appoint his/her own Executive Board of two or more Members up to a maximum of ten (including the Leader).

6.0 POLICY IMPLICATIONS

- 6.1 There are no policy implications associated with this report.

7.0 OTHER IMPLICATIONS

- 7.1 There are no other implications associated with this report.

8.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

8.1 Children and Young People in Halton

None.

8.2 Employment, Learning and Skills in Halton

None.

8.3 A Healthy Halton

None.

8.4 A Safer Halton

None.

8.5 Halton's Urban Renewal

None.

9.0 RISK ANALYSIS

- 9.1. The Council must ensure that it has an appropriate governance framework in place to comply with the new requirements. Failure to do this could have potentially significant consequences for the Authority in relation to external assessments and public confidence.

10.0 EQUALITY AND DIVERSITY ISSUES

- 10.1 There are no Equality and Diversity issues associated with this report..

**11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE
LOCAL GOVERNMENT ACT 1972**

Document	Place of Inspection	Contact Officer
Local Government and Public Involvement in Health Act 2007	Legal Services, Municipal Building Kingsway Widnes	Christine Lawley or Mark Reaney