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**NEW POLITICAL ARRANGEMENTS**

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**Responsible Cabinet Member - Councillor John Williams, Leader**

**Responsible Director - Paul Wildsmith, Director of Corporate Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To set out the process for the implementation of the new political arrangements required by the Local Government and Public Involvement in Health Act 2007.

**Summary**

2. The report outlines the provisions regarding new executive arrangements contained within the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"); and details the proposed approach to implementing those requirements.
3. The Council must pass a resolution by the end of this year to adopt one of the new forms of political arrangements set out in the 2007 Act. They are:
  - (a) Directly Elected Mayor and Cabinet, or
  - (b) Council Leader and Cabinet
4. Although we currently have a Leader and Cabinet model the new form operates differently to the one currently used by this authority. If the Council is to adopt a Mayor and Cabinet model it will need to hold a referendum. Because this authority held a referendum in September 2007 it cannot hold another one within the period required. The Council must however carry out consultation on the form of arrangements that will be adopted. Given that a view has been expressed by way of a Referendum within the last few years a view could be expressed as part of the consultation that this is not the recommended form of arrangements. The proposed scope of the consultation is set out in the report.
5. The report seeks member's approval for the proposed consultation and decision making arrangements. A further report will be presented to a special Council meeting in November to pass the resolution.

**Recommendation**

6. It is recommended that:

- (a) The proposals for the consultation be approved.
- (b) That the results of the consultation be referred to Cabinet on 2 November 2010 and to a Special Meeting of Council on 25 November 2010.

## **Reasons**

7. The recommendations are supported by the following reasons:

- (a) There is a timetable set out by statute.
- (b) To ensure that appropriate consultation is carried out before a decision is made.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Papers**

No Background papers were used in the preparation of this report.

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|----------------------------------|--|
| S17 Crime and Disorder           | There are no specific implications for Crime and Disorder  |
| Health and Well Being            | There are no specific implications for Health and Wellbeing  |
| Sustainability                   | There are no specific implications for Sustainability  |
| Diversity                        | There are no specific implications for Diversity   |
| Wards Affected                   | All Wards are affected equally   |
| Groups Affected                  | All Groups are affected equally  |
| Budget and Policy Framework      | This does not represent a change to the Budget and Policy Framework  |
| Key Decision                     | This is not an Executive Decision  |
| Urgent Decision                  | This is not an Urgent Decision   |
| One Darlington: Perfectly Placed | This is a legislative requirement  |
| Efficiency                       | There are no specific implications for efficiency. Although the cost of a referendum if required would cost in the region of £150,000. |

## **MAIN REPORT**

### **Information and Analysis**

8. Part 3 of the 2007 Act has revised the Local Government Act 2000 (2000 Act) provisions and introduced new executive arrangements requirements.
9. Authorities operating an “old-style Leader and Cabinet executive” as provided for in the 2000 Act, must make a change in governance arrangements in accordance with the 2007 Act’s requirements.
10. This means that the Council must change its present arrangements, and look to introduce a different form of executive as provided for and permitted by the 2007 Act and pass a resolution under s29(2) 2000 Act. In default the Leader and Cabinet Executive (England) model would be imposed.
11. The 2007 Act now allows for only two specific executive models:
  - (a) Directly elected Mayor and cabinet, or
  - (b) Council Leader and cabinet
12. The Mayor and Cabinet model remains the same as that introduced by the 2000 Act. Authorities currently operating that model (eg Middlesbrough and Hartlepool) are unaffected by the new 2007 Act provisions and will not have to change their present arrangements. Authorities who have not held a referendum in recent years such as Stockton on Tees considered whether to do so, but have decided not to in the light of the financial climate and lack of public interest. In Darlington we have already had a Mayoral referendum and will therefore explain that in the consultation.

### **The Elected Mayor and Cabinet Executive Model**

13. As indicated this remains the same as the Model introduced by the 2000 Act. It is defined as an executive consisting of:-
  - (a) an elected Mayor of the authority; and
  - (b) two or more Councillors of the authority appointed to the executive by the elected Mayor.
14. Other key features of the Model include the following:
  - (a) the term of office of an elected Mayor is four years and the executive arrangements cannot include provision for the Council to remove the elected Mayor
  - (b) the Mayor is elected on the ordinary day of elections
  - (c) the elected Mayor makes the arrangements for the discharge of the authority’s executive functions (ie who is to discharge those functions - the elected Mayor, the executive, another member of the executive, a committee of the executive, or an officer of the authority)

15. The elected Mayor must be able to determine the number of Councillors who may be appointed to the Cabinet (subject to the statutory minimum (2) and maximum (9) unless the Secretary of State increases the maximum permitted).
16. The elected Mayor has to appoint one of the members of the executive to be his deputy. The deputy Mayor, unless he resigns or ceases to be a member of the authority, will hold office until the end of the term of office of the elected Mayor.

### **The Leader and Cabinet Executive Model**

17. This model is defined in the 2007 Act as an executive consisting of:
  - (a) a Councillor of the authority elected as Leader of the executive by the authority; and
  - (b) two or more Councillors of the authority appointed to the executive by the executive leader
18. Other key features of the model include the following:
  - (a) the executive leader makes the arrangements for the discharge (eg by officers) of the functions which (under regulations) are the responsibility of the Cabinet.
  - (b) The leader is elected at a post election annual meeting
  - (c) the leader's term of office is for four years, but the executive arrangements may include provision for the Council to remove the leader by resolution before then.
  - (d) the executive leader must have the power to be able to determine the number of Councillors which may be appointed to the executive (although this must be at least two, but cannot exceed nine unless the Secretary of State increases the maximum in regulations)
  - (e) a deputy executive leader must be appointed by the executive leader, and the deputy will hold office until the end of the term of office of the executive leader (although the deputy may be removed by the executive leader at any time but, if so, there would have to be a replacement).
19. A chart setting out the key differences between the two models is attached at **Appendix 1**.

### **Transitional Provisions**

20. The 2007 Act enables the Council to continue to operate its present "old style Leader and Cabinet" executive arrangements until the end of the transitional period. This period is from the end of December 2007 (when the new provisions came into force) and ends on 8 May 2011.
21. The Council must have drawn up and have adopted a different form of executive arrangements by the end of this period (ie three days after the 5 May 2011 elections in Darlington).

22. The 2007 Act sets out certain requirements which a Local Authority which wishes to change its governance arrangements must satisfy.

### **Referendum**

23. Where the proposals for change include provisions for a referendum, a referendum must be held before the proposals are implemented and the result of the referendum must be to approve those proposals.
24. The referendum question was put to voters in Darlington on 28 September 2007. The authority has no discretion to hold a referendum within ten years of a previous referendum. The proposed consultation document explains the two options but explains that this option is not available in Darlington.

### **Consultation**

25. As there is no power to hold a referendum the Mayoral option is not available in Darlington. It is therefore proposed to inform the public about the two forms of leadership, the restrictions placed on the Council in relation to the Mayoral option and to consult on whether or not a Leader can be removed during the four years.
26. An authority must take reasonable steps to consult Local Government electors and other interested parties before it draws up and finalises its proposals for change (ie which model it proposes to introduce).
27. The proposals for Executive Arrangements regulations require that when undertaking the consultation required the authority must
- (a) Describe and represent in a fair and balanced way each of the forms of executive which include an elected Mayor (although the Council can make it clear that it has no discretion to hold a referendum for an elected Mayor).
  - (b) Ensure that in responding to that consultation, local electors for and other interested parties in the authority's area have an opportunity clearly to express their preference for any of the forms of executive which include an elected Mayor.
  - (c) All electors and other interested parties have an opportunity to respond to the consultation.
28. It is proposed that the consultation should include a preamble which describes the two main options, and explains the position with regard to a referendum. It should also include the following three main questions:
- (a) Whether the consultee prefers a directly elected Mayor or a leader and cabinet arrangements
  - (b) Whether the arrangements should include a power to remove the Leader during the four year period.
  - (c) An open invitation to make any other comments.

Consultation can be relatively light touch and will include a web page with the consultation and an online survey; an article in the Town Crier explaining the survey is underway, asking the main questions and inviting people to use the online survey or postal address. Information will also be sent to partners and staff for response via email. The proposed text is attached at **Appendix 2**.

## **Implementation**

29. For the Leader and Cabinet model there would be no requirement for a referendum.
30. Following the consultation with local government electors and interested parties and the finalisation of the proposals for change, full Council is required to pass a resolution at a special meeting, so that the proposed change in governance arrangements can be implemented. The main features of the proposals have to be advertised and made available for public inspection.
31. The outcome of the consultation will be evaluated and, subject to the results of the consultation, a preferred or chosen executive model will be recommended to a Special Meeting of Council in November. Implementation will follow next year's local elections.
32. In Darlington's case, the resolution has to be passed after 30 September, 2010 and by no later than 31 December, 2010.
33. The new form of executive model must be in operation by 8 May 2011.
34. A timetable for the implementation process is attached at **Appendix 3** to the report.

## **Outcome of Consultation**

35. The report sets out proposals for the form of consultation to be used.

## Differences between Executive Models

| <b>Option Available Under the New Act</b> | <b>NO</b>   | <b>YES</b>  | <b>YES</b>  |
|---|---|---|---|
|   | <b>Current Arrangements</b><br>(Old Style Leader & Cabinet)   | <b>Elected Mayor</b><br>(Mayor and Cabinet)   | <b>New Arrangements</b><br>(Leader and Cabinet)   |
| <b>Appointment and Term of Office</b>     | Leader appointed by the Council every year  | Mayor elected by all voters every four years  | Leader appointed by the Council every four years  |
| <b>Removal</b>                            | Can be removed at any time by council   | Cannot be removed during the four years   | Councils can choose to adopt procedures which would allow the removal of the Leader by Council at any time  |
| <b>Appointment of Cabinet</b>             | Council decides the size of Cabinet and appoints Cabinet and Leader allocates responsibility  | Mayor decides the size of Cabinet and appoints Cabinet and allocates responsibility   | Leader decides the size of Cabinet and appoints Cabinet and allocates responsibility  |
| <b>Executive functions</b>                | Leader does not make decisions alone.<br>Most decisions are made by Leader and Cabinet.<br>Cabinet recommends the budget and policy framework<br>A simple majority can reject a proposal from Cabinet | Mayor can make most decisions on his/her own<br>Mayor draws up budget and new policies alone or with Cabinet<br>Two thirds of Council (36 Members) must disagree with the Mayor to change the Mayor's budget and policy proposals | Leader can make most decisions on his/her own<br>Leader draws up budget and new policies alone or with Cabinet<br>A simple majority is required to reject a proposal from the Leader/Cabinet. |
| <b>Delegations</b>                        | Delegations to Officers and Committees are made by Cabinet  | Delegations are made by Mayor   | Delegations are made by the Leader  |
| <b>Ceremonial Mayor</b>                   | Ceremonial Mayor  | Ceremonial Mayor cannot be called Mayor   | Ceremonial Mayor will not be affected   |



## **New Executive Arrangements**

Have your say!

### **What's this about?**

A new law means that all Councils must ask local people about what form of new leadership they would like for their councils before reaching a decision.

### **What happens now?**

At the moment we have 53 Councillors and local people vote for them every four years in an election. The Councillors elected then chose a leader. The leader is appointed every year.

### **What are the different types of leadership available?**

There are two kinds of leadership allowed under new law

#### **Option 1 – Council Leader and Cabinet**

This option is similar to how the Council is run now. Councillors are elected by the people and the Leader is chosen by the Council. In the new style the Leader will choose the Cabinet. The Cabinet can be between 2 and 9 members. The Leader is chosen for four years. The arrangements can include an option to remove the Leader during the four years by resolution of the Council. A civic Mayor would continue to be appointed annually to carry out ceremonial duties.

#### **Option 2 – Directly Elected Mayor**

Councillors are elected by the people of Darlington every four years. A special election would be held every four years to elect a Mayor. The Mayor will remain in office for four years and cannot be removed by the people or the Council. The Mayor will appoint the Cabinet which can be between two and nine members. The Civic Mayor title would disappear and the duties would be carried out by someone else.



## **Limitations in Darlington**

The elected Mayor option is not available in Darlington at the current time because it requires the holding of a referendum. An elected Mayor form of arrangement requires that a referendum is held in favour of a Mayor before that option can be chosen. The Council held a referendum in 2007 and people voted to keep a Leader and Cabinet. The law does not allow the Council to hold another referendum within ten years. This means that the Council must chose a Leader and Cabinet model to be implemented from May 2011.

## **Other Questions**

This consultation is asking people to comment on whether they want to include a power in the Council's constitution which would mean that a Leader could be removed within four years. A Leader could be removed within four years if the Council passed a resolution to remove him. If there is no power to remove a Leader he/she will remain in office for four years.

## **How will the decision be made?**

We want everyone to contribute to the debate. When all the views are in the results will be presented to a meeting of the Council who will decide what form of leadership will be adopted. A resolution must be passed by the end of this year. The new leadership arrangements will be put in place after the local elections next year.

This consultation will run from 22nd June to 22nd July 2010.

## **Tell us what you think**

There is an online form available at [www.darlington.gov.uk](http://www.darlington.gov.uk)

You can send an email to ...

You can send your views by post to

**Proposed Timetable**

|                    |                           |
|--------------------|---------------------------|
| 6th September 2010 | Consultation Commences    |
| 6th October 2010   | Consultation Closes       |
| 2nd November 2010  | Further report to Cabinet |
| 25th November 2010 | Council Resolution        |
| 8th May 2011       | Implementation            |