

Report to the Council

Committee: Cabinet

Date: 14 December 2010

Chairman: Councillor D Collins
Leader of the Council

Item: 11

1. LOCAL GOVERNMENT ETC ACT 2007 (SECTION 33) – PUBLIC CONSULTATION ON EXECUTIVE CONSTITUTION

Recommending:

(1) That the Council notes the results of the consultation under Section 33 of the 2007 Act, namely that 108 persons responded, 56 of whom were in favour of the Elected Mayor and Cabinet option and 52 in favour of the current Leader and Cabinet option;

(2) That the Council notes that 108 respondents is a very small percentage of the total population of the District and this, along with the balanced number of votes for the two options, does not present a case for pursuing the Elected Mayor and Cabinet option as this is an insufficient measure of public opinion to justify a costly referendum on a system which the Government intends to change;

(3) That, for the reasons set out below, the Council resolves to continue the present Leader and Cabinet system from May 2011 because it is not convinced that the Elected Mayor and Cabinet option will achieve enhanced economy, effectiveness and efficiency in the provision of Council services for the following reasons:

(a) a referendum now would be based on an Elected Mayor option which may be superseded under new legislation;

(b) the cost of holding a referendum now (up to a maximum of £160,000) would not be an efficient use of Council resources in advance of the new legislation;

(c) that any referendum on an Elected Mayor based on new options would be more effective in gauging public opinion and more efficient in the use of Council resources;

(d) that the present Leader and Cabinet system is the only option which will enable the Council to manage services with minimum disruption in the difficult financial circumstances facing the Authority;

(e) that a change to an Elected Mayor system might divert attention from the Council's ability to achieve greater economy in service provision which the Government's Comprehensive Spending Review will require; and

(4) That the Council notes that if a verified petition for a mayoral referendum with the correct number of signatures is received, the Authority will be obliged to hold a referendum under the provisions of the 2007 Act.

1. The Council is required by Sections 33A-0 of the Local Government Act 2000 (as amended by the Local Government etc Act 2007) to consult the public about the form of executive constitution which the Authority intends to operate from the Annual Council meeting in May 2011.

2. The Council is required to pass a resolution by 31 December 2010 giving effect to its choice of executive constitution. In considering the results of the consultation the Council is required to consider:

“the extent to which the proposals, if implemented, would be likely to assist in securing continuous improvement in the way in which the local authority’s functions are exercised in regard to a combination of economy, efficiency and effectiveness”.

3. The Act also specifies the way in which the consultation is to be conducted. The Government has, however, given further advice on this aspect of the legal requirements (see below).

Ministerial Guidance:

4. A copy of a letter dated 7 July 2010 from Mr Grant Shapps MP, the Minister for Housing and Local Government, is attached as Appendix 1. In this letter, he draws attention to the following:

(a) that the Government plans to introduce new proposals as part of its Localism Bill, including provisions regarding the terms of office of Leaders, an option to revert to the Committee system and on elected mayors;

(b) that this new legislation will mean that any Executive Constitution agreed with effect from May 2011 may be altered within “a year or two”;

(c) that, in view of (a) and (b) above, the cost of advertising should be kept to a minimum

Consultation Undertaken:

5. A copy of the consultation material produced is attached as Appendix 2. In accordance with the Government’s wishes, this was published on the Council’s website and placed on deposit at the Council’s information centres. Public notices in the press were avoided on grounds of cost and instead the website statement was supplemented by 3 press releases during the process.

6. The consultation period (which is required to be of 3 months duration under the Act) opened on 15 August 2010 and closed on 16 November 2010.

Results of Consultation:

7. These are set out in Appendix 3, which is divided into separate schedules: one detailing responses which favour the elected mayor and a second showing those responses where there is support for the continuation of the present Leader and Cabinet system. In summary, 52 persons voted for the continuation of the Leader and Cabinet constitution, whilst 56 voted in favour of the Elected Mayor option. The total number of respondents was 108.

What the Authority Has to Do Now:

8. We have considered which form of constitution the Council should adopt, namely:

- (a) the Leader and Cabinet option; OR
- (b) the Elected Mayor and Cabinet option

9. If the Council wishes to pursue option (b) above, the Authority cannot pass the resolution without a referendum which confirms support for that proposal.

10. Our views are set out in the recommendation at the commencement of this report. We hope this is self explanatory and the Council will accept our view that a continuation of the Leader and the Cabinet best meets the Council's requirements.

The Effect of a Petition for an Elected Mayor:

11. We have been advised that if a petition for a mayoral referendum were to be received, the signatures would have to be verified against the electoral register. The current total required is approximately 4,800. From the date of receipt, the petition must be validated within one month.

12. Once verified, a referendum would be held 6 months after the date of receipt of the petition. A mayoral election would take place at least three months after a positive referendum vote (in May or October in the relevant year).

13. We recommend as set out at the commencement of this report.