

Report of	Meeting	Date
Corporate Director of Governance (Introduced by the Leader of the Council)	Executive Cabinet	7 January 2010

EXECUTIVE AND ELECTORAL ARRANGEMENTS

PURPOSE OF REPORT

To make recommendations to Council regarding the commencement of a formal consultation process in respect of revised executive arrangements.

RECOMMENDATION(S)

That Council be recommended:

- To instruct the Chief Executive to commence public consultation on revised executive arrangements and report back to the Special Council meeting in March 2010.
- To agree that no steps be taken to revise the Council's current electoral arrangements.

EXECUTIVE SUMMARY OF REPORT

- The Local Government and Public Involvement in Health Act 2007 requires the Council to amend its executive arrangements and to consult the public before doing so. The Act also provides opportunities for the Council to amend its electoral arrangements.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- Consulting the public before changing executive arrangements is a legal requirement.
- Changes to the Council's electoral arrangements are unlikely to have the necessary two thirds majority support .

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities	✓	Ensure Chorley Borough Council is a performing organization	✓

7. Changing Executive arrangements

- 7.1 The Council must, by law, alter its executive arrangements and adopt, either
- an elected mayor and cabinet or
 - a new-style “strong” leader and cabinet executive.

Different types of Councils have to adopt these new arrangements at different times. Lancashire County Council implemented a new leader and cabinet executive in June this year. Chorley Council will have to implement them in May 2011.

8. The Models

- 8.1 Under the elected mayor model, the executive consists of a mayor elected by the whole Borough electorate for a four year term, and between two and nine councillors of the authority appointed to the executive by the elected mayor.
- 8.2 On the face of it “strong” leader and cabinet model, is quite familiar. The executive consists of a councillor elected as leader of the executive by the Council, and between two and nine executive members
- 8.3 The key differences between the new style leader and cabinet executive and the existing Chorley model are that:
- The Leader is appointed for the whole of his remaining term of Office and does not need to be reappointed each year. The Constitution though can provide for him to be removed by a Council resolution.
 - The Leader (rather than the Council) determines the size of the executive and appoints its members. He or she can also remove them at any time.
 - The Leader will determine the arrangements for the delegation of executive functions (ie the range and level of decision making to be undertaken by the Cabinet and each portfolio holder). Currently the Leader has that power only insofar as the Council (through the Constitution) has not established arrangements for delegation.
- 8.4 An elected mayor would have all the powers described in the previous paragraph. The main differences between a strong Leader and an elected Mayor are that
- The mayor would be directly elected in a Borough wide election and would not have his/her own ward
 - Under the leader and cabinet model, the executive recommends the budget and key strategies (such as the corporate plan) to the Council and the Council approves or amends them; under the mayor and cabinet model, the executive submits the budget and key strategies to the Council but the Council can only amend or overturn them by a two-thirds majority.

9. The process of changing the Arrangements

- 9.1 Full Council needs to make a decision on the way forward by the statutory deadline of 31st December 2010. As any decision could impact on Councillors standing for election in May of 2010, it is suggested that it appropriate for the decision to be made sooner rather than later. This is clearly “special business” as defined within the Council’s Constitution and it would therefore be appropriate for a decision to be made at the March, budget setting Special Council meeting.
- 9.2 Before making the decision, the Council is required by law to “take reasonable steps to consult the local government electors for, and other interested persons in” the Council’s area.

- 9.3 There is no national guidance on what form the consultation must take. However, there is a requirement to meet minimum standards for consultation required by case law. This means that consultation will have to be carried out while proposals are still at a formative stage. They will have to include sufficient, balanced information to allow interested parties to formulate their response, allow sufficient time for a response and take all responses into account when the decision is ultimately taken.
- 9.4 It is proposed that the Council will undertake consultation by placing a consultation document on the website and inviting public feedback and by seeking responses from the citizen's panel.

10. Changing the frequency of elections

- 10.1 A further provision of the 2007 Act permits the Council to alter its electoral arrangements from having elections by thirds in three out of every four years to having all out elections once every four years. This would require a Council resolution carried by a two thirds majority vote.
- 10.2 Before resolving to proceed, the Council would be required to undertake consultation with "such persons as it considers appropriate". Similar considerations would apply to such consultation as apply to consultation regarding executive arrangements.
- 10.3 Following consultation, a Council resolution would be required before 31st December 2010 in order for whole Council elections to take place in 2011. Thereafter the opportunity to amend arrangements would arise only every fourth year.
- 10.4 There is no consistent picture nationally as to Councils having all out elections as opposed to elections by thirds. Each method has supporters and detractors and undoubtedly each has advantages and disadvantages. Following informal discussions it appears to be unlikely that a move to all out elections would have two thirds majority support in Chorley and it therefore would be inappropriate to consult on this issue.

11. Single Member Wards and Boundary Review

- 11.1 If, however, the Council did moves to all out elections it could then ask the Boundary Committee for England to conduct a review and make recommendations as to single-member Wards. There is, however, no obligation to make such a request.

IMPLICATIONS OF REPORT

12. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	No significant implications in this area	

ANDREW DOCHERTY
CORPORATE DIRECTOR GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
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