

**Roberto Tambini  
Chief Executive**

For this Council meeting, please telephone: Gillian Hobbs on Tel: (01784) 444243 or e-mail her at: [g.hobbs@spelthorne.gov.uk](mailto:g.hobbs@spelthorne.gov.uk)

**8 December 2010**

**PLEASE NOTE THAT THIS COUNCIL MEETING STARTS AT 7.00PM**

TO THE MEMBERS OF SPELTHORNE BOROUGH COUNCIL

**SUMMONS TO A SPECIAL COUNCIL MEETING**

You are hereby summoned to attend a **Special Meeting of the Spelthorne Borough Council to be held in the Council Chamber, Council Offices, Knowle Green, Staines on THURSDAY 16 DECEMBER 2010 beginning at 7.00pm**, for the purpose of transacting the business specified in the Agenda **set out on the next page**.

Councillors are encouraged to wear their badge of past office at the Council meeting.

ROBERTO TAMBINI  
*Chief Executive*

**EMERGENCY PROCEDURE:** - In the event of an emergency the building must be evacuated.

All Councillors and staff should assemble on the Green adjacent to Broome Lodge, Staines.

Members of the Public present should accompany the Staff to this point and remain there until the senior member of staff present has accounted for all persons known to be on the premises.

**THE LIFT MUST NOT BE USED**

**PUBLIC SPEAKING AT COUNCIL MEETINGS** - For this Council meeting, please telephone Gillian Hobbs on Tel: (01784) 444243 or e-mail her at: [g.hobbs@spelthorne.gov.uk](mailto:g.hobbs@spelthorne.gov.uk)

**Representations on Recommendations**

Before the Council considers a recommendation from the Cabinet and before it makes a decision on that recommendation, any person can put forward views on the issues involved by making representations to the Council for a maximum of three minutes.

Anyone wishing to make verbal representations on a recommendation **must** notify the Chief Executive [CX] in writing by letter, FAX or e-mail before **12 Noon, five working days prior to the day of the Council meeting (i.e. before 12 noon on the preceding Thursday for a Council meeting on the following Thursday)** and at the same time **must** deliver to the CX their written statement of representations.

## IMPORTANT PUBLIC NOTICE

### MOBILE TECHNOLOGY – ACCEPTABLE USE

Use of mobile technology (e.g. mobile telephones, Blackberries, XDA's etc.) in meetings can:

- Interfere with the Public Address and Induction Loop systems;
- Distract other people at the meeting;
- Interrupt presentations and debates;
- Mean that you miss a key part of a decision taken.

#### PLEASE:

Either switch off your mobile telephone etc. **OR** switch off its wireless/transmitter connection and sound for the duration of the meeting.

***THANK YOU FOR YOUR CO-OPERATION IN THIS MATTER.***

**Roberto Tambini  
Chief Executive**

**A G E N D A**

**1. APOLOGIES FOR ABSENCE**

To note apologies received from Councillor S. Bhadye and to receive any other apologies for non-attendance.

**2. RECOMMENDATIONS OF THE CABINET**

To consider the recommendations of the Cabinet on **Proposals for New Governance Models (Attached.)**

Note: Members of the public may make representations in person not exceeding 3 minutes on individual recommendations before they are discussed *[providing notice has been given in accordance with the procedures laid down in the Council's Constitution]*.

## **RECOMMENDATIONS FROM THE CABINET MEETING HELD ON 23 NOVEMBER 2010**

### **1. PROPOSALS FOR NEW GOVERNANCE MODELS**

- 1.1 The Cabinet considered a report summarising proposals for a new governance model and implementation of the new arrangements. The report and appendices are attached for Members' information.
- 1.2 The Council must introduce new governance arrangements by May 2011 and, following consultation, must pass a resolution to change to a new form of executive arrangements by 31 December 2010.
- 1.3 Borough councils currently operating executive arrangements must change to either a Strong Leader and Cabinet model or a Directly Elected Mayor and Cabinet model. The Council consulted local residents and other interested parties between 1 May and 31 July 2010, on the two options.
- 1.4 The consultation outcomes were reported to Cabinet on the 28 September 2010. The Cabinet resolved to recommend Council that the Leader and Cabinet option be approved as the preferred decision making structure for Spelthorne Borough Council
- 1.5 A review of the Constitution has been initiated to ensure it supports the new decision making arrangements. The Head of Corporate Governance will oversee this review and amendments to the Constitution will be recommended to Council prior to the implementation of the new model in May 2011.
- 1.6 **The Cabinet recommends the Council that**
  1. **The Leader and Cabinet model as set out in the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007) and the published proposals set out in Appendix 1 to the report of the Monitoring Officer, be adopted with effect from the third day after the local elections in May 2011; and**
  2. **The Head of Corporate Governance be authorised to make consequential changes to the Council's Constitution.**

**PROPOSALS FOR NEW GOVERNANCE MODELS -- KEY DECISION**

**Council: 16 December 2010**

**Resolution Required**

**Report of the Monitoring Officer**

**REPORT SUMMARY**

**How does the content of this report improve the quality of life of Borough Residents:**

There is no direct affect on the quality of life but the Council is required by law to pass a resolution with regards to new arrangements for governance.

**Purpose of Report:**

To consider proposals for a new governance model and to recommend to Council proposals to implement the new arrangements.

**Key Issues:**

- ⇒ A consultation on the two options ('Strong Leader' or 'Elected Mayor') was conducted in May-July 2010.
- ⇒ The Council is required to adopt a new form of decision-making (a change to its 'Executive Arrangements') with a resolution made not later than 31 December 2010, for implementation in May 2011.
- ⇒ Review of the Constitution

**Financial Implications:**

None arising from this report.

**Corporate Priority:**

This issue is not a corporate priority.

**Officer Recommendations:**

**That Cabinet recommends to a Special Council on 16 December 2011 that:**

- (1) The Leader and Cabinet model as set out in the Local Government Act 2000 (as amended by the Local Government and Public Involvement in Health Act 2007) and the published proposals set out in Appendix 1 to this report, be adopted with effect from the third day after the local elections in May 2011; and**
- (2) The Head of Corporate Governance be authorised to make consequential changes to the Council's Constitution.**

**Report Author: Michael Graham, Head of Corporate Governance 01784 446227**

**Area of Responsibility: Nigel Lynn, Deputy Chief Executive 01784 4466300**

**Cabinet Member: Councillor John Packman**

## MAIN REPORT

### 1. BACKGROUND

- 1.1 The Local Government Act 2000, as originally enacted, radically changed the decision-making structures of English local government. The Act required most local authorities to adopt a new governance structure, moving away from decisions being taken by cross party committees and introducing an Executive with a wide-ranging leadership role.
- 1.2 Spelthorne, in common with the majority of councils, adopted a leader and cabinet model with the Executive taking collective responsibility for decision making.
- 1.3 Under the current arrangements, the Leader of the Council and up to nine Cabinet Members are appointed annually at a meeting of Council. However, this model has effectively been repealed as local authorities are required to adopt one of the two remaining models, as set out in detail in my report to a Special meeting of Cabinet on 29 April 2010. These models are a revised version of the leader and cabinet model (also known as the “Strong Leader” model) and the elected mayor and cabinet model.
- 1.4 Legislation required the Council to undertake public consultation on the two models. Consultation occurred between 1 May and 31 July 2010. On the 28 September 2010 I reported the consultation outcomes to Cabinet. The Cabinet resolved to recommend Council that the Leader and Cabinet option be approved as the preferred decision making structure.
- 1.5 In line with statutory requirements, a special meeting of the Council must be held to pass a resolution to move to the (new style) leader and cabinet model with effect from the third day after the Borough elections in May 2011. That is the date required by the 2000 Act, as amended.

### 2. KEY ISSUES

- 2.1 The responses to consultation showed a slight preference for the Strong Leader model even though the number of responses was low. It was noted that nobody challenged the Council’s reasoning for its initial preference of Strong Leader.
- 2.2 Given that the reasons for a Strong Leader model had been widely communicated and we did not meet any fundamental objection or opposition, the Cabinet was satisfied that it did not need to alter its original view.
- 2.3 The Cabinet resolved to recommend to Council that the Strong Leader model be adopted as the form of governance for Spelthorne Borough Council.
- 2.4 The Council will continue to set council tax and approve the budget and policy framework within which executive decisions will have to be made.
- 2.5 The arrangements for decision-making in relation to regulatory functions (e.g. licensing, planning) are not the responsibility of the Cabinet and will remain unchanged. No changes will be made to the Overview and Scrutiny arrangements.
- 2.6 The main differences between the old and new style Leader and Cabinet arrangements are that the Leader will:
  - continue to be elected by full Council, but for a four year period or until his or her term of office as a Councillor expires;

- determine the size of the Cabinet (two or more, up to a maximum of 9);
- appoint/remove a Deputy Leader and Cabinet Members;
- be responsible for all executive functions;
- have the option of delegating functions to the Cabinet, other Committees, individual councillors and officers.

2.7 The Council can take assume a power to remove the Leader by resolution. The Council consulted on the basis that this power to remove a Leader was a fundamental safeguard which differentiated the elected Mayor model. It would now be illogical not to propose assuming this power to include the power of removal within the constitution.

2.8 The current role of Mayor will continue unchanged under the Leader and Cabinet model.

2.9 A review of the Constitution has been initiated to ensure it supports the new decision making arrangements. In addition, the opportunity is being taken to review the wider Constitution, to include changes that will improve the efficiency and effectiveness of the Council's decision making in light of experience.

2.10 The Head of Corporate Governance will oversee this review and amendments to the Constitution will be recommended to Council prior to the implementation of the new model in May 2011.

### **3. OPTIONS ANALYSIS**

3.1 The Cabinet can now make a formal proposal to Council for the preferred form of governance, but still only one of two options is allowed at this time; Strong Leader or Elected Mayor.

3.2 The Council has no choice but to adopt a new system next year, as this is a statutory requirement. It is anticipated that draft legislation (the Localism and Decentralisation Bill might alter the position, but this is not known for certain as yet).

### **4. PROPOSALS**

4.1 I would therefore recommend that Cabinet proceeds to recommend to Council that the Strong Leader model be adopted as the form of governance for Spelthorne Borough Council. Proposals have been drawn up and these are shown in Appendix 1.

4.2 These Proposals provide for the election of the Leader for a four-year term or until his/her normal retirement as a councillor, if sooner. The Leader will determine the size of the Cabinet, appoint members to it and decide who exercises which functions. Provision is made for the appointment of a Deputy Leader who will act in the Leader's absence.

4.3 The legislation permits the arrangements to include provision for the Council to remove the Leader by resolution by a simple majority and this is included in the proposals. The proposed timetable is set out, as are transitional arrangements which will see the current Leader remaining in office until the new Leader is elected.

4.4 The proposals may provide for the Council's preferred option to be the subject of a referendum. If the proposals put to the electorate are approved by a majority of those voting, the Council would have to implement them. If the Council then

wished to change its governance arrangements in the future, it would be compelled to hold a further referendum (but not until after a period of 10 years had elapsed since the previous referendum). The cost of a referendum would be significant and given the low level of interest shown by the public during the consultation, it is felt that there is insufficient justification to undertake a referendum on proposals. Accordingly, I recommend that no referendum be held as to the form of executive arrangements to be adopted.

**5. BENEFITS AND SUSTAINABILITY**

5.1 Not applicable.

**6. FINANCIAL IMPLICATIONS**

6.1 No direct financial implications arising from the adoption of the Strong Leader model at this time. Preparation of a new constitution will be handled within current resources.

**7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS**

7.1 As discussed in the main body of the report.

7.2 As required by the Act, the proposals for the new Executive arrangements will be made available for public inspection and a notice published in the local newspaper setting out the main features of the proposed model, prior to the Special Council meeting at which these proposals will be considered. Any comments received following the publication of these proposals, will be notified to the Council meeting.

**8. RISKS AND HOW THEY WILL BE MITIGATED**

8.1 None apparent.

**9. TIMETABLE FOR IMPLEMENTATION**

9.1 Work to prepare the new Constitution is underway and will continue through the winter.

9.2 It is proposed to make the decision at a Special meeting of the Council prior to the scheduled Council meeting on 16 December 2010, with the new Constitution finalised prior to May 2011.

**Report Author: Michael Graham, Head of Corporate Governance 01784 446227**

**Background Papers:**

There are none.





## **SPELTHORNE BOROUGH COUNCIL**

### **PROPOSALS FOR NEW EXECUTIVE ARRANGEMENTS**

The Local Government and Public Involvement in Health Act 2007 requires the Council to make changes to its decision-making arrangements. The new arrangements will come into effect the third day after the elections in May 2011. The Council is required under the Act to publish proposals following the conclusion of a consultation exercise. These proposals will be considered by the Council at a Special Meeting on 16 December 2010.

#### **Proposed New Executive Arrangements**

It is proposed that, with effect from the third day after the May 2011 elections, the Council adopts the Leader and Cabinet Executive (England) model, as set out in the provisions of the Local Government Act 2000 (as amended). In consultation and in the press this has been called the "String Leader Model".

The key elements of the proposals are:

#### **1. Election of Leader**

The Leader is elected by the 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 of the Leader starts on the day of his/her election as Leader and ends on the day the Council holds its first annual meeting after the Leader's normal day of retirement as a councillor unless he/she:

- ⇒ is removed from office or resigns
- ⇒ ceases to be a councillor
- ⇒ is disqualified from being a councillor

before that day.

#### **2. Appointment of Cabinet and Scheme of Delegation**

The Leader determines the size of and appoints between 2 and 9 Members of the Council to the Cabinet in addition to himself/herself, allocates any areas of responsibility (portfolios) to them, and may remove them from the Cabinet 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 Cabinet.

### 3. Appointment of Deputy Leader

The Leader appoints one of the Members of the Cabinet to be his/her deputy, to hold office until the end of the term of office of Leader (unless the Cabinet Member resigns as Deputy Leader, ceases to be a councillor, is disqualified or is 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 Cabinet Member in his/her place.

### 4. Absent Leader

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a Member of the Cabinet to do so.

### 5. Removal of Leader

Section 44C of the Local Government Act 2000 (as amended) states that the executive arrangements providing for a Leader and Cabinet executive may include provision for the Council to remove the Leader by resolution.

It is proposed that the Council should have the power to remove the Leader by way of resolution by a simple majority, with detailed provision to be included in the revised Constitution of the Council.

The Act specifies that, if the Council passes a resolution to remove the Leader, a new Leader is to be elected:

- (a) at the meeting at which the Leader is removed from office, or
- (b) at a subsequent meeting.

### 6. Referendum

Under the Act, the Council has the option 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 is considerable (estimated at £80,000 for which there is no provision in the budget) and given the low levels of interest shown by the public during the recent consultation exercise on leadership arrangements, it is felt that there is insufficient justification to undertake a referendum in addition to the consultation exercise. Accordingly it is proposed that there is no referendum as to the form of executive arrangements for Spelthorne Borough Council.

## 7. Timetable for Implementation

Stage	Date
New leadership arrangements to be considered at Cabinet	23 November 2010
New leadership arrangements to be agreed at a Special Meeting of Council	16 December 2010
Revised constitution to be agreed	28 April 2011
New arrangements come into effect 3 days after elections of 5 May 2011	9 May 2011
Leader elected at Annual Meeting of Council	26 May 2011
Appointment of Deputy Leader, Cabinet Members and allocation of Cabinet responsibilities	Following the Leader's election at the Annual Meeting of Council on 26 May 2011 or as soon as possible thereafter
Revisions to the constitution to reflect the Leader's scheme of delegation	As soon as possible following the Leader's election.

## 8. Transitional Arrangements

Under the Act, the Council must agree transitional arrangements for the period following the local elections up until the Annual Meeting of Council.

From the election date to the date of the third day after the elections the present Leader and Cabinet system will operate.

From the third day after the elections until the Annual Council meeting the Chief Executive will make any executive decisions which are urgent and cannot wait until the appointment of the Leader at the Annual Council Meeting (or thereafter). In exercising this delegation the Chief Executive will consult with the majority group on the Council following the elections of 5 May 2011 or, where there is no overall control, with all groups. All decisions taken by the Chief Executive at this time will be reported to councillors at the Annual Council meeting.

## 9. Continuous Improvement

In drawing up the proposals, the local authority must 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, having regard to a combination of economy, efficiency and effectiveness.

The Council already operates a form of Leader and Cabinet governance which is well established and understood. The model operates efficiently, effectively and economically.

## Appendix 1

It is considered that the Council will continue to demonstrate improvement under the proposals set out above and that the Leader and Cabinet model of governance offers the best value for residents of Spelthorne.

### **10. The Constitution**

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.

### **11. Allocation of Functions**

The Act requires a statement of the extent to which functions are to be specified as the responsibility of the Cabinet. The Council proposes that the allocation of functions will continue as currently operated until revised by the Leader or by the Council under the new governance arrangements.

### **12. Public Inspection**

Notice of these proposals have been advertised. The proposals are available for public inspection at the Council Offices, Knowle Green, Staines during normal office hours Monday to Friday. A copy of the proposals is also available on the Council's website [www.spelthorne.gov.uk/governance](http://www.spelthorne.gov.uk/governance)

Michael Graham  
Head of Corporate Governance  
Spelthorne Borough Council  
Knowle Green  
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## Appendix 2

### NEW LEADERSHIP ARRANGEMENTS IN SURREY

Authority	Currently	Consultation	Resolution	Outcome
Elmbridge	Leader & Cabinet <sup>1</sup>	14 Jun – 9 Aug 2010	6 October 2010	Strong Leader May 2011
Epsom <sup>2</sup>	Alternative Arrangements	N/A	N/A	N/A
Guildford	Leader & Cabinet	16 Nov 2009 – 8 Feb 2010	8 April 2010	Strong Leader May 2011
Mole Valley	Leader & Cabinet	Oct 2009 – Jan 2010	30 Nov 2010	Strong Leader May 2011
Reigate	Leader & Cabinet	4 Dec 2009 – 26 Feb 2010	30 Sep 2010	Strong Leader May 2011
Runnymede	Alternative Arrangements	N/A	N/A	N/A
Spelthorne	Leader & Cabinet	1 May 2010 – 31 July 2010	16 Dec 2010	Awaited
Surrey CC <sup>3</sup>	Strong Leader	Oct – Nov 2008	9 December 2008	Strong Leader May 2009
Surrey Heath	Leader & Cabinet	8 Feb 2010 – 10 May 2010	8 December 2010	Awaited
Tandridge	Alternative Arrangements	N/A	N/A	N/A
Waverley	Leader & Cabinet	7 July 2010 – 20 August 2010	14 Dec 2010	Awaited
Woking	Leader & Cabinet	28 Sep 2009 – 21 Dec 2009	22 April 2010	Strong Leader May 2011

Position as of 7 December 2010

<sup>1</sup> Spelthorne uses the term 'Cabinet', others 'Executive'. The description 'Leader and Cabinet' includes all authorities operating Cabinet Executives

<sup>2</sup> Authorities with a population of less than 85,000 were permitted to retain "alternative arrangements" and were not obliged to move to new executive arrangements (or change existing arrangements). Epsom, Runnymede and Tandridge have decided to retain modified committee systems.

<sup>3</sup> Surrey County Council was amongst the first tranche of authorities designated to decide on new arrangements by 31 December 2008 (Section 65 of and Schedule 4 to the Local Government and Public Involvement in Health Act 2007)

## Appendix 2