

Executive Summary and Recommendations

Title of Report: **New Executive Arrangements – next steps**

Date: **1 July 2009**

1. Summary of this Report

- 1.1 This report informs Members about the results of consultation on a new executive model and of the formal proposals which will need to be drawn up in this respect for further consultation.
- 1.2 The relevant provisions are set out in the Local Government and Public Involvement in Health Act 2007 which built on the 2005 White Paper “Strong and Prosperous Communities” setting out the Government’s case for further reforms to local government leadership arrangements. The City Council must make changes to its current executive arrangements and decide whether it wishes to move to a new model of governance with a directly elected Mayor or to vary the current arrangements to comply with the requirements of the 2007 Act.
- 1.3 The results of the consultation suggests there is low public interest in this question and therefore little evidence that residents would like major changes to executive arrangements. The Council should therefore be recommended to agree to proceed to publish proposals on the basis of varying current arrangements by strengthening the role of the Leader.

2. Recommendations

- 2.1 That the results of the consultation outlined in paragraph 5 of the report, be noted.
- 2.2 That the Council be recommended to agree that proposals to amend the Council’s executive arrangements to strengthen the existing role of Leader of the Council be published in accordance with the Local Government Act and Public Involvement in Health Act 2007.
- 2.3 That the Council be recommended to agree that a Special Council meeting be held on the rising of the ordinary Council meeting on 4 November 2009.



City of Westminster

General Purposes Committee

Item No:	
Date:	1 st July 2009
Classification:	For General Release
Title of Report:	New Executive Arrangements – next steps
Report of:	Deputy Chief Executive
Wards involved:	Not applicable
Policy context:	Management of the Council
Financial summary:	There are no financial implications
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3. Background

- 3.1 The Local Government Act 2000 (LGA 2000) radically changed the decision making structures of local government in England by requiring local authorities to adopt new political management arrangements, specifically one of three models: (1) Leader and Cabinet, (2) directly elected Mayor and Cabinet and (3) directly elected Mayor and Council Manager. The Local Government and Public Involvement in Health Act 2007 amends the LGA 2000 so that only two models of executive are permissible, namely (1) Leader and Cabinet or (2) directly elected Mayor and Cabinet.
- 3.2 The Leader and Cabinet model under the 2007 Act is very similar to that which the Council currently operates and therefore the extent to which the City Council would need to amend its arrangements to comply with the 2007 Act is limited. In essence, the Council only needs to make amendments to the Constitution to widen the Leader's power to allocate responsibility for executive functions, by giving the Leader the power to determine his own terms of reference, and those of the Deputy Leader and the Cabinet.
- 3.3 The provisions in the 2007 Act came into effect on 31 December 2007, but the Act contains transitional provisions and the Council is not prevented from continuing to operate its "old style" arrangements until the end of the transitional period, which expires three days after the elections in 2010. However, the Council must pass a resolution to make a change in governance arrangements at a meeting of the full Council "which is specifically convened for the purpose of deciding the resolution with notice of the object" in the period ending on 31 December 2009. (The full statutory requirements are appended.)

4. Executive models

- 4.1 Once in office, there is little variation between what a Leader and an elected Mayor can do. The fundamental difference is that an elected Mayor is not a Councillor. He or she does not have an electoral ward to represent and would work full time as Mayor. A directly elected Mayor of the City Council would be elected by the voters of Westminster as a whole and would have a mandate from them to deliver his or her election programme. Having set out policies before taking office he or she would have more autonomy to deliver them than a Leader appointed by the Council and could retain executive powers personally in order to drive them through. Since a Mayor is not appointed by the Council it is possible that he or she may not be a member of the majority group, or for that matter any political party. A Mayor would of course be reliant upon the Council to pass any budget that he or she proposed and would therefore need to work with Members to ensure that this could be agreed.
- 4.2 A Leader would, as now, be elected by the Council and so indirectly have the mandate of the Westminster electorate. A Leader would come to the role with the support of peers and would have already been working to build a consensus about the direction the Council should take. A Leader is also a

Councillor and as such required to combine his or her role with local work and in representing the views of his or her electoral division. In Westminster there is a significant risk that a directly elected Mayor would be confused with the largely ceremonial role of the Lord Mayor.

5. Initial consultation

- 5.1 General Purposes Sub Committee received a report on the changes to executive arrangements in February. The report explained that it was a matter for the Council to decide on its preferred model and then to consult before formal publication of the proposals. It was up to the Council to decide what “reasonable steps” were required to consult, and, in deciding, what consultation is reasonable, it could take into account how radical the proposals were, and the extent to which any representations lobbying for change have been received. The Council had to consider whether to have a referendum but is not required to hold one, particularly if the final proposals do not represent significant change.
- 5.2 The Committee decided to undertake a limited consultation about minor changes to current arrangements to comply with the Act i.e. changes to the Leader’s span of responsibility rather than a directly elected Mayor. The reasons for this were that the original consultation on governance arrangements showed a relatively even split between the (at that time) three different governance options. The Council’s continued high customer satisfaction ratings as well as no evidence of significant lobbying or debate about changes to governance structures suggested little public appetite for change. The issue was raised at the Westminster Amenities Societies Forum in November but attendees did not advocate change.
- 5.3 The consultation included a short piece in the April Area Forums Newsletters, in the spring Westminster Reporter and on the website, outlining the minor change and asking for any comments or views. The deadline for responses was 15th May. There has been a very small number of responses – 5 supporting an indirectly elected Leader, 3 supporting a directly elected Mayor and one stressing the need for strong accountability arrangements. Of these one respondent was particularly supportive of the elected Mayor proposal expressed the view that there should be a much wider public consultation, and raised the issue at 2 Area Forum meetings
- 5.4 Such a very low response level suggests that there is very limited public interest in Westminster in changing executive arrangements at all. Other London boroughs are undertaking similar consultations but there are no indications so far that any have found a groundswell of opinion in favour of changing to a directly elected Mayor model. Four local authorities which have completed their consultation have had very low response rates. Currently across the UK 12 authorities have a directly elected Mayor and the Department of Communities & Local Government has not monitored the results of this consultation but is not aware so far that any more authorities are choosing to move to a mayoral model. The Government had intended to introduce further legislation making it easier to move to an elected Mayor

model (Members received a separate report on this in February) but this is apparently now in doubt.

- 5.5 On the basis of this consultation it is recommended that the Council should proceed to publish formal proposals to strengthen the Leader's role in accordance with the 2007 Act.

6. Next steps

- 6.1 The Council, having had regard to the results of the consultation carried out during April and May are minded to amend its existing Constitution to widen the Leader's power to allocate responsibility for executive functions, by giving the Leader the power to determine his own terms of reference and those of the Deputy Leader and the Cabinet.

- 6.2 The Local Government Public Involvement in Health Act 2007 requires the Council to formally resolve to discontinue its current executive arrangements and consider which of the two models available it wishes to adopt going forward. These are either:

- (a) A directly elected Mayor and Cabinet; or
- (b) A new style Leader and Cabinet.

- 6.3 The City Council's Constitution already reflects an executive in a form specified in the 2007 Act, ie a Leader and Cabinet executive model, with the Leader being elected by the full Council for a term expiring until the next election of all Members of the Council. The requirements in the 2007 Act for a Leader and Cabinet Executive model are:

- (a) The executive arrangements must include provision which enables the Executive Leader to determine the number of councillors who may be appointed to the executive (up to a maximum of 10).
- (b) The executive arrangements must include provision which requires the Executive Leader to appoint one of the members of the executive to be his Deputy.
- (c) Subject to point (d) below, the Deputy Executive Leader, unless he resigns as Deputy Executive Leader or ceases to be a member of the authority, is to hold office until the end of the term of office of the Executive Leader.
- (d) The Executive Leader may, if he thinks fit, remove the Deputy Executive Leader from office.
- (e) Where a vacancy occurs in the office of Deputy Executive Leader, the Executive Leader must appoint another person in his place.

- (f) If for any reason the Executive Leader is unable to act or the office of Executive Leader is vacant, the Deputy Executive Leader must act in his place.
- (g) If for any reason:
1. The Leader is unable to act or the office of Executive Leader is vacant, and
 2. The Executive Leader is unable to act or the office of Deputy Leader is vacant.

The executive must act in the Executive Leader's place or must arrange for a member of the executive to act in his place.

- 6.4 Subject to a formal resolution of the Council confirming and reaffirming the adoption of the Leader and Executive model the Council will need to include an update in the Constitution to reflect these changes.

7. Legal Implications

- 7.1 These are set out in the body of the report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT: NICOLA HOWE OR MICK STEWARD ON 020 7641 3384/3134

Background Papers

- Constitution.
- Responses to consultation

New Executive Arrangements – Process for varying arrangements as required by the Local Government Act 2000 taking account of new provisions inserted by the Local Government and Public Involvement in Health Act 2007

- The Council must draw up proposals for the change.
- The proposals must include:
 - (a) a timetable with respect to the implementation of the proposals, and
 - (b) details of any transitional arrangements which are necessary for the implementation of the proposals.
- The proposals may provide for the change in governance arrangements to be subject to approval in a referendum.
- Before drawing up the proposals, the Council must take reasonable steps to consult the local government electors for, and other interested persons in, its area.
- In drawing up the proposals, the Council 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 Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- After drawing up the proposals, the Council must:
 - (a) secure that copies of a document setting out the proposals are available at it's principal office for inspection by members of the public at all reasonable times, and
 - (b) publish in one or more newspapers circulating in it's area a notice which:
 - (i) states that the Council has drawn up the proposals;
 - (ii) describes the main features of the proposals;
 - (iii) states that copies of a document setting out the proposals are available at the Council's principal office for inspection by members of the public at such times as may be specified in the notice, and
 - (iv) specifies the address of the principal office.
- The Council must then pass a formal resolution at a special meeting of full Council and comply with the advertising and notice requirements.