

Meeting: Council
Date: Wednesday 21 July 2010
Subject: New executive arrangements
Report of: Councillor Tutt on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 14 July 2010 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. Copies may be seen on the Council’s website at:
<http://www.eastbourne.gov.uk/council/meetings/cabinet/>

The Council is recommended to:-

(1) Adopt the strong leader and cabinet option on the grounds that this would best secure the continuous improvement in the way in which the council’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

(2) Authorise the Local Democracy Manager in liaison with the Leader of the Cabinet to:

- (i) draw up a document describing the Council’s “proposals for change” as required under the legislation based on the chosen option, including the provisions described in the Cabinet’s resolution 1(c), and detailing the timetable for implementation and transitional arrangements; and**
- (ii) to publish notice of the proposals and make a copy of the document available for public inspection.**

(3) To note that further reports will be made (a) to Council on 15 September 2010 following publication of the Council’s proposals at which a formal adoption resolution will be moved; and (b) to a subsequent meeting of the Council to deal with changes to the Council’s constitution and delegation arrangements.

**Minute Extract
CABINET 14 July 2010**

***40 New executive arrangements** (Council, 24 February 2010, page 270, minute 65).

- 40.1 Cabinet considered the report of the Local Democracy Manager. The report continued the process for the Council to adopt revised "executive arrangements" in line with recently introduced legal obligations. This process had begun with an introductory report to full Council on 24 February 2010 when the legislative requirements and timetable were noted and consultation arrangements approved.
- 40.2 There were 2 options to choose from. Either a Leader elected by the Council or a directly elected Mayor. Both would carry out all the Council's "executive functions" assisted by a number of councillors appointed by the Leader/Mayor to a Cabinet. A 3-stage decision making process had to be followed. This, the second stage, was about receiving the results of the public consultation and choosing one of the options. The final stage would formally adopt the new executive arrangements (Council resolution to be passed no later than 31 December 2010). The changes would be effective as from 8 May 2011 as required by statute (i.e. 3 days after the May 2011 borough council elections).
- 40.3 The Council had agreed a 12 week consultation. Information was provided on the Council's website (with a link from the front page titled "*Have your say – how do you want Eastbourne Council to be run?*") and at Council reception points. The launch of the consultation was announced via a press release which resulted in articles in the Eastbourne Herald (newspaper and website) and the Argus. A total of 23 responses were received via the Council's website. A summary of the comments and arguments made by respondents was circulated as follows:

Pro Mayor

- More democratic – the popular choice.
- Provides direct accountability to electorate.
- An election would help clarify aims and objectives of mayoral candidates.
- Best system to deliver leadership quality and provide a local champion.
- Positive impact on public services.
- Encourage local enterprise.
- Counter influence of political parties: an independent could win.
- Time for a ceremonial mayor is now past.

Pro Leader

- Better system of checks and balances.
- Councillors are in best position to assess who is best qualified to act as leader.
- Public have unrealistic expectations of what mayors can achieve – powers of both mayor and leader are the same. In a 2-tier system, mayor would have little overall influence and authority on town as a whole.
- Extra cost of mayor.
- Leader allows for strong and decisive leadership with support of majority of councillors.
- Potential weakness of independent or minor party mayor in conflict with council majority.

- Risk that mayoral elections could become more about self promotion and personalities and not policies.
- Loss of a civic and non-partisan mayor able to give leadership to town as a whole.

40.4 The new coalition government had recently said that they were concerned about the overly prescriptive way in which local authorities currently work. As part of the localism agenda, it was therefore committed to allow local authorities to return to the committee system rather than the existing executive models, should they wish to. This would require legislation and the government was currently considering how this could be best implemented. In the meantime councils would still be required to comply with their obligations under existing legislation. A further statement from the Minister for Housing and Local Government dated 7 July 2010 requested that councils did not incur any significant expenditure in undertaking consultation on the executive changes and incur only minimal expenditure.

40.5 The Scrutiny Committee, at their meeting on 5 July 2010, had received the same report and the committee's comments were circulated. The committee did not comment as to their preferred option and instead asked Cabinet to consider the option of reverting to a committee system of political management in the future when such an option became available. The committee had also expressed disappointment at the low level of response to the consultation. The Local Democracy Manager had informed the committee that the consultation effort had been reasonable and proportionate for a matter of this nature and had been carried out at minimal cost.

40.6 Cabinet took account of the consultation responses and also the various background papers that had been drawn to their attention. In reaching the view that the leader and cabinet model should be adopted, Cabinet identified the following factors:

- The need for continuity at a time when the Council was part-way through a process of significant change in its management and ways of working and also facing considerable financial pressures.
- Concern at the potential additional costs of the mayor option; especially as it would be likely that the mayor would become full time and expect remuneration that reflected such additional commitment.
- The absence of evidence pointing to any clear advantage in adopting the directly elected mayor model.
- The greater potential for conflict where a mayor did not have majority support from the Council as a whole.
- The apparent misunderstanding on the part of some of those advocating a mayor in believing the office was more likely to be held by a non- party political person when evidence from elsewhere suggested otherwise.
- That a leader would still need to maintain the confidence of the Council as a whole throughout his/her term of office unlike a mayor who would not be subject to any recall/vote of confidence procedure.

- Recognition, that having regard to the new government's statement concerning further legislation on councils' choice of political management arrangements and restoring the option of a committee system, expending time and resources on a major change would be inappropriate at this time.

*40.7 **Resolved (key decision):** (1) That full Council at their meeting on 21 July 2010 be recommended to:

(a) Adopt the strong leader and cabinet option on the grounds that this would best secure the continuous improvement in the way in which the council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

(b) Authorise the Local Democracy Manager in liaison with the Leader of the Cabinet to:

- (i) draw up a document describing the Council's "proposals for change" as required under the legislation based on the chosen option and detailing the timetable for implementation and transitional arrangements; and
- (ii) to publish notice of the proposals and make a copy of the document available for public inspection.

(c) That the forgoing proposals, in addition to any other provisions that may be required by the legislation, provide for:

1. A leader to be elected by the full council for a 4-year term commencing at the annual meeting (the first to be held following the local elections due to take place on 5 May 2011).
2. Provide for a cabinet comprising the leader and between 2 and 9 councillors appointed by the leader.
3. Require the leader to appoint one of the cabinet as deputy leader and for the deputy leader's term of office to match that of the leader, save that the leader can end the appointment at any time and appoint a new deputy leader.
4. Provide for the deputy leader to exercise all the powers of the leader in the absence of the leader.
5. Allow for full council to remove the leader from office on a vote of no confidence and appoint a new leader.
6. Provide for the leader to discharge all of the authority's executive functions or make arrangements for their discharge by the cabinet, a member of the cabinet, a committee of the cabinet or by an officer of the Council.
7. Maintain the current allocation of "local choice" functions between the executive and the council.
8. Incorporate the transitional arrangements described in paragraph 3.2 of the report to Council on 24 February 2010 whereby the Council's current arrangements remain in force until the 8 May 2011 and provide for appropriate arrangements to be made for the exercise of executive functions and responsibilities between 8 May and the day of the annual meeting.

(2) To note that further reports will be made (a) to Council on 15 September 2010 following publication of the Council's proposals at which

a formal adoption resolution will be moved; and (b) to a subsequent meeting of the Council to deal with changes to the Council's constitution and delegation arrangements.

For a copy of the report please contact Local Democracy at the Town Hall, Eastbourne, BN21 4UG. Tel. (01323) 415022 or 415023.
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