

# REPORT TO COUNCIL

**REPORT OF: Head of Legal and Democratic Services**

**REPORT NO: LDS002**

**DATE: 28<sup>TH</sup> October 2010**

<b>TITLE:</b>	<b>NEW EXECUTIVE ARRANGEMENTS</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Council Decision	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Ray Auger – Portfolio Holder for Access and Engagement	
<b>CONTACT OFFICER:</b>	Lucy Youles – Head of Legal and Democratic Services. Tel:01476 406105. E-mail – l.youles@southkesteven.gv.uk	
<b>INITIAL IMPACT ASSESSMENT:</b>	Carried out and appended to the report: n/a	Full impact assessment Required: n/a
<b>Equality and Diversity</b>		
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council’s website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Local Government and Public Involvement in Health Act 2007 Local Government Act 2000 (as amended) Report to Council- DEM039 – New Executive Arrangements	

## 1. RECOMMENDATIONS

It is recommended Council consider the result of the consultation and the further information contained in this report relating to new executive arrangements and the current government stance and determines to approve the adoption of the new style leader and cabinet executive arrangements in accordance with s.33B of the Local Government Act 2000 (the Act) as amended by 64 of the Local Government and Public Involvement in Health Act 2007

## 2. PURPOSE OF THE REPORT

The purpose of the report is to inform Council of the results of the consultation carried out in accordance with statutory provision and detail considerations to be taken into account when recommending to Council the executive

arrangements to be adopted in accordance with the Local Government Act 2000 (as amended).

### **3. CONTRIBUTE TO PRIORITY THEME**

The proposals in this report are required in accordance with statutory provisions. As such the report contributes to the quality organisation priority theme.

### **4. DETAILS OF REPORT**

**4.1** At its meeting on the 22<sup>nd</sup> April, Council determined the process for consultation for members of the public to comment on their preferred style of executive arrangements in accordance with the Local Government Act 2000 (as amended). The form of consultation consisted of an article in the Council newsletter - SK Today. The Article is attached to this report at Appendix A. The Article referred to the Council website which included provision to vote on 2 styles of executive arrangements permitted by the Act. A copy of the website page is attached to this report as Appendix B. The consultation was available for vote on preferences and comment from the May 2010 to the 9<sup>th</sup> July 2010.

**4.2** At the close of the consultation, 45 preferences had been recorded by way of website vote and correspondence. Of those 45 preferences recorded:

- 17 declared preference for the new style leader and cabinet executive;
- 2 declared no preference;
- 26 declared preference for the elected mayor and cabinet executive .

Of the 45 preferences expressed 14 comments were recorded. The comments are detailed at Appendix C attached.

The 45 preferences recorded represent approximately 0.04% of the total number of people eligible to vote in the South Kesteven district. This low level of public engagement would indicate an unrepresentative conclusion to the consultation.

**4.3** Council should be mindful of the results of the consultation, the current Government's stance on the change of executive arrangements and of the pros and cons of the 2 styles of arrangement. The new style leader represents little change to the current system operated by the Council. This could be implemented by resolution of the Council and appropriate changes to the Constitution. The provision of a mayor for the district would require a referendum of the electorate to implement the change from the current arrangements. It would also require an election to choose the mayor to represent the whole district. The approximate cost of the referendum and election could amount to £30,000 for postal returns to the referendum and in excess of £100,000 for an election. The Council should consider whether it is appropriate to incur such expenditure in view of the Governments statement made by Local Government minister, The Rt Hon Grant Shapps MP, on the 7<sup>th</sup> July 2010 that consultation on the options should be done as cost efficiently as possible pending the abolition of this requirement. A copy of the minister's letter is attached to this report as Appendix D.

**5. OTHER OPTIONS CONSIDERED**

Alternatively, Council could consider taking no further action and approve neither the new style leader nor the referendum for elected mayor. In this situation, the Council would not be in a position to make the arrangements required to be in place following the district council elections due to be held in May 2011. In these circumstances, the current legislation would impose the new style leader option on the Council in any event.

**6. RESOURCE IMPLICATIONS (INCLUDING FINANCIAL, PEOPLE)**

The new style leader option could be implemented without additional resource. The mayor option would have significant resource implications which would require budgetary provision by way of supplementary estimate during the current financial year.

**7. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)**

To minimise the risk of challenge, the Council should comply with the current legislation.

**8. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

None applicable

**9. CRIME AND DISORDER IMPLICATIONS**

None applicable

**10. COMMENTS OF SECTION 151 OFFICER**

Members' attention is drawn to paragraph 6 of the report that confirms additional financial resources will be required for the delivery of the mayor option. There is no budgetary provision for this option within the current financial year and additional resources would need to be identified if Council recommended this option. All other options can be met from existing resources.

**11. COMMENTS OF MONITORING OFFICER**

Detailed in the report

**12. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS**

None applicable

**13. APPENDICES:**

**Appendix A – SK Today Article**

**Appendix B- Copy website page relating to consultation**

**Appendix C – Comments received**

**Appendix D – Copy letter 7/7/10 from The Rt Hon Grant Shapps MP**