

ITEM NO: 14

DECISION-MAKER:	COUNCIL		
SUBJECT:	REPORT OF THE WORKING GROUP INTO THE IMPLEMENTATION OF THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 (LGPIH ACT)		
DATE OF DECISION:	13 TH MAY 2009		
REPORT OF:	SOLICITOR TO THE COUNCIL		
AUTHOR:	Name:	MARK HEATH	Tel: 023 8083 2371
	E-mail:	mark.heath@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

SUMMARY

The purpose of this report is to report to Full Council on the work of the Working Group set up by last year's annual meeting of the Council into the main provisions of the Local Government and Public Involvement in Health Act 2007 (LGPIH Act) and outline the various governance changes and options that are available to the Council. Where there are options, Members are asked to agree that a further report will be submitted to the May 2010 Council meeting requesting Members to consider the options that should be taken forward to public consultation before any final changes to the governance arrangements are decided by Full Council.

RECOMMENDATIONS:

- (i) To note the proposals contained within the report together with the comments of the Local Government and Public Involvement in Health Working Group and Solicitor to the Council.
- (ii) To note the consultation proposals set out in paragraphs 49 and 50 of the report and agree that pre-statutory consultation be undertaken as set out in paragraph 51.
- (iii) To agree a further report be submitted to the May 2010 Council meeting in order that Members can resolve which options should be taken forward to public consultation.
- (iv) That following consideration by the Local Government and Public Involvement in Health Act Working Group, a report outlining the results of the consultation together with the Group's recommendations on the options which should be approved be submitted to a special meeting of the Council to be held prior to the September 2010 Council meeting.

REASONS FOR REPORT RECOMMENDATIONS

1. The Local Government and Public Involvement in Health Act 2007 includes significant implications for the future governance arrangements of the City. Members need to take informed decisions following consultation on the

arrangements that should be adopted by the City Council.

CONSULTATION

2. This report has been the subject of consultation and discussion with the Local Government and Public Involvement in Health Joint Working Group which considered this report at its meeting on 9th March 2009. The Working Group's comments are embodied within this report

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. The Local Government and Public Involvement in Health Act received Royal Assent in December 2007. The Council will have to operate and adopt the proposals within the Act. The options available to the Council are set out within the report and Members have a range of options including those to accept or reject the various options recommended to them.

DETAIL

Electoral Arrangements – Part 2

4. The Act contains powers for district councils that currently hold elections by halves or by thirds to resolve to be subject instead to a scheme for whole council elections.
5. Any Council wishing to change its electoral arrangements must do so at a special meeting and by a resolution passed by a majority of at least two-thirds of the members voting.
6. A resolution for change can only be passed during specific periods. The specific periods relating to a non-metropolitan district council are by the 31st December 2010 or in any fourth year thereafter, between the council's annual meeting and the 31st December.
7. If the Council resolved to change by resolution before 31st December 2010, whole Council elections would take place in 2011 and every 4th year thereafter. However, if the Council decided not to change by December 2010, it could then not resolve to change arrangements until the period between May and December 2014 with whole council elections in 2015.
8. The Council must not pass the resolution unless it has undertaken reasonable steps to consult such persons as it thinks appropriate on the change. The consultation proposals, should the Council wish to adopt new arrangements, are set out in paragraphs 49 and 50.
9. The Council will therefore need to determine whether it wishes to change its current electoral arrangements and consult on a scheme for whole Council elections.
10. The views of the Local government and Public Involvement in Health Working Group supported by the Solicitor to the Council are a desire:
 - That the Council should consult on proposals for whole Council (4 yearly) electoral cycle together with recommendations for the Executive arrangements following the Council Meeting in May 2010;
 - That the consultation be undertaken during the summer of 2010 with

a view to submitting a report on the results to a Special meeting of the Council to be held prior to the 2010 September Council meeting;

- That pre-statutory consultation work should be undertaken to raise awareness and give notice of the proposals;
- The Working Group, however, noted that changing the electoral cycle could involve that Boundary Commission and instigate a review of wards / numbers of councillors, and a move to single member wards; and
- That the timescales of making a decision in September 2010 may cause difficulties for the Political Parties in fielding the required number of candidates needed for all out elections in 2011.

Electoral Commission and Boundary Committee: reviews and recommendations

11. The Boundary Committee may, either on its own initiative, or at the request of the Secretary of State or a local authority, conduct a review of local government areas. Where such a review is conducted, the Boundary Committee may recommend to the Secretary of State such boundary changes as it feels desirable.
12. In addition to such reviews, districts like Southampton, which currently have multi-member wards and that opt for whole Council elections, are now empowered to conduct a review and make recommendations to move to single-member electoral areas. The Council can therefore request to the Electoral Commission that it moves to single-member electoral areas. Such a request would involve the Boundary Committee for England carrying out a review of the Council's area with a view to redrawing the electoral boundaries so that each electoral area would then only return one councillor. There is no requirement to make such a request and a request will not have any bearing on a council resolution to move to whole council elections.
13. If the Council resolves to move to whole council elections, the Council will need to determine whether it wishes to request the Electoral Commission to direct the Boundary Committee for England to conduct a review and make recommendations as to single member electoral areas.
14. The views of the Local Government and Public Involvement in Health Working Group which are supported by the Solicitor to the Council are that the Council **not** be recommended in accordance with the timeframes set out in paragraph 10 to request the Electoral Commission to direct the Boundary Committee for England to conduct a review and make recommendations as to single member electoral areas.

Executive Arrangements – Part 3

15. This part of the Act modifies the provisions of the Local Government Act 2000 in respect of Executive arrangements and the forms in which they may operate. Councils will now have to operate either a leader and Cabinet Executive, or a Mayor and Cabinet Executive.

16. Southampton presently operates a leader and Cabinet Executive arrangement, and Members will note that whilst the Council can continue to operate this arrangement, the new regulations which became effective from May 2009, now mean that the Leader is appointed for either a 4 year term or until their period of office expires. The Council may by resolution however, remove a leader before their term of office expires.
17. Alternatively, should Members wish, the Act allows the Council to change its Executive arrangements to an elected Mayor and Cabinet model. In this arrangement, the Mayor would be elected for a 4 year term of office.
18. The Act still retains provisions to enable local people to petition for the holding of a referendum on a change of executive arrangements from Leader/Cabinet to an elected Mayor/Cabinet.
19. The Working Group commented that the possible adoption of the Elected Mayor model only be reconsidered as an option, should the Government introduce additional powers for the role.
20. The views of the Local Government and Public Involvement in Health Working Group, which are supported by the Solicitor to the Council, are that the Council be recommended, in accordance with the timeframes set out in paragraph 10, to adopt the indirectly elected Leader and Cabinet Model, with a nominal 4 year term of office.

Parishes – Part 4

21. The Act devolves the Secretary of State's and the Electoral Commission's decision-making power to principal councils for community governance reviews in respect of parish reviews and petitions.
22. The Council therefore has the power to initiate community governance reviews of all or part of its area with a view to establishing parish councils.
23. Parishes and groupings of parish councils can now style themselves as community, neighbourhood or village councils.
24. The power of well-being has also been extended to parishes meeting criteria specified by order of the Secretary of State.
25. In addition to the Council's power to conduct a review, the Act allows members of the public to call for one. Section 80 provides that a petition seeking a community governance review must be signed by at least 10% of the electors if the petition is for an area of more than 2,500 local government electors. There are different thresholds for areas of less population.
26. If and when a petition is received, the principal council has a duty to respond by carrying out a review unless a review has been concluded within the previous two years. It is for the authority to decide how to undertake the review. All reviews must be completed within 12 months.
27. Section 86 provides that principal councils can now implement by order the outcome of a community governance review, which could include the creation, alteration, modification or abolition of a parish.

28. The Council is therefore requested to note the new power to initiate community governance reviews of all or part of its area with a view to establishing parish councils.
29. The view of the Working Group was that it was **not** in favour that Parish Councils should be established at this time. It was noted that the Cabinet on the 16th February had approved revised arrangements relating to locality governance, which enhanced the provision of information to ward councillors, included a Community Engagement Strategy and revised arrangements for the local management and co-ordination of services. The proposals also included revised arrangements in relation to the Southampton Partnership.

Co-operation of English Authorities with Local Partners

Local Area Agreements and Community Strategies – Part 5 - Chapter 1

30. This part of the Act came into effect on 1st April 2008.
31. Section 106 covers the duty on the authority to prepare a local area agreement and submit it in draft form to the Secretary of State. It is required to consult and co-operate with named partners and have regard to the community strategy.
32. The Key requirement for the Council is that Southampton City Council is 'the responsible local authority' and must:
 - Consult and co-operate with each partner authority;
 - Consult non-partner authorities – involving local residents and the local third and business sectors;
 - Seek to achieve collective consensus via its Local Strategic Partnership (LSP) to the content of the LAA for the area;
 - Formally approve its LAA prior to submitting it to the Secretary of State.

In accordance with Section 106 of the Act, the draft LAA must set out the following as a minimum:

 - a) the proposed local improvement targets;
 - b) which persons will be helping to deliver each target;
 - c) the period for which the LAA is to have effect.
33. Section 109 covers 'designated targets' – up to 35 improvement targets from the National Indicator Set may only be altered with the approval of the Secretary of State. Non-designated targets – local targets – may be amended or removed by the responsible authority in consultation with relevant partner authorities.
34. Section 116 requires the responsible local authority and each of its partner PCTs to prepare a joint Strategic Needs Assessment.
35. The above provisions have been implemented where applicable during the development of Southampton's Local Area Agreement, which was approved by Cabinet in June 2008.

Statutory Guidance

36. Alongside the LGPIH Act is guidance that covers the governance of the Local Strategic Partnership (LSP).
37. The role of councillors is to be enhanced in recognition that the democratic process provides an essential link between the views of local citizens and the ambitions and priorities set out by the LSP. The Government attaches particular significance to ensuring elected members are fully involved in the LSP process.
38. Specifically, the Government is expecting executive members in particular to have a vital role in leading LSP's through the negotiation and definition of priorities and in overseeing delivery. Councillors are also expected to play an important role in thematic partnerships.
39. The Act is clear that it is for the LSP collectively to develop clear and transparent lines of accountability and responsibility between its partners with flexibility in the governance arrangements. However, the direction of travel must be towards more robust arrangements with an embedded democratic accountability.
40. In addition, the Act places a much stronger role on local authorities as leaders of the place-shaping agenda. It lists as a key component councils taking on the role of democratically elected strategic leaders and convenors of local partnerships in the wider governance of their localities. It also sets out the need for involving and empowering communities, acknowledging that services will be improved and communities strengthened only if local people are effectively engaged and empowered as individuals and through organisations representing them.
41. The Local Government and Public Involvement in Health Working Group noted the Key requirements and responsibilities contained within this part of the legislation.

Overview and Scrutiny Committees – Part 5, Chapter 2

42. The main elements of the Act as they relate to Overview and Scrutiny are set out in the paragraphs below.
43. Councillor Call for Action – whereby any Member of a council can refer a local government matter to the relevant overview and scrutiny committee, regardless of whether the Member sits on the Committee or not. Members in Southampton can already ask for items to be placed on the agenda, but thought needs to be given to how Southampton's overview and scrutiny committee function could develop existing working arrangements to effectively deliver this part of the legislation.
44. Attendance of decision-makers at overview and scrutiny committees – this extends the power of scrutiny committees to require the attendance of any Members of the Council who have been empowered to conduct an executive role in relation to their ward. This reflects the new powers conferred by the Act that enable Councils to exercise decision-making within wards set out in section 236. This will not affect current overview and scrutiny arrangements unless the Executive delegate any of its responsibilities to ward Members.

45. Information from partner authorities – this section refers to the information that overview and scrutiny can request from relevant partner authorities and clarifies which type of information may not be disclosed.
46. Overview and Scrutiny Committees are also affected by Part 14 of the Act, which relates to changes to public and patient involvement in health and social care and the establishment of local involvement networks, or LINKs. Section 226 provides for LINKs to refer matters relating to social care services to an overview and scrutiny committee.
47. In addition, further legislative changes were expected that would increase the accountability of the Police and involve scrutiny of crime and disorder reduction partnerships. The Home Office and Department of Communities and Local Government are to introduce new arrangements by April 2009.
48. The majority view of the Local Government and Public Involvement in Health Working Group was that unless external funding from the PCT or through LINKs was forthcoming, the Executive should be requested to consider the resource implications of increasing requirements of the Act to increase the accountability of the local Police and Health Services and the obligations on the Council for closer joint working.

Consultation

49. The statutory consultation proposed for undertaking changes to the governance arrangements would be undertaken following the May Full Council meeting in 2010 and finishing at the end of July.
50. Consultation would involve notification on the Council's web site, letters to stakeholders and partner organisations.
51. Pre-statutory Consultation in order to raise awareness is proposed to commence immediately and would include an introductory article outlining the proposals in City View together with notification to businesses so that they are aware of the issues involved. Such consultation would be undertaken by the Solicitor to the Council, following discussions with the Group Leaders.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

52. None

Revenue

53. There is no additional funding requirement arising from agreeing the recommendations in this report.
 There will be costs associated with undertaking the Pre-statutory consultation during 2009/10, and these costs will be contained within existing budgets.
 There will be costs associated with undertaking the Statutory Consultation in 2010/11, and these costs will be met from within the 2010/11 budget (with no additional budget requirement).
 A report will be brought back to Full Council in May 2010, and this will identify if there are any additional funding requirements associated with taking forward any proposals recommended to Full Council at that stage as there may well be resource issues associated with these proposals. The

requirements of the Act for increasing the accountability of local police and health services and the obligations on the Council for closer joint working need to be considered against any increased demand and resource implications and further work would need to be done from within the Council to identify these.

Property

54. There are no immediate property implications arising from this report, should a property implication arise as the proposals are developed, they will be subject to detailed consideration in the usual way.

Other

55. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

56. The proposed arrangements are dealt with under the Local Government and Public Involvement in Health Act 2007. The statutory powers to undertake the proposals set out in this report are dealt with within the paragraphs to which they relate.

Other Legal Implications:

57. None

POLICY FRAMEWORK IMPLICATIONS

58. None

SUPPORTING DOCUMENTATION

Appendices

1.	None
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Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

1.	None	
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Background documents available for inspection at:

FORWARD PLAN No:

KEY DECISION?

WARDS/COMMUNITIES AFFECTED:	
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