

ITEM NO: 9

DECISION-MAKER:	SPECIAL COUNCIL COUNCIL		
SUBJECT:	NEW MODELS OF GOVERNANCE FOR THE COUNCIL'S EXECUTIVE AND ELECTORAL CYCLE ARRANGEMENTS		
DATE OF DECISION:	15 SEPTEMBER 2010		
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 Council needs to select a new form of governance for its executive arrangements and to resolve whether to change its electoral cycle. The Council has the choice of whether to change its governance arrangements from a Leader and Cabinet Model to an Electoral Mayor Model and moving from elections by thirds to whole Council elections. If the Council wishes to change its election cycle, it must agree to do so by 31 December 2010. Any change to the Council's election cycle will require to be passed by a two thirds majority of those voting. The Council has consulted the public and interested persons on these options and the results of the consultation are contained within the report together with the comments of the Local Government and Public Involvement in Health Act Working Group.

RECOMMENDATIONS:

SPECIAL COUNCIL

- (i) That the Council consider the results of the consultation and decide whether it wishes to move from elections by thirds to whole Council elections with effect from 2011 every 4 years or to continue with the current electoral cycle (election by thirds);
- (ii) That should the Council resolve to move to whole council elections, delegated authority be granted to the Solicitor to the Council to publish an explanatory document on the decision and make this available for public inspection;
- (iii) That should the Council resolve to move to whole council elections, that the Solicitor to the Council be granted delegated authority to give notice to the Electoral Commission on any changes to the electoral arrangements;
- (iv) That the Solicitor to the Council be granted delegated authority to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision of Full Council; and
- (v) That the Solicitor to the Council be granted delegated authority to amend the City Council's Constitution to reflect the changes approved by Full Council

COUNCIL

- (i) That the Council consider the results of consultation in respect of changes to the Council's Executive governance arrangements and determine which of the options should be adopted;
- (ii) That should the Council decide to change its governance arrangements to an elected Mayor model, the Solicitor to the Council be granted delegated authority to prepare a timetable with respect to the implementation of the proposals together with any necessary transitional arrangements;
- (iii) That the Solicitor to the Council be granted delegated authority to make any proposals available for public inspection and publish details in one or more newspapers;
- (iv) That the Solicitor to the Council be granted delegated authority to finalise the arrangements as approved by Full Council and make any further consequential or minor changes arising from the decision of Full Council; and
- (v) That the Solicitor to the Council be granted delegated authority to amend the City Council's Constitution to reflect the changes approved by Full Council

REASONS FOR REPORT RECOMMENDATIONS

1. At the May 2010 Council meeting, Members agreed to undertake consultation in respect of changes to the Council's Executive governance and Electoral cycle arrangements before any final changes were decided.

CONSULTATION

2. At its meeting held on 12th May 2010, Council agreed the consultation arrangements would be delegated to the Solicitor to the Council in consultation with the Leader. An on-line questionnaire was designed to obtain feedback in a consistent and structured way across all respondents. A copy of the questionnaire was available on-line at the Council's Web Site for an 8 week period from the 14th June until the 6th August.
3. To encourage participation, the consultation was promoted via multiple channels, as follows:
 - Press release to local media,
 - Consultation placed on line
4. This report has been the subject of consultation and discussion by the Local Government and Public Involvement in Health Working Group.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. There are two options for the form of executive which local authorities may operate-
 - A Mayor is elected directly by the electorate for a 4 year period
 - A Leader is appointed by the Council for a 4 year period
6. Non-metropolitan district councils have the option of elections by whole council or by halves or thirds of their membership.
7. Members have the option of accepting or rejecting the various options recommended to them.

DETAIL

Electoral Arrangements

8. The Council has undertaken elections by thirds since 1980. It has however, been possible for the Council to pass a resolution to ask the Secretary of State to make an order to change the system to whole council elections and vice versa, subject to an interval of not less than 10 years between requests. Legislative change introduced under the Local Government and Public Involvement in Health Act 2007 enables the Council to resolve to change its electoral cycle at certain fixed periods of time.
9. The Council's electoral cycle is historically one of 'election by thirds' whereby a third of the seats on the Council are elected each year, for a four year period of office. There are no elections in the fourth year.
10. There is a 'permitted resolution period' for authorities that wish to change their electoral cycle. In the case of Southampton, a resolution must be passed no later than 31st December 2010. The whole council elections would then commence in May 2011. If the Council decides not to change its election cycle, the next opportunity to do so would be between the annual meeting in May 2014 and 31st December 2014 and then the same interval each fourth year thereafter. If a resolution were passed at any time in the above permitted resolution periods, the first whole council election would take place in each subsequent year and each fourth year thereafter.
11. If the authority moved to whole council elections and then wished to move back to thirds, the permitted resolution period is between the annual meeting in 2012 and 31st December 2012 and every fourth year thereafter. The first election by thirds would then be held in the year after the Electoral Commission made the order, except that 2013 and every fourth year thereafter would be a fallow year when no district elections would take place.
12. A change to whole council elections can be passed by resolution of the Council; it would however, be necessary to convene a special meeting of the Council and for the resolution to be passed by a majority of at least two thirds of the Members voting on it.
13. Reason for retaining elections by thirds;
 - Elections in three years out of four give more frequent opportunities for electors to vote and influence the composition of the Council;
 - Electing only a third of Councillors in any one year may lessen the chance of dramatic change in the political composition of the Council and therefore contribute to stability and continuity of political management;
 - Elections by thirds may avoid a situation where controversial decisions are postponed until after the elections with no opportunity for protest at the ballot box for a further four years;
 - Electors are accustomed to elections by thirds and the withdrawal of the opportunity to vote more frequently may disaffect some electors.

Reasons for change to whole Council elections;

- A clear mandate from the electorate once every four years could enable a more strategic approach to policy and decision-making and promote greater stability in the management of the Council;
- Would provide a clear record of Executive achievements and a clearer mandate to the electorate on which to base their voting preferences;
- Whole Council elections once every four years may be seen as a simpler electoral cycle and be more readily understood by the electorate, which may lead to greater participation and increased turnout;
- Holding whole council elections every four years rather than elections every year would lead to a financial saving for the Council.

14. An authority that is elected by thirds and has moved to whole council elections may return to elections by thirds. To do so, it must carry out the same consultation procedure as the Council has recently undertaken except that the Commission must make an order to that effect and, before doing so, must consider whether to direct the Boundary Committee to carry out a review of the district in question. That review would look at the division of the district into wards with a view to the desirability of establishing single member wards.
15. Information received from the Electoral Commission indicates that 36 of the 56 English Unitary Authorities currently have whole council elections. 125 of the 201 Two – Tier District Authorities have whole council elections and all of the 27 Two-Tier County Councils have whole council elections.

FORM OF EXECUTIVE

16. The Local Government and Public Involvement in Health Act 2007 requires Councils which operates executive arrangements to operate one of the following models:
- Leader and cabinet executive;
 - Mayor and cabinet executive
17. The key features of each executive model are as follows.
- Leader and cabinet executive – a councillor elected as leader for either a 4 year term, in the case of a local authority operating whole-council elections, or until his or her term of office as councillor expires, where the local authority instead operates elections by halves or thirds, and two or more councillors of the authority appointed to the executive by the executive leader;
 - Mayor and cabinet executive – a directly elected mayor who appoints two or more councillors to the executive.
18. Southampton City Council already operates what is called (in governance terms) the “strong leader” model whereby the Leader is appointed by the Council and the Leader appoints his/her Cabinet Members. The 2007 Act now requires the Leader to be appointed for a period of 4 years.
- The 2007 Act requires Councils to decide between the two governance models. Accordingly, the Council needs to decide on whether to keep its

existing executive model albeit with the Leader appointed for a 4 year period or change to the alternative elected Mayor and Cabinet Executive.

19. The person appointed as the “Strong Leader” will either be the Leader of the Council who as now will be appointed by the Council or a directly elected Mayor appointed by the electorate.
20. All of the executive functions of the Council will technically be vested in the Leader or the directly elected Mayor.
21. The Leader or the Elected Mayor will appoint the Cabinet and allocate responsibility for the discharge of executive functions. This will either be through the Cabinet collectively, or through individual Cabinet members or officers.
22. The Leader must also appoint a deputy.
23. Non-executive functions such as Planning, Licensing and Scrutiny will remain unaffected.
24. The legislation provides that the Leader or Mayor will have a fixed term of office of 4 years. A Leader would be appointed at the first Council meeting following the elections.
25. The aim of appointing a Leader for a fixed term of four years is to provide stability, particularly for those Councils which maintain election by thirds. However, Council can choose whether to adopt procedures to allow the removal of the Leader during the 4 years.
26. Currently, Article 7 of Southampton Council’s Constitution deals with the appointment of the Leader. Article 7.03(3) specifically states that the Leader will hold office until “s/he is removed from office by resolution of the Council” and Article 7.04 (Election of the Leader) states that “Council Procedure Rules 17.1 will govern the procedure for the election of the Leader”. The Constitution therefore currently would allow for the Leader to be removed during the 4 year period of office.
27. In drawing up proposals for its governance model, the Council must consider the extent to which such proposals would be likely to assist in securing continuous improvements in the exercise of its functions, having regard to economy, efficiency and effectiveness. Section 33E of the Local Government and Public Involvement in Health Act 2007 refers. The Council should therefore consider the benefits that the stability of appointing a Leader for 4 years could bring coupled with the financial benefits of moving to 4 yearly elections before making its decision on the proposals to be consulted upon.
28. Reasons for retaining the current Leader and Cabinet model:
 - The Leader and Cabinet Members are mostly likely to have a good understanding of how the Council works;
 - The Leader will have the support of the largest political group on the Council.

Reasons for change to the Elected Mayor and Cabinet model:

- A directly elected Mayor would be elected by residents rather than a political party

- A directly elected Mayor could bring a high profile candidate into Leadership

Results of the Consultation

29. An analysis of the results from the consultation is set out below and Members must have regard to the outcome of the consultation before making their decision on which proposals to adopt.
30. Twenty nine responses were received by the close of the consultation period on Friday 6 August 2010 and a summary evaluation of the results is attached as appendix 1.
- Fourteen respondents thought that the Council's model of decision making should be made up of a Leader of the Council and a Cabinet. Fifteen respondents thought that it should be made up of a directly elected Mayor and a Cabinet. A number of reasons were given for the choices made as set out on the summary evaluation at appendix 1.
 - Eleven respondents thought that the Council's electoral cycle should involve electing one third of city councillors for three out of four years. Eighteen respondents thought that it should involve electing all city councillors at the same time every four years. A number of reasons were given for the choices made as set out on the summary evaluation at appendix 1. .
 - Respondents' interest in Southampton comprised the following:
21 live here; 4 have a business here; 5 belong to a voluntary organisation, special interest or community group; 4 work for a statutory body; 1 works for another relevant stakeholder
 - The majority of respondents were aged over 55. Only one was under 25.
 - Eighteen respondents were male and eleven female.

Local Government and Public Involvement in Health Working Group

31. The Local Government and Public Involvement in Health Working Group has considered the options together with the results of the consultation. The views of the Working Group are that based on the balance of evidence, Members were not in favour of a change in the Governance arrangements at this time and Council should therefore be recommended to retain the current Leader and Cabinet model.

In considering the balance of evidence for changing the election cycle, Members of the Local Government and Public Involvement in Health Working Group were evenly divided on the proposals and therefore were unable to make a recommendation to Council.

Next Steps and Implementation

32. In order to implement any new arrangements the Council will need to comply with the requirements of the legislation in summary these are:
1. Council adopts the Leader and Cabinet Executive arrangements or the Mayor and Cabinet Model. The Mayor and Cabinet model will be

- effective from the third day after the May elections in 2011;
2. If the Leader and Cabinet model is adopted, the Council will need to elect a Leader at a meeting of Full Council;
 3. The term of office of the Leader commences on the day of their election and ends on the day of the next post election annual council meeting, unless they are removed from office or resign, cease to be a member or are disqualified from holding office;
 4. The Leader /Mayor will determine the size of and appoints between 2 and 9 members of the Cabinet in addition to themselves and allocates any areas of responsibilities. The Leader or Mayor may remove Cabinet members at any time;
 5. The Leader /Mayor determines the scheme of delegation for the discharge of executive functions of the Council;
 6. If the Leader and Cabinet Executive model is adopted the Council's executive arrangements are to provide for the council to remove the Leader by ordinary resolution on notice during their term of office. If the Council passes such a resolution to remove the Leader it will elect a new Leader at that or a subsequent meeting;
 7. The Mayor will be elected for a four year term of office;
 8. The Leader appoints one of the members of the Cabinet to be a deputy Leader and to hold office until the end of the term of the office of the Leader (unless they resign as deputy, cease to be a member or are disqualified or are removed from office by the Leader. If the Leader removes the deputy from office, they must appoint another person to replace them;
 9. If the Leader is unable to act or if the office is vacant, the deputy Leader must act in their place. If the deputy is unable to act, then the Cabinet must act in the Leaders' place or arrange for a member of the Cabinet to do so;
 10. If the Council moves to four yearly (all out) elections or the Mayoral model it must publish an explanatory document on the decision and make this available for public inspection; and
 11. The council must give notice to the Electoral Commission on any changes to the electoral arrangements.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

33. None

Revenue

34. A move to whole council elections will have an impact on the associated budget as shown below. Evidence canvassed from other authorities across the region who currently operate all out elections indicates that there is an increased likelihood of by-elections during the interim period and it will be necessary to set aside appropriate risk funds to cover this expense should it arise. In addition the cost of replacing equipment will be focused on one year instead of three. Initially, there is also the possibility that such a change will lead to the Boundary Commission instigating a boundary review in our area.

Cost of Boundary Review – No information available

Saving in Elections Budget	180,600
Amount to be Included in the Risk Fund for By-Elections	(83,500)
Net Saving per annum	97,100
Cost of Election Every 4th Year Over and Above Risk Fund Provision	121,000
Saving Over a 4 Year Period	267,400

Property

35. None

Other

36. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

37. The proposed arrangements are dealt with under the Local Government and Public Involvement in Health Act 2007.

Other Legal Implications:

38. None

POLICY FRAMEWORK IMPLICATIONS

39. None

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Consultation Responses
----	------------------------

Documents In Members' Rooms

1.	None
----	------

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	
----	------	--

Background documents available for inspection at:

KEY DECISION N/A

WARDS/COMMUNITIES AFFECTED:	All
------------------------------------	-----