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8 November 2010

To: All Members of the Council
Chief Executive and other appropriate officers
Press and Public

Dear Member

Special Council Meeting: Tuesday, 16th November, 2010

You are invited to attend a **Special Meeting of the Council**, to be held on **Tuesday, 16th November, 2010** at **6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The Ordinary meeting of the Council will follow immediately after the Special Meeting has finished.

The agenda is set out overleaf.

Sandwiches and fruit and tea/coffee/cold drinks will be available for Councillors from 5pm in the Aix-en-Provence Room (next to the Banqueting Room) on Floor 1.

Yours sincerely

Tom Dunne, Democratic Services Manager (Council and Member Services)
for Chief Executive

Please note the following arrangements for pre-group meetings:

Conservative
Liberal Democrat
Labour
Independent

Brunswick Room, Ground Floor
Kaposvar Room, Floor 1
Small Meeting Room, Floor 2
Performance and Improvement Team
Office, Floor 1

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Tom Dunne who is available by telephoning 01225 394360 or by calling at the Guildhall, Bath (during normal office hours).
- 2. Details of Decisions taken at this meeting can** be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting as above. Papers are available for inspection as follows:-

Public Access points - Guildhall - Bath, Riverside - Keynsham, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries

- 3. Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders who are Councillors Francine Haerberling (Conservative Group), Paul Crossley (Liberal Democrat Group), John Bull (Labour Group) and Chris Cray (Independent Group).
- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. If an answer cannot be prepared in time for the meeting it will normally be sent out within five working days afterwards. **Advance notice of all public submissions is required not less than two full working days before the meeting. This means that for meetings held on Tuesdays notice must be received in Democratic Services by 5.00pm the previous Thursday. For special meetings only submissions relating to the agenda business can be considered.** Further details of the scheme can be obtained by contacting Tom Dunne as above.

- 6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people

- 8. Presentation of reports** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

SPECIAL COUNCIL MEETING: TUESDAY, 16TH NOVEMBER, 2010 AT 6.30 PM IN THE COUNCIL CHAMBER - GUILDHALL, BATH

AGENDA

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will draw attention to the emergency evacuation procedure as set out under Note 7.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **personal and prejudicial** *or* **personal**.

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Solicitor to the Council and Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

4. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

If there is any urgent business arising since the formal agenda was published, the Chairman will announce this and give reasons why she has agreed to consider it at this meeting. In making her decision, the Chairman will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be circulated at the meeting, if not made available previously.

Note: Agendas for Council meetings are structured so as to identify those matters on which the Council may make a decision and those where its powers are limited to comment or recommendation to the Cabinet or other bodies.

The order of agenda business is prescribed in the Council's Constitution. The Chairman or the meeting may vary this.

PUBLIC QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS

Explanation: A member of the public who has given prior notice may make his/her views known at a Council meeting by making a statement, presenting a petition or a deputation on behalf of a group or asking a question (see note 5 above).

6. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Democratic Services Manager will announce any submissions received about the business of the special meeting under the arrangements set out in note 5 above. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

COUNCIL FUNCTIONS

Explanation: In addition to the Policy and Budget Framework, the Full Council is responsible for making all decisions on constitutional issues and other legally prescribed matters.

7. FUTURE EXECUTIVE LEADERSHIP MODEL OF THE COUNCIL

This report sets out the results of the consultation on the options for executive governance and invites the Council to decide which option it wishes to pursue.

8. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Democratic Services Manager will announce any submissions received about the business of the special meeting. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

This Agenda and all accompanying reports are printed on recycled paper

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

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| Bath & North East Somerset Council | |
|--|--|
| MEETING: | Council |
| MEETING DATE: | 16 th November 2010 |
| TITLE: | FUTURE EXECUTIVE LEADERSHIP MODEL OF THE COUNCIL |
| WARD: | ALL |
| AN OPEN PUBLIC ITEM | |
| <p>List of attachments to this report:</p> <p>Appendix 1 – Consultation document</p> <p>Appendix 2 – Summary of responses made (A full set of responses is available for inspection in Members’ Group rooms.)</p> | |

1 THE ISSUE

1.1 The purpose of this report is to advise Members of the outcome of the consultation in relation to the Executive arrangements of the Council and to adopt any necessary changes, in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.

2 RECOMMENDATION

Council is asked to:

2.1 Determine which option of executive arrangement it wishes to pursue.

3 FINANCIAL IMPLICATIONS

3.1 If the Council retains the Leader and Cabinet model, there will be no additional financial implications. Should the option of choosing a directly elected Mayor be selected, there would be the cost of running an election.

4 CORPORATE PRIORITIES

The political management structure by its nature has a direct bearing on all of the Council's corporate priorities.

- *Building communities where people feel safe and secure*
- *Promoting the independence of older people*
- *Improving life chances of disadvantaged teenagers and young people*
- *Improving school buildings*
- *Sustainable growth*
- *Improving the availability of Affordable Housing*
- *Addressing the causes and effects of Climate Change*
- *Improving transport and the public realm*

5 THE REPORT

5.1 The Local Government and Public Involvement in Health Act (LGPIH) 2007 requires every authority which operates a Leader and Cabinet model of executive arrangements to review their executive arrangements, and bring in any changes decided upon, from May 2011. The term 'executive arrangements' refers to the political management structure under which the Council is run by its elected councillors.

5.2 The Council in May 2010 indicated its preferred option was the indirectly elected Leader and Cabinet model as it is closest to its current structure and would better suit the needs of the community by providing stability and continuity in the current challenging circumstances. However, they authorised the Monitoring Officer to undertake consultation and report back to this meeting.

5.3 A letter has recently been distributed to all local authorities by the Department for Communities and Local Government which indicates that the new Government intends to repeal the LGPIH Act 2007 and provide for new governance options via its Localism Bill, expected later this year. The letter further advises Councils that in the light of the expected changes, and severe economic pressures on Councils, any consultation arising from the LGPIH Act 2007 should be pursued at minimal cost.

5.4 Under the provisions of the Act, the Council could adopt one of the following two models. The Leader and Cabinet option would not involve any amendment to the current style of operation.

Option 1 – Directly elected Mayor and Cabinet

5.5 Under this option, a directly elected Mayor is elected by the voters in a district-wide election, every four years. The Mayor would appoint a Cabinet made up of Councillors who would have individual areas of responsibility allocated to them by the Mayor. The Mayor could be from a political party, or from the wider community.

Option 2 – Indirectly elected Leader and Cabinet

5.6 This model reflects the Council's current arrangements.

5.7 The Council is obliged to have regard to any comments received and take them into account. There were 48 responses received. Of those, there is a preference for the Mayor and Cabinet model as follows;

| | | |
|-----------------------------|---|--------------------------------|
| Mayor & Cabinet (Option 1) | = | 43 responses in favour |
| Leader & Cabinet (Option 2) | = | 2 stated as 'against option 1' |
| Unclear/no option selected | = | 3 |

5.8 The Council has a specific duty to 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.

5.9 It is anticipated that the Localism Bill will become law in the Autumn of 2011. In such a case, any changes from the existing model would need to be reviewed shortly after they came into effect.

5.10 A decision now needs to be taken as to which executive model is to be adopted as the Council's preferred executive arrangements.

5.11 The Act requires local Authorities, once the consultation has ended, to set out their agreed course of action, to be published in one or more local newspapers and made available at Council offices.

6 RISK MANAGEMENT

6.1 Should the Council fail to make a decision by 31 December 2010, the Act provides that the Leader and Cabinet model be adopted.

7 EQUALITIES

7.1 An equalities impact assessment has not been carried out on the options as there are no specific equality or diversity implications.

8 CONSULTATION

8.1 Section 151 Finance Officer; Chief Executive; Monitoring Officer

8.2 A consultation exercise was conducted via the Council's online Consultation system.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 Social Inclusion; Customer Focus; Corporate

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

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|--|---|
| Contact person | <i>Jo Morrison, Democratic Services Manager (Executive & Regulatory) 01225 394358</i> |
| Background papers | <i>A full copy of the responses is available for inspection in Members' group.</i> |
| Please contact the report author if you need to access this report in an alternative format | |

Consultation on Bath & North East Somerset Council's Future Political Management Structure

1. The Local Government and Public Involvement in Health Act 2007 requires Bath & North East Somerset Council to review its executive arrangements and bring in any changes decided upon, from May 2011. 'Executive arrangements' refer to the political management structure under which the Council is run by its elected councillors.
2. Since June 2002, the Council has had what is known as a 'Leader and Cabinet' structure. The Council appoints one of its Councillors as Leader who then appoints up to nine other Councillors to work with the Leader as a Cabinet. The Cabinet takes most of the strategic and key decisions on how local services are provided. Each Cabinet Member has a specific portfolio of services for which they are responsible. Officers advise the Cabinet and implement their decisions.
3. A significant feature of executive working is having one or more overview and scrutiny panels who monitor, scrutinise and review the work of the Cabinet, and assist in shaping policy recommendations.
4. There are also regulatory committees, such as licensing and development control (planning). Some major decisions, such as approving the Council budget and Council tax, are taken by the full Council.
5. The 2007 Act says that, from May 2011, Councils must adopt one of the following two models:
 - Option 1 - a directly elected Mayor and Cabinet
 - Option 2 - an indirectly elected Leader and Cabinet

Option 1 – Directly Elected Mayor

6. A directly elected Mayor is someone elected by the voters in a district-wide election, every four years. Under this option, the directly elected Mayor would appoint a Cabinet made up of councillors, similar to the Leader and Cabinet model.
7. Under this option;
 - The Mayor could be from a political party, or from the wider community

- The Mayor could have wide-reaching individual power, being elected on a personal mandate
- The Cabinet would be appointed by the Mayor, and have individual areas of responsibility allocated to them by the Mayor.

Option 2 – Indirectly Elected Leader and Cabinet

8. The key difference in this model is that it is the Councillors (rather than under Option 1, the public), who elect one of their number as Leader for a 4 year term. The Leader then decides on the membership of the Cabinet in the same way as the Mayor does under Option 1.
9. Under both systems, regulatory committees and overview and scrutiny panels would continue as at present.
10. The Council in May 2010 indicated its preferred option was the indirectly elected Leader and Cabinet model as it is closest to its current structure and would better suit the needs of the community by providing stability and continuity in the current challenging circumstances.
11. However, the Council welcomes your views on which option it should adopt. Written comments should be sent to;

Jo Morrison, Democratic Services Manager
 Bath & North East Somerset Council
 Riverside
 Temple Street
 Keynsham
 BS31 1LA

or e-mailed to Democratic_services@bathnes.gov.uk to be received no later than Friday 29th October 2010. Any comments received will be considered at a Special meeting of the Council on 16th November 2010.

Summary of responses received**Appendix 2**

| | |
|------------------------|---------------------------|
| Andy Higby | Option 1 |
| Bernadette Macy | Option 1 |
| Casey Nolan | Option 1 |
| Neville Cheverton | Option 1 |
| Alistair Hayman | Option 1 |
| Ben Hoyle | Option 1 |
| Jane Carter | Option 1 |
| Tony Lees | Option 1 |
| Keith Woodley | Option 1 |
| David Vernalls | Option 1 |
| Matthew Frayne | Option 1 |
| Victoria Pittman | Option 1 |
| Keith Woodley | Option 1 |
| Peter Goodden | Option 1 |
| Jo McCarron | Option 1 |
| Nadine Geary | Option 1 |
| Kirsten Elliott | Option 1 |
| Vicky Drew | Option 1 |
| Dave McKay | Option 1 |
| Kate Jenner | Option 1 |
| Nigel Shoosmith | Option 1 |
| Peter Rybacki | Option 1 |
| Edith Rybacki | Option 1 |
| David Mattock | Option 1 |
| Adrian Kennedy | Option 1 |
| Sheila Broun | Option 1 |
| Tim Graham | Option 1 |
| Doreen Hume | Option 1 |
| Emily Dodgson | Option 1 |
| Gerard Kilry | Option 1 |
| Grenville Gore-Langton | Option 1 |
| Janet Vowles | Option 1 |
| Paul Vowles | Option 1 |
| Jeremy Heffer | Option 1 |
| John Weston | Option 1 |
| Karen Hill | Option 1 |
| Mark Sparrow | Option 1 |
| Richard Hudson | Option 1 |
| Sarah Lammas | Option 1 |
| Sarah Moore | Option 1 |
| Sarah Wall | Option 1 |
| Tim Miles | Option 1 |
| Chris Shire | Option 1 |
| Margaret Hopkins | Unclear – assume Option 1 |
| Kathy Elam | Not Option 1 |
| Margaret Crossley | Not Option 1 |
| Roger Houghton | No option selected |
| Brian Sherriff | Not stated |

