



Stockton-on-Tees
BOROUGH COUNCIL

STOCKTON-ON-TEES BOROUGH COUNCIL

PROPOSALS FOR DIRECTLY ELECTED MAYOR AND CABINET

EXECUTIVE FORM OF GOVERNANCE

**Submission to the Secretary of State for
Communities and Local Government**

..... 2009

STOCKTON-ON-TEES BOROUGH COUNCIL

PROPOSALS FOR DIRECTLY ELECTED MAYOR AND CABINET

EXECUTIVE FORM OF GOVERNANCE

LOCAL GOVERNMENT ACT 2000 AS AMENDED BY THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

1. INTRODUCTION

1.1 Under the former provisions of the Local Government Act 2000 (“the 2000 Act”) there were a possible three specific executive models for local authorities:-

- Mayor and Cabinet
- Council Leader and Cabinet
- Mayor and Council Manager

1.2 Part 3 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) has now revised the 2000 Act provisions and introduced new executive arrangements requirements.

1.3 Authorities, such as Stockton (“the Council”), which are presently operating an “old-style Leader and Cabinet executive” as provided for in the former 2000 Act, must make a change in governance arrangements in accordance with the 2007 Act’s requirements.

1.4 This means that the Council must vary its present arrangements, and look to introduce a different form of executive as provided for and permitted by the 2007 Act.

1.5 The 2007 Act now allows for only two specific executive models:-

- Directly elected Mayor and Cabinet, or
- Council Leader and Cabinet

1.6 The Directly Elected Mayor and Cabinet Executive remains the same as that introduced by the former 2000 Act, and consists of:-

- (a) an elected mayor of the authority; and
- (b) two or more councillors of the authority appointed to the executive by the elected mayor.

1.7 The Leader and Cabinet Executive (England) model is defined in the 2007 Act as an executive consisting of:-

- (a) a councillor of the authority elected as leader of the executive by the authority; and
- (b) two or more councillors of the authority appointed to the executive by the executive leader.

1.8 Consultation with local government electors and other interested parties was undertaken on the two permitted executive models before drawing up these proposals, as described at paragraph 11.

1.9 Following consideration of the outcome of the consultation, at its meeting on 9 December 2009 the Council agreed these proposals for change to its governance arrangements.

2. SUMMARY OF PROPOSALS

2.1 By virtue of Section 33E of the 2000 Act (as amended), the Council is required to draw up these proposals for change setting out:-

- (i) Details of its executive arrangements:-
 - (a) the form of executive that is proposed;
 - (b) a description of the roles of the executive, including which functions are to be the responsibility of the executive;
 - (c) a description of the roles of the Full Council, including which plans and strategies will be subject to approval by the Full Council;
 - (d) the arrangements for overview and scrutiny.
- (ii) The timetable for the implementation of the proposals;
- (iii) 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;
- (iv) The steps which the Council has taken to consult local government electors and other interested parties before drawing up the proposals; and
- (v) The outcome of the consultation and the extent to which that outcome is reflected in the proposals.

2.2 The Council's existing governance arrangements, based on the Council Leader and Cabinet executive referred to in the 2000 Act prior to its amendment by the 2007 Act were adopted on 1 October 2001. These arrangements have evolved over time as a result of reviews of the Constitution, changes in legislation and decisions of the Full Council. The current arrangements constitute the Council's "fall-back" proposals (produced separately in the form of the Constitution – <http://sbcinternet/yourcouncil/constitution>) and the Council will continue to operate these arrangements if the result of the proposed referendum is not to approve the proposals for change, pending approval and implementation of new proposals for change regarding the Leader and Cabinet Executive (England) form of governance, as required by the 2000 Act (as amended).

2.3 The Council's proposals for change to a Mayoral form of governance, are similar to the current arrangements operated by the Council and it is not intended to put forward "main" or "fall-back" proposals which are materially different to these arrangements.

3. EXECUTIVE

3.1 The Executive is at the centre of the Council's day to day decision-making process and has a key role in proposing the budget and the policy framework to the Full Council. The Executive drives the implementation of Council policy within the budget and policy

framework and will carry out all of the local authority's functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution.

3.2 The Executive will comprise the directly elected Mayor and between two and nine elected Members of the Council appointed by the elected Mayor, who together will form a Cabinet.

3.3 The directly elected Mayor will carry out the following roles:-

- lead the Executive;
- determine the number of Councillors who will be appointed to the Executive;
- appoint one of the members of the Executive to be his/her deputy;
- assign executive responsibilities to Executive Members;
- provide community leadership;
- exercise executive functions within the specified areas for which he or she has a defined responsibility; and
- in the name of the Executive, propose the budget and policy framework to the Council.

4. DETERMINATION OF EXECUTIVE AND NON-EXECUTIVE FUNCTIONS

4.1 The Council will follow the statutory guidance in dividing its functions between the Council and the Executive:-

- The 2000 Act (Section 13) and the various related Functions and Responsibilities Orders make the full Council responsible for a prescribed list of functions. These may be discharged by the Full Council or delegated to committees, sub-committees or to officers.
- A number of functions are defined in law as local choice functions and the Council may decide to discharge them through the executive or through Full Council, a committee, sub-committee or an officer. The allocation of these functions will be as set out in **Appendix 1**; and
- All other functions are to be the responsibility of the Executive including the functions specified in the Constitution for the purposes of the Council's current arrangements.

5. COUNCIL

5.1 The Council is composed of the Directly Elected Mayor and 56 Councillors, representing 26 Wards.

5.2 The person presiding at meetings of the Full Council will have the following responsibilities:-

- to uphold and promote the purposes of the Constitution, and, subject to the advice and guidance of the Monitoring Officer, during Council meetings to interpret the Constitution as and when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive and committee chairmen to account;
- to promote public involvement in the Council's activities.

5.3 The person presiding at the meetings of the Full Council cannot be the Directly Elected Mayor and will also not be able to be called the (Civic) Mayor. The person presiding at meetings of the Full Council will have to have a new name, such as Chairman.

5.4 Decisions reserved to the Full Council include:-

- subject to the provisions of Article 15.02 of the Constitution, adopting and changing the Constitution;
- approving or adopting the policy framework, the budget and authorising any application to the Secretary of State in respect of any Housing Land Transfer;
- subject to the urgency procedures contained in Part 3 (Responsibility for Functions) and in the Access to information Procedure Rules in Part 4 of the Constitution, making decisions about any matter in connection with the discharge of any executive function which is covered by the policy framework or the budget where the decision maker is minded to make a decision in a manner which would be contrary to the policy framework or contrary to the budget;
- appointing the person to preside at the Full Council meetings;
- agreeing and/or amending the terms of reference and responsibility for functions in respect of committees, deciding on their composition and making appointments to them;
- appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Full Council;
- adopting an allowances scheme under Article 2.05 of the Constitution and determining the Elected Mayor's allowances;
- changing the name of the area, and conferring the title of honorary alderman or freedom of the borough;
- confirming the appointment of the Head of Paid Service;
- making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- all local choice functions set out in Part 3 of the Constitution which the Full Council decides should be undertaken by or on behalf of itself rather than by the Executive; and
- all other matters which, by law, must be reserved to the Full Council.

5.5 The Policy Framework will comprise the following plans/strategies:-

- Capital Strategy and Asset Management Plan
- Children and Young People's Plan
- Community Strategy/Council Plan

- Neighbourhood Renewal Strategy
- Crime and Disorder Reduction Strategy (also known as Community Safety Plan)
- Local Transport Plan
- Plans and strategies which together comprise the Development Plan; and the Local Development Framework and Local Development Scheme
- Licensing Authority Policy Statement (under Section 349 of the Gambling Act 2005)
- Youth Justice Plan
- Food Safety Enforcement Plan
- Housing Strategy
- Environment Policy - State of the Environment
- Lifelong Learning Plan
- Plans and Strategies for the Regeneration of Stockton-on-Tees

5.6 The definition of a key decision will be as follows:-

An Executive Decision which is likely to:-

- (a) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the Council.

Full Council has determined that a common threshold of £100,000 will apply to all Directorates' budgets, above which expenditure or savings (on an annual or twelve months' basis) will be significant and therefore constitute a key decision, unless such expenditure or savings has previously been identified or referred to in any of the Council's approved plans, strategies or budgets.

Full Council has also agreed that, unless it is considered impracticable to do so, a decision will be treated as key, where it is likely to have a significant impact on communities in one ward or electoral division.

6. OVERVIEW AND SCRUTINY

6.1 The Council will appoint an Executive Scrutiny Committee and seven Select Committees whose remits will be as follows:-

Committee	Remit
Executive Scrutiny Committee	<ol style="list-style-type: none"> 1. To keep under review the overall effectiveness of the scrutiny process and the select committee structure; to consider how the process and structure can be improved and developed further and to make appropriate recommendations for change to the Executive and the Council. 2. To receive and consider input from all non-executive and executive members on suggested areas for scrutiny work, including views from the Scrutiny Liaison Forum on emerging policy development review topics and from the thematic select committees on their priority areas for review. 3. Taking this into account, to consider, prioritise, develop and co-ordinate the scrutiny work

	<p>programme, ensuring that there is efficient use of the Select Committees' time, that the potential for duplication of effort is minimised and managing any changes in year (ie between annual meetings).</p> <ol style="list-style-type: none"> 4. To undertake appropriate liaison with the Scrutiny Liaison Forum on policy development issues and future review topics. 5. To receive and respond to requests from the Executive and/or the Full Council for policy development advice and new priority review areas, allocating them if appropriate to one or more of the relevant thematic Select Committees. 6. Within this context, to be responsible for the prioritisation, co-ordination and monitoring of scrutiny work programmes and activities, advising on timescales, liaising as appropriate with each thematic Select Committee and determining how scrutiny reviews will be resourced. 7. Where matters fall within the remit of more than one Select Committee, to determine which of them will assume responsibility for any particular issue, or whether there is a need for joint working, and to resolve any issues of dispute between Select Committees. 8. To maintain an overview of, and to monitor performance information to inform the scrutiny work programme. 9. To "call-in" scrutinise and comment on the Executive's executive decisions; the key decisions of the Council's Officers and executive joint arrangements key decisions. 10. To identify the need for and to support and co-ordinate the delivery of overview and scrutiny training for members and co-opted members.
<p>Corporate Adult Services and Social Inclusion Select Committee</p>	<ol style="list-style-type: none"> 1. To provide the Executive Scrutiny Committee with views on the Select Committee's priority areas for policy development and review insofar as corporate policy and social inclusion is concerned, and any other matter considered appropriate that reflects the corporate priorities. 2. Following liaison with the Executive Scrutiny Committee, to adopt a programme of time-limited scrutiny reviews in relation to specific policy development and review of existing policy as regards corporate policy, adult services and social inclusion, and any other matter considered appropriate that reflects the corporate priorities. 3. To monitor and review performance information relating to its thematic area.
<p>Children and Young People Select Committee</p>	<ol style="list-style-type: none"> 1. To provide the Executive Scrutiny Committee with views on the Select Committee's priority areas for policy development and review insofar as children and young people are concerned, and any other matter considered appropriate that reflects the corporate priorities. 2. Following liaison with the Executive Scrutiny Committee to adopt a programme of time-limited scrutiny reviews in relation to specific policy development and review of existing policy as regards children and young people, and any other matter considered appropriate that reflects the corporate priorities. 3. To monitor and review performance information relating to its thematic area.

Environment Select Committee	<ol style="list-style-type: none"> 1. To provide the Executive Scrutiny Committee with views on the Select Committee's priority areas for policy development and review insofar as environment, is concerned, and any other matter considered appropriate that reflects the corporate priorities. 2. Following liaison with the Executive Scrutiny Committee to adopt a programme of time-limited scrutiny reviews in relation to specific policy development and review of existing policy as regards environment, and any other matter considered appropriate that reflects the corporate priorities. 3. To monitor and review performance information relating to its thematic area.
Housing and Community Safety Select Committee	<ol style="list-style-type: none"> 1. To provide the Executive Scrutiny Committee with views on the Select Committee's priority areas for policy development and review insofar as housing and community safety is concerned, and any other matter considered appropriate that reflects the corporate priorities. 2. Following liaison with the Executive Scrutiny Committee, to adopt a programme of time-limited scrutiny reviews in relation to specific policy development, and review of existing policy as regards housing and community safety, and any other matter considered appropriate that reflects the corporate priorities. 3. To monitor and review performance information relating to its thematic area. 4. To fulfil the responsibilities of the Crime and Disorder Committee as required by the Police and Justice Act 2006.
Health Select Committee	<ol style="list-style-type: none"> 1. To provide the Executive Scrutiny Committee with views on the Select Committee's priority areas for policy development and review insofar as health is concerned. 2. Following liaison with the Executive Scrutiny Committee, to adopt a programme of time-limited scrutiny reviews in relation to work in partnership with other organisations on reviewing local health issues and the health service, and in particular to review and scrutinise matters relating to the health service in the Authority's area in accordance with regulations under Sections 75 and 244 of the National Health Service Act 2006 3. To monitor and review performance information relating to its thematic area.
Arts ,Leisure and Culture Select Committee	<ol style="list-style-type: none"> 1. To provide the Executive Scrutiny Committee with views on the Select Committee's priority areas for policy development and review insofar as arts, leisure and culture is concerned, and any other matter considered appropriate that reflects the corporate priorities. 2. Following liaison with the Executive Scrutiny Committee, to adopt a programme of time-limited scrutiny reviews in relation to specific policy development and review of existing policy as regards arts, leisure and culture, and any other matter considered appropriate that reflects the corporate priorities. 3. To monitor and review performance information relating to its thematic area.

Regeneration and Transport Select Committee	<ol style="list-style-type: none"> 1. To provide the Executive Scrutiny Committee with views on the Select Committee's priority areas for policy development and review, insofar as regeneration and transport are concerned, and any other matter considered appropriate that reflects the corporate priorities. 2. Following liaison with the Executive Scrutiny Committee, to adopt a programme of time limited scrutiny reviews in relation to specific policy development and review of existing policy as regards regeneration and transport, and any other matter considered appropriate that reflects the corporate priorities. 3. To monitor and review performance information relating to its thematic area.
---	--

6.2 Within their terms of reference, Select Committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) in accordance with the terms of the Constitution, make reports and/or recommendations to the Executive or full Council in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants.

6.3 Within their terms of reference, Select Committees may:

- (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, undertake community and other consultation in connection with the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Executive and Senior Officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

6.4 Within its terms of reference, the Executive Scrutiny Committee may:

- (i) call-in and scrutinise the decisions made by, and performance of the Executive and Officers both in relation to the Executive and/or individual Officer (key) decisions and decisions over a period of time;
- (ii) question Members of the Executive and Senior Officers about such decisions;
- (iii) make recommendations to the Executive and/or Council about those decisions;

6.5 Within their terms of reference, Select Committees may also:-

- (i) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (ii) question members of the Executive and Senior Officers about their decisions and performance, whether generally in connection with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iii) make recommendations to the Executive and/or Council arising from the outcome of the scrutiny process;
- (vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address Select Committees and local people about their activities and performance; and
- (v) question and gather evidence from any person (with their consent).

6.6 Select Committees will report annually to the Executive Scrutiny Committee and full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.7 The Council will appoint a Scrutiny Liaison Forum to discharge the following functions:-

- (i) To provide a Forum to foster and develop a closer, more constructive working relationship between the Executive members, the Corporate Management Team and Scrutiny Chairs and thereby assist in the efficient and effective working of scrutiny and the scrutiny work programme in order to deliver the Council's key priorities and secure added value.
- (ii) To receive briefings from Executive Members/Corporate Management Team and Executive Scrutiny Committee Members on emerging policy development areas.
- (iii) To consider the current scrutiny work programme position and progress in delivering its aims.
- (iv) To consider and ensure support for the current scrutiny work programme and its delivery.
- (v) To consider any special issues which may require urgent policy development advice or scrutiny work.
- (vi) To undertake appropriate liaison with the Executive Scrutiny Committee on future policy development issues and review topics.

7. REGULATORY COMMITTEES

7.1 The Council will establish the following regulatory Committees:-

- **Planning Committee**

The Committee will have 14 members and will consider and provide views to the Executive and the Full Council on new or amended planning policy, the proposed plans and alterations which together comprise the Development Plan and on any revisions, modifications or variations thereto. The Committee will also discharge the Council's functions as local planning authority, within agreed planning policy and Development Plans or local development/development plan documents.

- **Licensing Committee**

The Committee will have 14 Members and will consider and give views to the Executive on new and amended policy in relation to all licensing functions. The Council's functions as a licensing authority under the Licensing Act 2003 and the Gambling Act 2005 will be discharged primarily through a sub-committee of the Licensing Committee.

8. OTHER COMMITTEES AND PANELS

The following Committees will be established by the Council:-

- **Standards Committee**

The Committee will comprise 3 Independent members, 2 Parish representatives and 5 elected members of the Council. The Committee will promote and maintain high standards of conduct amongst members, officers and Town/Parish Councillors. The Committee will also be responsible, through its sub-committees, for receiving, considering and determining allegations of misconduct by Members.

- **Audit Committee**

The Committee will comprise 9 members and will have duties and responsibilities relating to the Council's approach to risk management and corporate governance, including financial management practices and internal and external audit functions and arrangements.

- **Employee Appeals Panel**

The Panel will comprise 5 members and will consider appeals by employees arising from the operation of conditions of service and in respect of grading, grievance and disciplinary action taken on behalf of the Council.

- **Appeals and Complaints Committee**

The Committee will comprise 7 members and will consider and determine complaints against any decision made by, or on behalf of the Council, including making recommendations on highways/traffic appeals, and appeals against decisions made by the Executive, a Committee, a Panel or an Officer, but excluding appeals which are within the remit of any other Committees or Panels established by the Council, or which by statute are subject to determination by a person or body other than the Council.

- **Education Support Panel**

The Panel will comprise 5 members and will consider appeals by individuals in relation to requests for support that are outside of the Council's existing education policies and appeals in respect of requests for support from educational trusts funds administered by the Council.

- **Standards (Parish and Independent Representatives) Appointment Panel**

The Panel will comprise 7 members and will consider and make recommendations to the Council regarding the appointment or re-appointment of parish and independent representatives to the Standards Committee.

- The Council also facilitates a number of consultative forums, namely:-

- Markets Forum
- Parish Council Liaison Forum
- Youth Forum

- Housing Forum
- Homelessness Forum
- Local Joint Consultative Panel
- Schools Workforce Joint Consultative Panel
- Stockton Business Forum

9. IMPLEMENTATION

- 9.1 The Council has determined that a referendum will take place on 11 February 2010 regarding the proposals for change to a directly Elected Mayor and Cabinet Executive model of governance.
- 9.2 A notice will be published in the local press containing details required by regulation 4 of the Local Authorities (Conduct of Referendums) (England) Regulations 2007 (“the 2007 Regulations”), principally being a description of the main features of the proposals for change and of the outline “fall-back” proposals (which in this instance, means the Council’s existing executive arrangements); and when and where the proposals can be inspected; that a referendum is to be held and the date when polling is to take place.
- 9.3 In determining the referendum period, the Council has, in accordance with guidance, considered how the timing and form of referendum can maximise turnout. The proceedings of the referendum will be governed by the 2007 Regulations (Schedule 3). The referendum question, as prescribed in the 2007 Regulations, will be:-
- “Are you in favour of the proposal for Stockton-on-Tees Borough to be run in a new way, which includes a Mayor, who will be elected by the voters of the borough, to be in charge of the Council’s services and to lead Stockton-on-Tees Borough Council and the community which it serves?”**
- 9.4 If the referendum vote is in favour of the proposals for change, a report will be submitted to a special meeting of Full Council in order to pass a resolution agreeing to implement the proposals. The meeting will take place no later than 28 days beginning with the referendum date.
- 9.5 The inaugural mayoral election will be held and the new executive arrangements will be in operation in May 2011, as required by the 2000 Act (as amended). The initial term of office of the directly elected Mayor will be for four years.
- 9.6 If the referendum vote is not in favour of the proposals for change, notice of that fact will be published in the local press, indicating that the Council will be continuing to operate its current executive arrangements.
- 9.7 Following such further consultation as may be considered appropriate regarding the alternative executive model of governance permitted by the 2000 Act (as amended), being the Leader and Cabinet Executive (England) model, new proposals for change will be drawn up and agreed by the Full Council.
- 9.8 Subject to this, a resolution will then be passed at a special meeting of the Full Council agreeing to implement the new proposals for change. The meeting will take place no earlier than 30 September 2010 and no later than 31 December 2010. The new executive arrangements will be in operation in May 2011, as required by the 2000 Act (as amended). The initial term of office of the Council Leader will be for four years.
- 9.9 A Timetable/Project Plan is attached at **Appendix 2**.

10. SECURING CONTINUOUS IMPROVEMENT

- 10.1 The Council, in reaching its decision on the Elected Mayor and Cabinet form of governance, also had regard to 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, as required by Section 33E(7) of the 2000 Act (as amended).
- 10.2 The key elements of the proposals which evidence such consideration are as follows:-
- The Council will set the broad policy framework reflecting public consultation and engagement with key partners;
 - The directly elected Mayor and Cabinet will provide strategic direction and will maintain close links with the Executive Scrutiny Committee and seven Select Committees;
 - The balance of delegation will enable decisions to be made quickly through officers, the directly elected Mayor or Cabinet;
 - The Executive Scrutiny Committee and Select Committees will have a strong role in reviewing services and in proposing new policies;
 - Community involvement and consultation will continue to be a significant feature in the new arrangements.

11. CONSULTATION WITH LOCAL ELECTORS AND OTHER INTERESTED PARTIES

- 11.1 Prior to drawing up the proposals for change as set out above, the Council undertook a programme of consultation with local government electors and other interested parties as required by Section 33E(6) of the 2000 Act (as amended) on the two forms of executive arrangements available under the legislation.
- 11.2 The details of the Consultation exercise and the results are set out in **Appendix 3**. The outcome of the consultation is reflected in these proposals for change as previously outlined.

APPENDICES

Appendix 1	Local Choice Functions
Appendix 2	Timetable/Project Plan
Appendix 3	Results of Consultation exercise