

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

11 MARCH 2010

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION/COUNCIL DECISION

Leader of the Council - Councillor Lupton

LEADERS AND ELECTED MAYORS BOARD

1. Summary

The report provides details of the proposals for establishing a Leaders' Board under the Local Democracy, Economic Development and Construction Act 2009 ("the Act") for the purpose of exercising the functions prescribed in the Act regarding the preparation and revision of the regional strategy for the North East; confirms the Leader of the Council, and his nominated substitute, as the Authority's representatives on the Board and also recommends that Council agrees to the Leader and his nominated representative having the necessary decision-making powers relating to the aforementioned functions.

2. Recommendations

It is recommended that Cabinet:-

1. Ratifies the proposals for establishing a Leaders and Elected Mayors Board for the North East region;
2. Confirms the Leader of the Council as the Authority's representative on the Board;
3. Agrees that the Leader's nominated representative on the Board will be Councillor Bob Cook.

It is recommended that Council:-

4. Agrees that the Leader and his nominated representative are granted all necessary decision-making powers on behalf of the Authority regarding the functions prescribed in the Act in relation to the preparation and revision of the regional strategy for the North East; and that
5. Subject to this, the Constitution be amended accordingly.

3. Reasons for the Recommendations/Decision(s)

1. To ensure that Members are aware of and agree with the proposals for establishing a Leaders' Board for the North East.
2. The Council's principal representative on the proposed Board needs to be confirmed.

3. Similarly, the Leader's nominated substitute for the Board has to be approved.
4. To ensure that the Leader and his nominated representative have the necessary authority to make decisions on behalf of the Council in relation to the preparation and revision of the regional strategy for the North East.
5. This recognises that the Constitution will need to be amended to reflect the decision-making powers granted to the Leader and his nominated representative.

4. Members' Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.

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SUMMARY

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RECOMMENDATIONS

It is recommended that Cabinet:-

1. Ratifies the proposals for establishing a Leaders and Elected Mayors Board for the North East region;
2. Confirms the Leader of the Council as the Authority's representative on the Board;
3. Agrees that the Leader's nominated representative on the Board will be Councillor Bob Cook.

It is recommended that Council:-

4. Agrees that the Leader and his nominated representative are granted all necessary decision-making powers on behalf of the Authority regarding the functions prescribed in the Act in relation to the preparation and revision of the regional strategy for the North East; and that
5. Subject to this, the Constitution be amended accordingly.

DETAIL

1. The Local Democracy, Economic Development and Construction Act 2009 ("the Act") received Royal Assent on 12 November and brings into force new arrangements for the development of a single regional strategy for every English region outside London.
2. The Act gives participating authorities a key role in the development, implementation and monitoring of the strategy, working in tandem with the regional development agency. This role is to be undertaken in a number of ways, but importantly through the establishment of a

Leaders' and Elected Mayors' Board ("the Board") for the North East region, which will be one of two "Responsible Regional Authorities", along with ONE North East.

3. The "participating authorities", which in the North East's case are the 12 unitary authorities in the region, plus the Northumberland National Park Authority, must prepare a scheme setting out how they intend the Board to work, consult on it and submit it to the Secretary of State for approval.
4. Government guidance, a copy of which is attached for information at **Appendix 1**, requires the scheme to be consistent with the following criteria:-
 - It should be streamlined and manageable, able to make strategic, long-term decisions, and able to engage effectively with the region's RDA (ONE North East);
 - It should be representative of local government across the region;
 - It should be comprised of local authority leaders, who are members with sufficient authority to act on behalf of all local government in the region. (Members of the Board do not have to be leaders of Councils but must have sufficient seniority and powers to be able to make binding decisions.)
5. In response to the guidance, the Association of North East Councils ("ANEC") prepared a draft scheme for a Leaders' Board for the North East. Chief Executives, Leaders and Elected Mayors of all the participating authorities were consulted on the draft scheme and were asked to confirm that it met the criteria outlined in the previous paragraph of this report. A response was required by 26 February.
6. A copy of the draft scheme is attached at **Appendix 2**.
7. In accordance with ANEC's request and following consideration of the proposals by the Tees Valley Leaders and Elected Mayors, it has been confirmed on behalf of the Council that the draft Scheme does meet the criteria specified in Government guidance.
8. Cabinet is, therefore, asked to ratify this decision and the proposals for establishing a Leaders' and Elected Mayors' Board for the North East. Information regarding further progress in this regard will be provided as and when it becomes available. It should also be emphasised that these proposals do not cover the process of preparing the regional strategy, nor do they concern the policy on the expected content and outcomes of such strategies. These will be the subject of separate guidance and a further report to Cabinet in due course.
9. In accordance with the Government guidance, the draft Scheme for the Board for the North East provides that the Board will consist of the Leader/Elected Mayor of each of the region's 12 unitary authorities.
10. Cabinet is therefore asked to confirm the Leader of the Council as the Authority's representative on the proposed Board. The draft Scheme also envisages that there will be nominated representatives, who have to be councillors, who can act in the absence of the Leaders/Elected Mayors. Cabinet is also therefore asked to agree Councillor Bob Cook, as the Leader's nominated representative on the Board.
11. The Act, Government guidance and the draft Leaders and Elected Mayors Board Scheme, envisage that the Board will be able to make strategic, long-term decisions regarding the regional strategy for the North East, engaging effectively with One North East in doing so. The guidance talks specifically of effective and timely decision-making at the appropriate level and Board Members having sufficient powers to be able to make binding decisions on behalf of their authorities.

12. In light of this, it is proposed that the Leader and his nominated representative are granted all necessary delegated powers to exercise the functions relating to the preparation and revision of the regional strategy for the North East, as prescribed in the Act.
13. To facilitate the exercise of these powers, prior to Board meetings and joint meetings with One North East, the proposed business will be discussed with the Chief Executive, relevant Corporate Directors and such Members as may be considered necessary or appropriate. Such discussions will also take place in advance of any decisions which may be required between Leaders' Board meetings and joint meetings with One North East, due to reasons of urgency.
14. Key developments regarding the development or implementation of regional strategy will be brought to the attention of all Members as and when they occur and progress will be featured at Member Seminar sessions.
15. Minutes of Board meetings and of joint meetings with One North East will be reported to Cabinet/Council.
16. Details of any urgent decisions taken between Board meetings and between the joint meetings with One North East will be made known to all Members, subject to any requirements of confidentiality.
17. The Constitution will need to be amended to reflect the delegation of decision-making powers set out in paragraph 12 of the report.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

18. Funding for support of the activities connected with regional strategies and the exercise of the related functions prescribed in the Act is intended to be provided by Communities and Local Government.

Legal

19. The proposals for establishing a Leaders and Elected Mayors Board for the North East will satisfy the requirements of the Act and the related Government guidance, and will enable the prescribed regional strategy functions to be fulfilled.

RISK ASSESSMENT

20. The proposals referred to in this report are considered to be low to medium risk, taking into account the governance arrangements which it is intended to put into place.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

21. The functions prescribed in the Act regarding regional strategies are of relevance to economic sustainability, the development and use of land and the mitigation of and adaptation to climate change.

EQUALITIES IMPACT ASSESSMENT

22. This report has not been the subject of an Equality Impact Assessment.

CONSULTATION INCLUDING WARD/COUNCILLORS

23. The proposals referred to in the report have been the subject of consultation with the Chief Executives, Leaders and Elected Mayors of each of the North East's unitary authorities. The Cabinet report is accessible to all Members via Egenda.

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Background Papers

The appendices to the report

Ward(s) and Ward Councillors:

Not Ward specific

Property

None