

North Tyneside Council Report to Cabinet Date: 23 November 2015

ITEM 3(b)

Title: Future Governance
Arrangements for the
Authority

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| Portfolio(s): Elected Mayor | Cabinet Member(s): Mrs N Redfearn |
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| Report from Service Area: | Law and Governance | |
| Responsible Officer: | Vivienne Geary, Head of Law and Governance | (Tel: (0191) 643 5329) |
| Wards affected: | All | |

PART 1

1.1 Executive Summary:

The report invites Cabinet to request Full Council to consider whether to undertake a Referendum to determine if the electors of North Tyneside wish to continue with the current Mayor and Cabinet model of governance in North Tyneside Council. The Cabinet is also requested to authorise the carrying out of a public engagement process, prior to the meeting of Full Council on 21 January 2016, to inform Full Council's deliberations on the proposed Referendum and any alternative form of governance that may be adopted if the residents of North Tyneside choose not to retain the current Mayor and Cabinet model of governance.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) request Full Council to hold a Referendum on the retention of the Elected Mayor and Cabinet form of governance in North Tyneside Council in May 2016; and
- (2) authorise the Chief Executive, in consultation with the Head of Law and Governance and the Head of Corporate Strategy, to undertake a public engagement process on the alternative forms of governance available to the Authority if the current Mayor and Cabinet model of governance is not retained and report the outcome to Full Council in January 2016.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 20 October 2015.

1.4 Council Plan and Policy Framework

This report has no direct relevance to the priorities in the 2014/18 Our North Tyneside Plan. The proposals will if implemented, however, change the Constitution of the Authority.

1.5 Information:

Background

1.5.1 North Tyneside Council adopted an elected mayor and cabinet form of governance from May 2002 following a Referendum held on 18 November 2001.

1.5.2 For a substantial period of time the Elected Mayor has maintained her support for the holding of a Referendum on whether the current Elected Mayor and Cabinet Model of governance within the Authority should continue, or whether residents would prefer a change from this model.

1.5.3 The Local Government Act 2000 (as amended by the Localism Act 2011) does allow local authorities to change the form of governance arrangements under which they operate. However the legislation requires that a local authority must operate one of the following forms of governance:

- Executive arrangements; or
- a committee system.

1.5.4 The executive arrangements must be one of the following:

- an Elected Mayor and Cabinet; or
- an Executive Leader and Cabinet.

Although in certain circumstances other novel forms of governance may be permitted, these are subject to a period of consultation with and formal agreement of the Secretary of State. It is of note that, to date, no such alternative models of governance have emerged and been agreed by the Secretary of State as required.

The Decision to pursue a Referendum

1.5.5 As part of the process of any change from the current governance model a Referendum is required. The requirement of a Referendum is necessary as the Authority's current governance model was adopted following a referendum. It is the responsibility of Full Council to determine whether to undertake such a Referendum and also to determine the form of governance to be introduced as the alternative in the event that residents reject the current model. The alternative model must be clearly identified on the Referendum ballot paper.

1.5.6 If Cabinet wishes the views of residents to be sought in May 2016 on whether or not to continue with the Mayoral model, and taking into account the timetable for undertaking elections and referenda, it will be necessary for Full Council to decide whether to pursue a Referendum on the current Elected Mayor and Cabinet form of governance at the Full Council meeting planned to take place on 21 January 2016.

1.5.7 It is proposed to carry out public engagement prior to that meeting on the alternative forms of governance available should a move from the Mayoral model be preferred in the

in the Referendum. This engagement is proposed to take place during the latter part of November 2015 to early January 2016. The responses received would be reported to Full Council at the meeting on 21 January 2016. This would inform the decision on which model of governance will be provided to voters in the Referendum as an alternative to the current Elected Mayor and Cabinet model.

1.5.8 A Communications and Engagement plan will be implemented to ensure that information about the Referendum, and the potential different governance options, is shared in an integrated approach to both raise awareness and understanding, as well as to enable individuals and organisations to have their say.

1.5.9 The target audiences for the Communications and Engagement Plan will include residents, staff involved in delivering council services (including those within our business partners), North Tyneside businesses, our formal partners including NTSP, health, voluntary and community centres. The Plan will use the following methods of delivery:

- Factual information, including frequently asked questions;
- The Authority's website;
- The intranet for staff;
- Digital platforms including via the Authority's social media sites (Facebook and Twitter);
- An information leaflet that will be distributed to public buildings, including Customer First Centres, libraries and the council's headquarters; and
- Using the media to share awareness of the Referendum and the opportunity for residents to have their say on future governance.

1.5.10 It is proposed that, if agreed by the Full Council on 21 January 2016, the Referendum will take place on 5 May 2016. There is an opportunity to undertake the Referendum within current budget provision by holding it on the same day as the combined Local and Police and Crime Commissioner elections. The combining of the Referendum with the Local and Police and Crime Commissioner elections provides the most cost effective method of undertaking a Referendum particularly when compared against running a Referendum as a stand alone event. Other than the elections in May 2016 there are no other planned elections available to combine the Referendum with before the process to undertake the next Mayoral elections in May 2017 begins.

1.5.11 If the outcome of the Referendum is to change from the current model of governance this would be effective from May 2017 when the next election for a Mayor would have otherwise taken place.

The Procedure to change the Form of Governance

1.5.12 The process the Authority is required to take for changing the current form of governance comprises three broad stages:

Stage 1

Full Council agrees what the alternative form of governance will be in the event that the residents of North Tyneside choose not to retain the current Mayor and Cabinet model of governance and agrees draft Proposals for change in its governance arrangements (at the Council Meeting on 21 January 2016). The draft Proposals must then be advertised and made available for inspection by the public and must specify:

- the date any change in governance arrangements would come into effect;

- the main features of the change; and
- where copies of the document setting out the provisions of the arrangements that are to have effect can be found.

Stage 2

The Referendum is held on 5 May 2016 combined with local elections and the election of the Police and Crime Commissioner.

Stage 3

If the Referendum supports the proposals for change a resolution of Full Council must be passed within 28 days of the date of the Referendum (by 2 June 2016) to the effect that the Authority intends to change its governance arrangements. The making of the Resolution must be advertised in the local press as soon as practicable.

- 1.5.13 If a change in the model of governance is supported by the Referendum this change will take effect at the end of the Elected Mayor's current term of office in May 2017. In the event that the outcome of the Referendum is to support retention of the current Mayor and Cabinet model of governance these arrangements will continue and the next Mayoral election will take place on 4 May 2017.
- 1.5.14 If following a Referendum, the current governance arrangements are retained the legislation providing for changes in local authority models of governance does not permit any further referendum on whether to change from an Elected Mayor and Cabinet Model for a period of 10 years, i.e. 2026.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

- (1) to recommend to Full Council that a Referendum to determine if the electors of North Tyneside wish to continue with the current Mayor and Cabinet model of governance in North Tyneside Council be undertaken as described in the report; and
- (2) authorise the Chief Executive in consultation with the Head of Law and Governance and the Head of Corporate Strategy to undertake a public engagement process on the alternative forms of governance available to the Authority if the current Mayor and Cabinet model of governance is not retained and report the outcome of the engagement process to Full Council in January 2016.

Option 2

To defer a decision to a later date and request Officers to undertake further research and consider other options for change.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

1. It fulfils the commitment of the Elected Mayor to seek residents' views on whether to retain the Elected Mayor and Cabinet form of governance;
2. It co-ordinates a Referendum with the forthcoming Local and Police and Crime Commissioner elections in May 2016. This is a cost-effective method of undertaking a Referendum.

1.8 Appendices:

None

1.9 Contact officers:

Vivienne Geary, Head of Law and Governance 0191 643 5339
Stephen Ballantyne, Lawyer Specialist – Governance and Employment: 0191 643 5329
Dave Brown, Democratic Services Manager: 0191 643 5358
Alison Campbell, Senior Business Partner: 0191 643 7038

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) Local Government Act 2000
- (2) The Local Authorities (Conduct of Referendums) (England) Regulations 2012

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

To run the Mayoral Referendum as a standalone election would cost in the region of £0.230m. Following contact with the Cabinet Office, it has been confirmed that if the Referendum is combined with the Police and Crime Commissioners (PCC) and the Local elections due to be held on 5 May 2016 the cost will be shared equally between the different electoral processes. The Authority will pay two thirds of the overall cost for the Referendum and Local elections and the Cabinet Office would pay the remaining third for the PCC election. There are additional costs in relation to ballot papers and separate counts, however, this expenditure would be contained within the existing budget.

2.2 Legal

The legal implications of this report are set out in the body of the report.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation is via Cabinet Members.

2.3.2 External Consultation/Engagement

External consultation will be undertaken via a Referendum should Full Council wish to pursue this option. The engagement plan to be adopted is set out in the body of the report.

There will also be opportunities for the public to feed in their views on the alternative governance option that should be offered at the Referendum. Feedback from that engagement approach will be fed into the report presented to the Full Council on 21 January 2016.

2.4 Human rights

There are no human rights issues directly arising from this report.

2.5 Equalities and diversity

There are no equality and diversity issues directly arising from this report.

2.6 Risk management

There are no specific risk management implications directly arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Deputy Chief Executive X
- Head(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy X