



Chief Executive's Department  
Civic Centre  
HARTLEPOOL

26 November, 2012

The Mayor (Stuart Drummond)

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Atkinson, Beck, Brash, Cook, Cranney, Dawkins, Fisher, Fleet, Gibbon, Griffin, Hall, Hargreaves, Hill, Jackson, James, Lauderdale, A E Lilley, G Lilley, Loynes, Dr. Morris, Payne, Richardson, Robinson, Shields, Simmons, Sirs, Tempest, Thompson, Wells and Wilcox.

Madam or Sir,

You are hereby summoned to attend a SPECIAL meeting of the COUNCIL to be held on THURSDAY, 6 December, 2012 at 6.00 p.m. in the Civic Centre, Hartlepool to consider the subjects set out in the attached agenda.

Yours faithfully

D Stubbs  
Chief Executive

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# **SPECIAL COUNCIL AGENDA**



**6 December 2012**

**at 6.00 p.m.**

**In the Council Chamber,  
Civic Centre, Hartlepool.**

1. To receive apologies from absent members.
2. To receive any declarations of interest from members.
3. To deal with any business required by statute to be done before any other business.
4. To receive the Chief Executive's report on changing governance arrangements and to pass such resolutions thereon as may be deemed necessary.

## SPECIAL COUNCIL

6 December 2012



**Report of:** Chief Executive

**Subject:** BUSINESS REPORT

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### 1. CHANGING GOVERNANCE ARRANGEMENTS

1.1 At its meeting convened on 21st June, 2012 and reaffirmed on 2nd August, 2012, Council passed a resolution in accordance with the provisions of Section 9MA of the Local Government Act, 2000 (as amended) to proceed with a Referendum on the governance arrangements to be operated by the Borough Council. The Referendum asked the Hartlepool electorate whether they wished to continue operating the existing form of governance of a Mayor and Cabinet Executive or whether the Council should cease to operate such a system and start to operate a Committee system. However, such a change in governance arrangements requires the approval in a Referendum where the Council's existing form of governance was itself approved in a Referendum.

1.2 The Localism Act, 2011, provides for certain "permissible forms" of governance namely;

- (i) Executive arrangements
- (ii) A Committee system, or
- (iii) Prescribed arrangements

As previously reported, Executive arrangements must follow the Elected Mayor and Cabinet Executive format or that comprising a Leader and Cabinet Executive. Through The Local Authorities (Committee System) (England) Regulations, 2012 which came into force on 4th May, 2012, local authorities may resolve to move to a Committee based system of governance. The Department for Communities and Local Government have also indicated that it would be permissible for local authorities "*....to consider some novel form of governance arrangements such as a hybrid of Executive and Committee systems, or something entirely new*". These "prescribed arrangements" require the approval of the Secretary of State through his/her regulation making powers and must follow the submission of proposals by a local authority to consider the operation of such arrangements, provided the following statutory conditions are met;

- That the operation of the proposed arrangements would be an improvement on the Council's current arrangements;
- That the operation of the proposed arrangements would be likely to ensure that decisions are taken in an efficient, transparent and accountable way; and
- The proposed arrangements will be appropriate for a Council or any particular description of Council.

1.3 As such "prescribed arrangements" are contingent upon the above conditions being met and the Secretary of State introducing such a form of governance through regulations, presently only two forms of permissible governance are provided for, namely 'executive arrangements' or a Committee system. At its meeting on 21st June, 2012, Council resolved "in principle" to move to a Referendum and it was also resolved that a consultation exercise be undertaken as to the alternative form of governance from that of a Mayor and Cabinet Executive. It was therefore determined at its meeting on 2nd August, 2012, that the ballot paper in the Referendum should reflect a choice between the Council's existing form of governance of a Mayor and Cabinet Executive and a proposed change to a Committee based system.

1.4 On 21st August, 2012 a Notice was published in an edition of the Hartlepool Mail (in addition to publication upon the Council's website) of the Council's proposals to cease to operate its existing form of governance and start to operate a different form of governance dependant upon the result of the Referendum to be held on Thursday 15th November, 2012. The Referendum was to be taken together with the poll for the election of a Police and Crime Commissioner for the Cleveland Police area. The main features of the Council's proposals, which was also documented in a separate 'proposals statement' mentioned the following;

- A Committee system comprising the 33 elected Councillors which will include Committees responsible for certain services including Planning, Overview and Scrutiny, Audit and Standards.
- Certain functions will be reserved to Council as set out within The Local Authorities (Committee System) (England) Regulations, 2012.
- The Council will also make appointments to Committees including those which are statutorily required including Licensing, a Health and Wellbeing Board, Police and Crime Panel including joint arrangements with other local authorities.
- The Chair of Council will become the ceremonial Mayor of the Borough and civic and ceremonial functions will be as prescribed through the Council's Constitution.

1.5 The Council's proposals for a change in its governance arrangements also contained a timetable with respect to the implementation of those proposals and mention of transitional arrangements which would be necessary for the implementation of those proposals. The statement also made clear that any change in governance arrangements will be subject to approval in the Referendum. Should the outcome of the Referendum approve a change to a

Committee based system of governance the current Elected Mayor will retire from office at midnight on 5th May, 2013. The Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations, 2012, specify that the Elected Mayor '*under the existing arrangements shall continue to hold office until the fourth day after the date on which, but for the resolution, a second or subsequent election would have been held...*' A change in governance arrangements will therefore take place after the Elected Mayor's retirement from office and from that point until such time as a Committee system is fully operational, the Council's Chief Executive Officer would be authorised to discharge any necessary functions. It is envisaged, that a meeting of Council would be held on 21st May, 2013 to make appointments to Committees and outside bodies and to report the same to the Annual Meeting of Council to be held on 23rd May, 2013, where Councils will also elect persons to be Chair and Vice-Chair of Council during the municipal year.

- 1.6 Under Section 9MB a local authority must, after drawing up proposals and publicising the same, hold a Referendum on its proposals before taking any steps to implement them. A local authority may not pass a resolution which makes a proposed change unless the result of the Referendum is to approve the proposals. Any such resolution must be passed within the period of 28 days beginning with the date when the Referendum is held. Further, such a resolution must be passed at a meeting which has been specially convened for the purpose of deciding the resolution with notice of the object of the meeting.
- 1.7 The Local Authorities (Conduct of Referendums) (England) Regulations, 2012, require a declaration of the result of the Referendum to be made forthwith by the Counting Officer and also for a formal public notice to be given of –
  - (i) the result of the Referendum;
  - (ii) the number of ballot papers counted;
  - (iii) the total number of votes cast for each answer; and
  - (iv) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

The form of the ballot paper was that prescribed under paragraph 5 of Schedule 1 to these Regulations, the terms of which are set out below;

### **How would you like Hartlepool Council to be run?**

By a **Mayor** who is elected by voters. This is how the Council is run now.

By one or more **Committees** made up of elected Councillors. This would be a change from how the Council is run now.

The result of this Referendum as declared on 16th November, 2012 was as follows;

By a Mayor who is elected by voters - 5177

By one or more Committees made up of elected Councillors - 7366

- 1.8 The Council are therefore required to pass a formal resolution to make the proposed change in its governance arrangements, which change will become effective following the cessation of the Elected Mayor's term of office namely midnight on 5th May, 2013. A Governance Working Group has been established to look at the operation of a Committee based system and therefore subsequent reports will be brought to Council to determine the detail of this particular system of governance. Furthermore, there will need to be dialogue between the Elected Mayor and Cabinet and Councillors as to appropriate transitional arrangements as the authority plans the movement away from the present executive arrangements, which will continue until the Mayor's formal retirement from office, as described above. For the avoidance of any doubt, where a local authority has held a Referendum of this nature, it may not hold or be required to hold a further Referendum within a period of ten years beginning with the date of that Referendum. Consequently, Hartlepool Borough Council has a system of governance to operate from May, 2013, which has a degree of longevity which requires the full engagement of all Councillors in shaping a Committee based system in the interests of all concerned or connected with the Borough.

## RECOMMENDATIONS

1. That Council resolve to cease to operate its existing form of governance of Elected Mayor and Cabinet Executive and start to operate a Committee based system as outlined in the confines of this report.
2. That subsequent reports be brought to Council with recommendations as to the detail behind the operation of a Committee based system to operate from the next municipal year, subject to such transitional arrangements that are required in establishing a Committee based system.