

The Council Meeting

Council Chamber, Town Hall
9 December 2010 at 7.00pm

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the first floor and ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

COLCHESTER BOROUGH COUNCIL

TO ALL MEMBERS OF THE COUNCIL

2 December 2010

You are hereby summoned to attend a meeting of the Council to be held at the Council Chamber, Town Hall on **9 December 2010 at 7:00pm** for the transaction of the business stated below.



Chief Executive

AGENDA

This a Special Council meeting and will commence at 7.00 pm or at the conclusion of the Council meeting commencing at 6.00 pm whichever is the later.

Pages

1. Welcome and Announcements

- (a) The Mayor to welcome members of the public and Councillors and to invite the Chaplain to address the meeting. The Mayor to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Mayor's discretion, to announce information on:
- action in the event of an emergency;
 - mobile phones switched to off or to silent;
 - location of toilets;
 - introduction of members of the meeting.

2. Have Your Say!

- (a) The Mayor to ask members of the public to indicate if they wish to ask a question, make a statement or present a petition on any matter

relating to the business of the Council – either on an item on the agenda for this meeting or on a general matter not on this agenda (Council Procedure Rule 6(2)).

(b) The Mayor to invite contributions from members of the public who wish to address the Council on a general matter not on this agenda.

(Note: A period of up to 15 minutes is available for general statements and questions under 'Have Your Say!').

3. Personal Interests of Members

Disclosures by Members under Council Procedure Rule 9(3) to 9(9) (if any).

4. Prejudicial Interests of Members

Disclosures by Members under Council Procedure Rules 9(10) and 9(11) (if any).

(Note: Members should only declare personal and/or prejudicial interests on items that are to be considered at the meeting).

5. Adoption of Revised Executive Arrangements

1 - 6

A... Motion that the recommendations contained in the Monitoring Officer's report be approved and adopted.

6. Exclusion of the Public

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



Council

Item

5

9 December 2010

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Adoption of Revised Executive Arrangements		
Wards affected	All		

This report requests Council to adopt revised executive arrangements

1. Decisions Required

- 1.1 To adopt the Leader and Cabinet Executive (England) model of executive arrangements in accordance with section 11 of the Local Government Act 2000 (as amended) and that the revised arrangements come into effect on 8 May 2011.
- 1.2 To agree that the Monitoring Officer submits a report to the 30 March 2011 Council meeting containing the necessary changes to the Constitution.

2. Background

- 2.1 The Council's present executive arrangements came into effect in May 2001 in accordance with the Local Government Act 2000 and comprises the Leader and Cabinet form of executive. Part 3 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") amended the 2000 Act and required that local authorities adopt new types of executive arrangements in accordance with set timetables. In the case of district councils, the new arrangements must be adopted by 31 December 2010 and will come into effect on 8 May 2011.
- 2.2 Under the 2007 Act, councils have the choice of adopting one of two types of executive:
 - Leader and Executive (England) model, or
 - Elected Mayor and Executive model
- 2.3 Both models place all executive powers in the hands of one individual, either an elected Mayor or a "strong" Leader. Detailed reports on the process and options were considered by Cabinet at its meetings on 30 June 2010 and 8 September 2010. Full Council at its meeting on 13 October 2010 authorised the commencement of the statutory consultation process and gave authority for the Leader of the Council in consultation with the Group Leaders, to make a recommendation to Council which of the options to adopt and to publish our proposals for revised Executive Arrangements in accordance with the 2007Act.
- 2.4 In accordance with our agreed timetable, a public consultation was held primarily on our web site in accordance with Ministerial advice. In addition, the consultation also received coverage in the local press and the public were able to complete a form at

the Customer Service Centre. The consultation ran from 14 October 2010 to 15 November 2010.

2.5 The results of the consultation were:

A total of **106** responses were received which break down as follows:

In favour of: Leader and Executive (England) model	In favour of: Elected Mayor and Cabinet model	No preference
61 (57.5%)	43 (40.5%)	2 (2%)

2.6 Whilst the number of responses to the consultation was disappointing, a clear majority of those who responded expressed a preference for the Leader and Executive (England) model.

2.7 Accordingly, following the results of the public consultation, the Leader of the Council in consultation with the Group Leaders has agreed to recommend to Council that it should proceed to adopt the Leader and Executive (England) model. In accordance with the 2007 Act a document entitled "Proposals for a change in governance arrangements" was published on our website on 24 November 2010 and is attached to this report at Appendix One.

2.8 Subsequent to the adoption of the Leader and Executive (England) model, the Monitoring Officer will be required to amend the Constitution to accord with the new Executive arrangements and Council will be required to formally approve the changes.

2.9 Following the formal adoption we are required under the 2007 Act to inform the Secretary of State.

3. Conclusion

3.1 Following the results of the public consultation Council proceeds to adopt the Leader and Executive (England) model of Executive arrangements with implementation on 8 May 2011, in accordance with the 2007 Act.

4. Strategic Plan References

4.1 The Council's governance arrangements form part of the Council's commitment to customer excellence which underpins the Council's Strategic Plan vision.

5. Financial Considerations

5.1 No particular implications.

6. Equality, Diversity and Human Rights Implications

6.1 No particular implications.

7. Publicity and Consultation Considerations

- 7.1 Revised Executive arrangements were the subject of public consultation. Our proposals for a change in governance arrangements were published last month and as a result this will be included in the Council's constitution which is published on the Council's website: www.colchester.gov.uk. In addition the results of the consultation will be published on the Council's website homepage.

8. Community Safety Implications

- 8.1 None

9. Health and Safety Implications

- 9.1 None

10. Risk Management Implications

- 10.1 None.

Colchester Borough Council

Proposals for a change in governance arrangements

The Local Government and Public Involvement in Health Act 2007 requires Colchester Borough Council to make changes to its current governance and decision making arrangements. The new arrangements will come into operation on the third day after the local elections in May 2011. The Council is required under the Act to publish its proposals following the conclusion of the consultation exercise. These proposals will be considered at a Special Council meeting on 9 December 2010.

Proposed executive arrangements

It is proposed that, with effect from the third day after the local elections in May 2011, Colchester Borough Council adopts the Leader and Cabinet Executive (England) model, as specified in Section 11 of the Local Government Act 2000 (as amended).

The key elements of the proposals are as follows:

1. Election of the Leader

The Leader shall be elected by the full Council at its post-election annual meeting. The term of office of the Leader starts on the day of their election as Leader, and ends on the day of the next post-election annual meeting unless they:

- are removed from office by resolution of the Council;
- resign; or
- cease to be a councillor before that day.

During their term of office as Leader, the Leader shall continue to hold office as a councillor, and accordingly, any enactment which provides for earlier retirement as a councillor does not apply.

["post-election annual meeting" means the first annual meeting of the Council to be held after ordinary elections take place.]

2. Scheme of delegation /appointment of the Cabinet

The Leader shall determine:

- the scheme of delegation for the discharge of the executive functions of the Council;
- the size of the Cabinet, and shall appoint between two and nine other councillors to the Cabinet - those councillors shall be referred to as portfolio holders; and,
- areas of responsibility (portfolios) to be allocated to portfolio holders.

The Leader may at any time:

- remove portfolio holders from the Cabinet; and,
- change portfolio holders' areas of responsibility.

The Leader shall report to the Council on all appointments to, and changes to, the Cabinet.

3. Appointment of Deputy Leader

The Leader shall appoint one of the portfolio holders to be the Deputy Leader.

The Deputy Leader shall hold office until the end of the Leader's term of office unless that person:

- resigns as Deputy Leader;
- is removed from office by the Leader; or
- ceases to be a councillor.

In the event of any of the above occurring, the Leader shall appoint another portfolio holder as Deputy Leader at the earliest opportunity.

4. Absent Leader

If, for any reason, the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in their place.

If, for any reason, the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

5. Removal of Leader from office

The Council may, by resolution, remove the Leader during their four year term of office.

If the Council passes a resolution to remove the Leader from office, a new Leader shall be elected:

- (a) at the meeting at which the Leader is removed from office; or,
- (b) at a subsequent meeting.

6. Timetable for Implementation

Date	Action
13 October 2010	Council meeting authorises consultation process
October/ November 2010	Statutory advertisement of proposals
9 December 2010	Special Council meeting to adopt resolution on new executive

	arrangements
30 March 2011	Council to approve amendments to Constitution
5 May 2011	Borough Council Elections
8 May 2011	Proposals come into effect
18 May 2011	Post-election Annual Meeting of Council. New Leader elected
May 2011	Leader appoints Deputy Leader and portfolio holders
May 2011 - June 2011	Further amendments to the Constitution to take account of the Leader's Scheme of Delegation

7. Transitional arrangements

The proposals will come into effect three days after the local elections in May 2011. The Council will continue to operate the current leader and cabinet executive until the end of the transitional period.

8. Local choice functions

The 2007 Act requires the Council to state the extent to which the local choice functions (which may be exercised either by the Council or by the Cabinet) specified in regulations under Section 13(3)(b) of the Local Government Act 2000 are to be the responsibility of the Cabinet. The Council proposes that these functions shall be discharged as currently set out in Part 3 of the Council's Constitution until revised by the Leader or Council under the new governance arrangements.

Further Information

If you have any questions relating to the information contained on this page, please contact Andrew Weavers, Monitoring Officer, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG, Tel: 01206, 282213 Email: andrew.weavers@colchester.gov.uk

