

Friday, 29 April 2016

## Special Meeting of the Council

Dear Member

I am pleased to invite you to attend a special meeting of Torbay Council which will be held in **The Forum, Riviera International Conference Centre, Chestnut Avenue, Torquay, TQ2 5LZ** on **Wednesday, 11 May 2016** commencing at **1.30 pm**

The items to be discussed at this meeting are attached.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Steve Parrock".

Steve Parrock  
Chief Executive

(All members are summoned to attend the meeting of the Council in accordance with the requirements of the Local Government Act 1972 and Standing Orders A5.)

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### A prosperous and healthy Torbay

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For information relating to this meeting or to request a copy in another format or language please contact:

**June Gurry, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207012**

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# Meeting of the Council Agenda

## 1. Apologies for absence

## 2. Declarations of interests

- (a) To receive declarations of non pecuniary interests in respect of items on this agenda

**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

- (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda

**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

**(Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)

## 3. Outcome of Referendum on how Torbay Council is run

(Pages 3 - 5)

To consider the submitted report on the results of the local government referendum and way forward.

### Note

An audio recording of this meeting will normally be available at [www.torbay.gov.uk](http://www.torbay.gov.uk) within 48 hours.



**Meeting:** Special Council

**Date:** 11 May 2016

**Wards Affected:** All

**Report Title:** Outcome of Referendum on how Torbay Council is run

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** May 2019

**Executive Lead Contact Details:** Councillor Derek Mills, Executive Lead for Health and Wellbeing and Corporate Services, telephone 01803 843412 and email [derek.mills@torbay.gov.uk](mailto:derek.mills@torbay.gov.uk)

**Supporting Officer Contact Details:** Anne-Marie Bond, Assistant Director – Corporate and Business Services, telephone 01803 207160 and email [anne-marie.bond@torbay.gov.uk](mailto:anne-marie.bond@torbay.gov.uk)

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## 1. Proposal and Introduction

- 1.1 On 5 May 2016 the residents of Torbay voted in a local government referendum on how the Council is run to determine whether Torbay Council should continue with the Elected Mayor system of governance or change to a Leader and Cabinet model. This report sets out the results of the local government referendum and identifies the matters that need to be addressed in the three years leading up to the next local election in May 2019 when the change in governance will apply.

## 2. Reason for Proposal

- 2.1 To ensure compliance with the relevant legislation requirements

## 3. Recommendation(s) / Proposed Decision

- 3.1 That the results of the Local Government Referendum to approve a change in governance to a Leader and Cabinet system be noted;
- 3.2 That, in accordance with the Local Government and Public Involvement in Health Act 2007, the change of Torbay Council's governance to a leader and cabinet system commencing following the next local elections in May 2019 be implemented;
- 3.3 That the Monitoring Officer be requested to prepare the Constitution for a Leader and Cabinet model of governance and a Constitution Working Party be established in the proportion of 5 Conservatives, 1 Liberal Democrat and 1 Independent;

- 3.4 That during the 12 months prior to the commencement of the Leader and Cabinet system of governance a meeting of the Independent Remuneration Panel be arranged to undertake a review of Members' Allowances.

#### **4. Background**

- 4.1 At its meeting on 23 July 2015 the Council resolved to hold a referendum on the Council's future form of governance, and requested the Assistant Director of Corporate and Business Services to undertake a consultation exercise on the different forms of governance in order to inform a decision as to which question should be included in the referendum. On 24 September 2015, the Council considered the response to the consultation exercise and resolved that the questions to be asked in the referendum would be on whether Torbay Council should continue with the Elected Mayor system of governance or change to a Leader and Cabinet model. On 5 May 2016 the referendum was held and the registered electors of Torbay voted to have a Leader and Cabinet model of Governance.

- 4.2 The results of the referendum were:

- The total number of votes in support of the mayoral system was 9,511;
- The total number of votes for the leader and cabinet model was 15,846.
- The overall voter turnout was 25.27%.

#### **5. Review of Constitution**

- 5.1 As a consequence of the requirement to introduce the leader and cabinet model style of governance, a review of the Constitution will need to be undertaken to ensure that it is in line with the relevant legislation and associated statutory guidance governing the Leader and Cabinet style of governance.
- 5.2 A further review of the Members' Allowances Scheme will need to take place and a meeting of an Independent Remuneration Panel will have to be convened and considered by Full Council prior to the Leader and Cabinet style of governance coming into force in May 2019.

#### **6. Financial and Legal Implications**

##### **6.1 Legislative background and requirements**

- 6.1.1 The Local Government Act 2000 introduced a separation of powers between the Executive and Council in all but the smallest local authorities with the aim of making council decision-making more efficient, transparent and accountable. The Act required most local authorities to change governance arrangements from the committee system to an executive-scrutiny model.
- 6.1.2 The Localism Act 2011 increased the governance options for local authorities as follows:

- executive arrangements (leader and cabinet or directly elected mayor and cabinet);
- a committee system; or
- prescribed arrangements.

Provision was included in secondary legislation which meant the Council was unable to change its governance arrangements without approval at a referendum. Further it stipulated that such a referendum could not be held for 10 years from the referendum that triggered the adoption of the mayoral system of governance (i.e. after 14 July 2015).

## **7. Financial implications**

- 7.1 Changing the system of governance to a Leader and Cabinet will not result in any immediate budget implications, however a review by the Independent Remuneration Panel of the Members' Allowances Scheme will be required.

## **8. Risks**

- 8.1 None.

## **9.1. Alternative Options**

- 9.1 There are no alternative options; the Council are required to implement the outcome of the Referendum.

## **Appendices**

None

## **Background Documents**

Declaration of Result - Referendum on how Torbay Council is run  
on Thursday 5 May 2016

Previous Council decision –

<http://www.torbay.gov.uk/DemocraticServices/ieListDocuments.aspx?CId=163&MId=6156&Ver=4>