



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

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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>