



DEMOCRATIC AND COMMITTEE ADMINISTRATION PROGRAMME 2023

DIFFERENT FORMS OF GOVERNANCE

EXECUTIVE ARRANGEMENTS

1. The Localism Act 2011 Act allows local authorities to operate one of three permitted forms of governance:
 - executive arrangements; or
 - a committee system; or
 - arrangements prescribed by the Secretary of State.
2. The forms of executive available to local authorities in England are the directly elected mayor and cabinet model or the indirectly elected 'strong' leader and cabinet model.
3. A local authority's executive arrangements must include provision for the appointment of one or more overview and scrutiny committees. These committees must have power to review or scrutinize decisions or actions taken in connection with the discharge of functions and to make reports or recommendations to the local authority or the executive. They should also have power to review and scrutinize matters relating to the health service in the local authority's area but this does not apply to district councils in areas where there is a county council.
4. Executive arrangements must include provision for any member to refer to an overview and scrutiny committee matters which are relevant to the functions of the committee so that they may be placed on the agenda.

COMMITTEE SYSTEM

5. Any authority, whatever its size, may adopt a committee system should it wish to. This gives councils greater freedom to determine their political structures by introducing flexibility into the legislative framework. Under this model, the council may delegate decision-making to committees, made up of councillors in proportion to their parties'

representation on the council. If a committee is unable to make a decision, or a minority group wishes to challenge it, the decision may be referred to a meeting of the full council for a final decision.

6. If a local authority operates a committee system the Secretary of State may specify functions and actions of the local authority which may not be delegated. A local authority with a committee system may appoint overview and scrutiny committees and the Secretary of State may make regulations about their functions, composition and procedures, and about the appointment of sub-committees, and joint committees with other authorities.
7. Whilst there is no obligation for an authority operating a committee system to appoint overview and scrutiny committees, an authority which is a lead local flood authority must review and scrutinize the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the authority's area.

THE HYBRID SYSTEM

8. Kent County Council moved to a hybrid system in May 2012 and several other councils have followed it. The council still operates a Leader and Cabinet system under the LG Act 2000 but cabinet decision-making is supplemented through 'cabinet committees' which are advisory bodies comprising members of all political parties represented on the council.

Executive

9. The Leader and Cabinet Members comprise the Executive and are responsible for all functions that are not the responsibility of any other part of the council, whether by law or through the constitution.

Cabinet Committees

10. Cabinet committees are advisory committees of the Cabinet. Each committee is able to consider and make recommendations on the executive functions that are the responsibility of the cabinet member(s) for matters within its remit. They also consider and either endorse or make recommendations on statutory key and other significant decisions to be taken by the cabinet members either collectively or individually, assist and advise cabinet members and the Cabinet on the development of the Policy Framework, and review performance.
11. The Scrutiny Committee investigates issues affecting the Council and its residents and makes recommendations to support the improvement of council services.

VARIATIONS ON A THEME

12. In practice, there are a number of variations:

- a) **The directly elected mayor and cabinet** (as seen in Hackney, Bristol, Liverpool and Leicester amongst others; different mayors take different approaches to the appointment of their cabinets and their delegated powers.
- b) **The ‘strong’ leader and cabinet** (as seen in most English authorities). This is the standard approach which the majority of councils currently operate.
- c) **The traditional committee system** (as seen in Nottinghamshire and Cambridgeshire) which may have a relatively large number of service committees, often aligned fairly closely with council departments. There may or may not be an overarching policy committee with a brief to co-ordinate service delivery and budgets.
- d) **A streamlined committee system** (as seen in Reading, Brighton & Hove and Stroud) consisting of two or three service committees, which may be supplemented by one or more overview and scrutiny committees. This was the common approach taken in what were formerly known as fourth option councils, those shire district councils who opted to retain the committee system between 2000 and 2012.
- e) **A hybrid system** (as seen in Kent, Oxfordshire, Sevenoaks, Tunbridge Wells and Guildford) where the cabinet ratifies decisions made by a number of cabinet cross-party advisory committees.

CHANGING GOVERNANCE ARRANGEMENTS

13. In order to make changes to its governance arrangements, a local authority must pass a resolution of the council. Once a resolution has been passed, the local authority must publish a notice in local newspapers giving details of the changes in governance arrangements and put copies of the documents on deposit at its offices. Councils with a mayor and cabinet system may not vary their governance arrangements unless the elected mayor has given written consent to the proposed changes.

14. A proposed change in governance arrangements is subject to approval in a referendum if the existing arrangements were approved in a referendum, or if the council resolves that a proposed change should be subject to approval in a referendum. The Act empowers the Secretary of State to make regulations requiring local authorities

to hold a referendum in response to a petition, and to direct local authorities to hold a referendum about their governance arrangements.

METRO MAYORS AND COMBINED AUTHORITIES

15. A combined authority is a legal body set up under the Local Democracy, Economic Development and Construction Act 2009 that enables a group of two or more councils to collaborate and take collective decisions across council boundaries including aspects of transport, housing and social care.
16. In May 2017, six mayors were elected for the first time to lead combined authorities in: Cambridgeshire and Peterborough, Greater Manchester, Liverpool City Region, the Tees Valley, the West of England and the West Midlands. This was followed by the election of mayors to lead the Sheffield City Region Combined Authority in May 2018 and the North of Tyne Combined Authority in May 2019. There are currently ten combined authorities in England, eight of which have directly-elected mayors.
17. The eight mayoral combined authority areas account for a total population of around 12 million people, over 20% of the population in England.

Peter Edwards
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