

To: City Executive Board - 30<sup>th</sup> June 2010  
Council- 12<sup>th</sup> July 2010

Item No: 16

Report of: Head of Law and Governance

Title of Report: NEW GOVERNANCE ARRANGEMENTS

### Summary and Recommendations

**Purpose of report:** To advise the Board and Council of legislative requirements that local authority governance arrangements must be altered to either a new style “strong leader” model or an elected mayor and cabinet model; to describe the differences between the Council’s current model (described as the “weak leader” model) and the other two models; to recommend that the Board recommends Council upon a preferred model; and to note the timetable that needs to be followed up until December 2010 when the final decision has to be taken.

**Key decision?** No

**Executive lead member:** Leader of Council

**Report approved by:**

**Finance:** xxxxx

**Legal:** Jeremy Thomas

**Policy Framework:** Not applicable

**Recommendation(s):**

(1) The Board is RECOMMENDED to recommend Council that in accordance with the requirements of the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 Council indicates which of the two required models of governance is its preferred option.

(2) Council is RECOMMENDED to decide upon the Council's preferred model of governance, to authorise consultation and to agree the timetable leading up to a final decision in December 2010.

### Background

1. This Council operates to a political management structure under the Local Government Act 2000 decided upon by full Council in July 2001. The structure consists of a Leader elected by full Council and an Executive elected also by full Council. The arrangement we adopted in 2001 is described as the "weak leader" model.
2. All local authorities, in tranches, now have to move from a weak leader model where it exists (the weak leader model is being abolished) to either a new style "strong leader" model or an elected mayor and cabinet model. District authorities (the last tranche to have to make the change) must pass a resolution to do this by the end of December 2010. The new arrangements would then take effect as from (a period three days after) the next following local elections for the authority (ie in our case May 2012). There is no indication that this change is to be halted, reversed or altered by the new Government. What the new Government says in 'Our Programme for Government' is that local authorities may return to the committee system should they wish to do so. Details on how this might be achieved are not available at present.

### New governance models

3. Under the new style "strong Leader" model, whilst the Leader is still elected by full Council, it is then for the Leader and not for Council to decide upon the size (up to ten members including the Leader) and composition of the Executive and upon who the Deputy Leader should be. It is also for the Leader to allocate all Executive functions (including, if the Leader wishes, decisions that may be exercised by a single member and decisions that members may take in respect of their own Wards). (Note that there is no change proposed to the way Council functions may be discharged). The law also requires that the Leader holds the position of Leader until beyond his or her normal day of retirement as a councillor (i.e. from when the member's term of office expires up until the date of the Annual Meeting of Council immediately following the date of retirement). So, a Leader could hold office for a maximum period of four years. There is provision in law for the Council to remove the Leader by resolution (of Council) if the Council's Constitution permits this. It is for local authorities to decide whether to include this provision in their Constitutions.

Further on this model, the position of Deputy Leader changes. The Deputy Leader position is given more power than at present. As things stand at the moment, the Deputy may not carry out the Leader's statutory functions (such as appointing or removing executive

members) if the Leader is unable to act or the post is vacant. Under the new style arrangements the Deputy Leader may carry out the statutory functions if the Leader is unable to act. Interestingly however, when the Leader ceases to be Leader the Deputy may not take that position during the interregnum but instead reverts to an “ordinary” executive member.

4. Under the elected mayor and cabinet model, the Mayor would be elected by Oxford City Council electors. The Mayor would be elected for a four year term and could not be removed by full Council. The Mayor would not be a councillor and would not necessarily be a member of any political party. The Mayor would have a mandate from those who voted for him/her. The Mayor would be reliant upon full Council to pass the Budget and policies and plans needing to be agreed by full Council. The Mayor would need to work with councillors to fulfil his/her mandate. The Mayor would (presumably) work full time in that position.

The Mayor would decide upon the size and composition of the Executive (which would consist of elected members of Council) and on the executive scheme of delegation.

5. The legislation that requires these changes to political management arrangements says that local authorities must take “reasonable steps to consult the local government electors and other interested persons in the area”. It also says that in drawing up proposals local authorities consider the extent to which the proposals, if implemented, would be likely to “assist in securing continuous improvement in the way in which the local authority’s functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. A draft consultation summary is set out in the appendix to the report and I will work with the Council’s Consultation Officer on the consultation.

### Timetable

6. The timetable to make the changes (whatever they are) is as follows:-
  - (a) City Executive Board – 30<sup>th</sup> June – indicates its preferred governance arrangements and recommends full Council accordingly.
  - (b) Council – 12<sup>th</sup> July – considers the Board’s views, decides upon a preferred option and resolves to consult.
  - (c) 19<sup>th</sup> July – 8<sup>th</sup> October – consultation – this is a 12 week period which accords with the central/local government protocol on consultation. Consultation is likely to be with partners and other organisations, and to the public generally via an advertisement in the local press and an item on our website.

- (d) Special City Executive Board – 18<sup>th</sup> October – to consider the outcome of consultation and draw up proposals for recommendation to Council later in the day.
- (e) Council – 18<sup>th</sup> October – consider and adopt the City Executive Board recommendations. This is not the end of the matter. Legislation requires the proposals to be ‘made available’ to the public. The central/local government protocol on publicity indicates that a 6 week period should be allowed for publicity on detail of this sort. Comments are not necessary invited at this stage but they may be received. The ‘proposals’ are the changes to the Constitution, the implementation timetable and any transitional arrangements.
- (f) Special Council – 13<sup>th</sup> December – this meeting will finally resolve to implement the new changes. Legislation requires a specially convened meeting of Council to deal with this one issue at this stage. If a new style strong leader model is the option chosen then this will come into operation three days after the May 2012 local elections. The Leader would be elected at the 2012 Annual Meeting of Council for as long as her/his term of office runs (plus the period from retirement to the immediately following Annual Council Meeting. So, the term of office for the new style Leader from 2012 would be either a two year period (if the member’s term of office is due to expire in 2014) or a four year term if the member was newly elected and her/his term of office was due to expire in 2016).

If, following consultation, a mayor and cabinet model is the option chosen (or if a petition for a referendum for an elected Mayor is received), then arrangements would need to be made to achieve this and I would report back to members.

9. The Board is being **RECOMMENDED** to recommend Council that in accordance with the requirements of the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 Council indicates which of the two required models of governance is its preferred option.

Council is being **RECOMMENDED** to decide upon the Council’s preferred model of future governance, to authorise consultation and to agree the timetable leading up to a final decision in December 2010.

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Background papers: None