

To: City Executive Board - 18th October 2010
Council – 18th October 2010

Report of: Head of Law and Governance

Item No:

**Title of Report: NEW GOVERNANCE ARRANGEMENTS –
CONSULTATION OUTCOME**

Summary and Recommendations

Purpose of report: To advise the Board and Council of the outcome of the consultation exercise about new governance arrangements required by the Local Government and Public Involvement in Health Act 2007 and to invite the Board to make a recommendation to Council as to which of the two available models of executive arrangements to adopt.

Key decision: No

Executive lead member: Leader of Council

Report approved by:

Finance: Not applicable

Legal: Jeremy Thomas

Policy Framework: Not applicable

Recommendation(s): That the Board recommend one of the two available models of executive arrangements for adoption by Council.

1. At their meetings on 30th June 2010 and 12th July 2010 the City Executive Board and Council received a report on new governance arrangements. Put simply, the report explained that all local authorities were required, by law and to a deadline, to consult upon one of two models of governance and that, following consultation, local authorities were required to adopt one of those models. The report said that the models were a new style “strong leader” and cabinet model and an elected mayor and cabinet model. It explained the features of those models. An extract from the report explaining the features forms Annex 1 to this report.

2. The Board and Council decided that the Council's preferred governance arrangement was the new style leader and cabinet model and Council authorised offers to commence consultation accordingly.
3. A few days before the July Council meeting, all Council Leaders were sent a letter by the Minister for Housing and Local Government. The letter said that the requirement in the legislation to consult upon and adopt one of the two new governance models was likely to be repealed by the Coalition Government. Accordingly, the letter said that consultation should proceed at minimal cost and that any governance model adopted might be further changed within a year or so of adoption (presumed in the letter to be May 2011).
4. Consultation by the Council upon new governance arrangements has been conducted by a website questionnaire. The consultation opened on 19th July and closed on 8th October. As at 7th October 20 responses had been received. Of these, ten (50%) favoured the new style leader and cabinet model and ten (50%) favoured the elected mayor and cabinet model. Nine respondents offered comments and those are attached to this report as Annex 2. Any responses received on the last day of the consultation will be reported upon orally to the Board and to Council.
5. Although the letter from the Minister for Housing and Local Government assumed that new governance arrangements would come into operation in May 2011, for Oxford (and for some other local authorities) adoption will not be until May 2012, the date of the next local elections. It may be that by then the law is changed so as to require some different governance model to be adopted. Indeed, on 20th September 2010 the Minister for Communities repeated the Coalition Government's commitment that local authorities could return to the committee system if they wished to do so. That requires primary legislation however and a Ministerial announcement is insufficient to allow the Council to return to the former Committee-based system, even assuming the Council was minded to do so. The present consultation is a statutory requirement on the Council and the Ministerial announcement has no basis in law.
6. The current legislation sets out the position if local authorities fail to adopt one of the two new governance models to timescale. It says two things:-
 - (a) If local authorities do not make the change in governance arrangements by the end of 2010 (the deadline for district authorities) then they can simply draw up arrangements which will provide for a strong leader and cabinet by the end of the transitional period (May 2012 for Oxford).
 - (b) If it appears to the Secretary of State that a local authority will fail to draw up leader and executive arrangements by the end of the

transitional period, then the Secretary of State by order can specify that the local authority's governance arrangements are the leader and cabinet model.

7. The timetable for adoption of new governance arrangements requires the Board now to decide upon the arrangements it wants to recommend Council to adopt (following consideration of the outcome of consultation – see paragraph 4 and Annex 2). Arrangements for the new model (namely changes to the Constitution) need to be made available to the public for a six week period. If the Board and Council agreed upon the new-style leader and cabinet model the constitutional changes needed are set out in Annex 3 to this report. If the Council decided upon the elected mayor and cabinet model a further report would be needed and in this case Annex 3 should be disregarded. A special Council meeting on 13th December will finally resolve to adopt the new model and arrangements. That Council meeting may not deal with any other business. After final adoption, 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 will 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 is newly elected or re-elected and her/his term of office is due to expire in 2016).
8. The Board is recommended decide upon one of the two available models of executive arrangements for adoption by Council.

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