

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**  
**CABINET AND CORPORATE SERVICES SCRUTINY COMMITTEE –**  
**16 MARCH 2015**

**REPORT BY DIRECTOR OF STRATEGY AND LOCAL SERVICES**

**GOVERNANCE MODELS**

**1. Background**

1.1 At the Committee's meeting in February Members asked about the models of governance possible under current legislation.

**2. Current local authority structures**

2.1 The Localism Act 2011 expanded the number of decision-making systems that councils could adopt. Since that Act was passed there are three main models to choose from:

**Leader and Cabinet**

2.2 This system was brought in by the Local Government Act 2000 and is the governance system that most councils operate. In some councils, individual members of the cabinet have decision-making powers; in others, decisions have to be made by the whole cabinet. Cabinet is led by a leader, who is elected by full council for a term determined by the council itself or on a four yearly basis. These councils must have at least one overview and scrutiny committee.

**Mayoral system**

2.3 These councils have a directly-elected executive mayor with wide decision-making powers. The mayor appoints a cabinet made up of other councillors, who may also have decision-making powers. These councils must also have at least one overview and scrutiny committee. Examples include: The Greater London Authority, Liverpool, Bristol, Middlesbrough, Leicester, LB Lewisham and LB Hackney.

**Committee system**

2.4 Since the Localism Act this option is now available to all councils. Previously it was available only to district councils with populations under 85,000. Committee system councils make most decisions in committees, which are made up of a mix of councillors from all political parties. These councils may have one or more overview and scrutiny committees but are not required to. Examples include: Hartlepool, Reading, Stroud, Cambridgeshire, Norfolk, Nottinghamshire, Brighton

and Hove, South Gloucestershire, LB Barnet, RB Kingston-upon-Thames and LB Sutton.

### **Elected Mayor and Council Manager**

- 2.5 This option was introduced by the Local Government Act 2000, but **withdrawn** by the Local Government and Public Involvement in Health Act 2007. The only local authority to adopt the model was Stoke-on-Trent City Council, reverting to leader and cabinet in 2008.
3. The Localism Act 2011 offered choice for councils and local people to decide how their council should be governed. This includes allowing councils to move away from an executive form of governance to a committee system. The Act also removed previous constraints around the timing of when councils can change their governance models, so they can take these decisions when it best suits the needs of the council and the people they represent. The formal move from one governance option to another would take effect following the council's AGM, with a resolution of full council having to have been made beforehand.
4. Under certain circumstances authorities will be obliged to hold a local referendum to confirm a change. They can do this voluntarily, or, for those who initially held a referendum to change to their current form of governance, a referendum will be compulsory. This primarily applies to the current mayoral authorities. Once governance arrangements change, councils will not be able to make another change for five years. However, if the change has been mandated by a referendum, governance arrangements cannot change for ten years. Where a previous governance change has been subject to a referendum, any proposal to move to a committee system must be as well.
5. There are variations for each of these models that can lead councils to adopt hybrid approaches; most commonly this is a hybrid between leader/cabinet and the committee system (with such an approach usually seen legally as being a modified version of the leader/cabinet system, and therefore not requiring a formal change under the Act). Councils also have the option of suggesting an approach of their own to the Secretary of State. No detailed criteria have been set out for how the Secretary of State will come to a decision about whether or not to approve any option suggested under this part of the Act.
6. The Scrutiny Committee is asked to note the report.

**FOR INFORMATION**

**TONY REDPATH**

Director of Strategy and Local Services

**Public background papers used in preparation of this report:**

LGA paper 'Rethinking Governance' January 2014

DCLG 'Plain guide to the Localism Act'

CfPS 'Musical Chairs' April 2012

Minutes of the Scrutiny Committee's meeting held on 16 February.

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