

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**CABINET**

**28 March 2012**

**Report of the Chief Solicitor & Monitoring Officer**

**Part 1- Public**

**For Information**

**1 LOCALISM ACT 2011 – CHANGES TO GOVERNANCE ARRANGEMENTS**

**1.1 Introduction**

1.1.1 The Localism Act reforms the law applying to local authority governance arrangements. The Act introduces new provisions into the Local Government Act 2000, allowing authorities to operate either by executive arrangements, a committee structure, or under arrangements prescribed by the Secretary of State. New provisions are also introduced relating to directly elected mayors.

1.1.2 This report sets out the relevant changes for Members' consideration. I also attach at **Appendix 1** a copy of a letter from the Deputy Director- Democracy at the Department for Communities and Local Government on the new arrangements.

**1.2 Forms of governance**

1.2.2 The Localism Act 2011 amends the Local Government Act 2000 so as to allow local authorities to operate one of the following forms of governance –

(a) Executive arrangements;

(b) A committee system (which therefore allows local authorities to return to the committee system form of governance which existed before the Local Government Act 2000); or

(c) Arrangements prescribed by the Secretary of State

1.2.3 In respect of (c) above, a local authority may propose to the Secretary of State that he should exercise his power to make regulations if the local authority considers that –

(a) The operation by the authority of the proposed arrangements would be an improvement on its current governance arrangements;

- (b) The operation of the proposed arrangements would be likely to ensure that the decisions of the authority are taken in an efficient, transparent and accountable way; and
- (c) The arrangements would be appropriate for all local authorities, or for any particular description of local authority, to consider.

1.2.4 This power to propose forms of governance arrangements to the Secretary of State effectively means that an authority could suggest a hybrid of executive and committee arrangements, or indeed an entirely new model altogether.

### **1.3 Overview and scrutiny**

1.3.2 Where a local authority chooses to operate under executive arrangements, they must provide for the appointment of one or more overview and scrutiny committees.

1.3.3 A local authority operating under the committee system *may* appoint overview and scrutiny arrangements, but it not required to do so.

1.3.4 Although not relevant to Tonbridge and Malling, the Localism Act re-introduces the requirement for a local authority to designate one of its officers as a scrutiny officer. This requirement does not apply to district councils in areas where there is a county council.

### **1.4 Changing governance arrangements**

1.4.1 Any authority seeking to change its governance arrangements must pass a resolution at full Council. If such a resolution is passed, the authority may not pass another resolution to make a change to governance arrangements for another 5 years, unless the later resolution is approved in a referendum.

1.4.2 Members will note from the letter at **Appendix 1** that where an authority resolves to move to the Committee system, the new arrangements would come into force at the next annual meeting of full Council or a subsequent annual meeting specified in the resolution.

1.4.3 Local authorities will be required to hold a referendum on whether it should move to a different form of governance if at least 5% of the local government electors in the authority's area petition the authority.

### **1.5 Elected Mayor and Cabinet**

1.5.1 The 2011 Act gives the Secretary of State power to make an order to require specified local authorities to hold a referendum on whether to change to a mayor and cabinet executive.

1.5.2 Orders have been made for this purpose in respect of local authorities in the following cities - Birmingham, Bradford, Bristol, Coventry, Leeds, Manchester,

Newcastle upon Tyne, Nottingham, Sheffield and Wakefield. The referendums will be held on 3 May 2012. Liverpool City Council have also resolved that their city will have a directly elected mayor and plan to hold the first election for a Liverpool mayor on 3 May 2012

**1.6 Legal Implications**

1.6.1 As set out above.

**1.7 Financial and Value for Money Considerations**

1.7.1 None.

Background papers:

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Nil

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