



## 2014 CHAPTER 8

### PART 5

#### PERMITTED FORMS OF GOVERNANCE

##### **Permitted forms of governance**

**19.—**(1) A council must operate a committee system unless the council decides to operate executive arrangements or prescribed arrangements.

(2) A decision to operate executive arrangements or prescribed arrangements must be taken by a qualified majority.

(3) Executive arrangements must conform with any provisions made by or under this Act which relate to such arrangements (see, in particular, Part 6).

(4) A committee system must conform with any provisions made by or under this Act which relate to such a system (see, in particular, Part 4).

(5) In this Part—

“executive arrangements” means arrangements by a council—

- (a) for and in connection with the creation and operation of an executive of the council, and
- (b) under which certain functions of the council are the responsibility of the executive;

“committee system” means arrangements made by a council, which does not operate executive arrangements or prescribed arrangements, for or in connection with the discharge of its functions in accordance with Part 4;

“prescribed arrangements” means such arrangements as may be prescribed in regulations made under section 20.

**Power to prescribe additional permitted governance arrangements**

**20.—(1)** Regulations may make provision prescribing arrangements that councils may operate for and in connection with the discharge of their functions.

(2) In particular, the regulations—

(a) must include provision about how, and by whom, the functions of a council are to be discharged, and

(b) may include provision enabling functions to be delegated.

(3) Regulations under this section may, in particular, include provision which applies or reproduces (with or without modifications) any provisions of, or any provision made under, Part 6.

(4) In considering whether or how to exercise the power in this section, the Department must have regard to any proposals made under subsection (5).

(5) A council may propose to the Department that the Department make regulations prescribing arrangements specified in the proposal if the council considers that the conditions in subsection (6) are met.

(6) The conditions are—

(a) that the operation by the council of the proposed arrangements would be an improvement on the arrangements which the council has in place for the discharge of its functions at the time that the proposal is made to the Department;

(b) that the operation by the council of the proposed arrangements would be likely to ensure that the decisions of the council are taken in an efficient, transparent and accountable way; and

(c) that the arrangements, if prescribed under this section, would be appropriate for all councils to consider.

(7) A proposal under subsection (5)—

(a) must describe the provision which the council considers should be made under subsection (2) in relation to the proposed arrangements; and

(b) explain why the conditions in subsection (6) are met in relation to the proposed arrangements.