

Notice of Amendment for Full Council

Under Paragraph 13 of the Council Procedure Rules

The following amendment to be submitted to Council on the date indicated below:-

Amendment: Operate an Oldham Borough Concord Council Governance Framework

This Council notes:

- **1. No Overall Control:** The 2026 local elections have resulted in a Council where no single political group holds a majority of seats and where the political groups represented on the Council, together with independent councillors, have been unable to form a conventional majority administration.
- **2. Balanced Representation:** Councillors are organized into political groupings of balanced proportion. In order to form an administration under traditional arrangements, political groups would be required to form coalitions or rely on abstentions, which many councillors reasonably consider may not best serve their wards or the wider borough.
- **3. Public Mandate:** Every councillor has been elected to represent all residents, businesses, and communities within their wards, and all elected members share a collective duty to provide stable, effective, transparent, and accountable local government.
- **4. Statutory Governance Model:** The Council is required by Section 9B of the Local Government Act 2000 and its Constitution to operate a 'Leader and Cabinet' executive model. The Council cannot lawfully replace that executive model with a committee system without statutory constitutional change procedures.
- **5. Statutory Executive Discretion:** Under Section 9E of the Local Government Act 2000, executive power is vested in the Leader and Cabinet. Executive office holders cannot lawfully divest, surrender, or delegate their statutory responsibilities to advisory bodies or non-executive members. However, the Leader and Cabinet may lawfully establish advisory framework committees to consult, seek advice, and receive non-binding policy recommendations prior to exercising executive functions.
- **6. Avoiding Government Intervention:** The appointment of Government Commissioners would impose substantial costs on Oldham taxpayers, divert key financial and administrative resources, and adversely affect democratic accountability and service delivery across Adult Social Care, Children's Services, and local infrastructure.

Purpose of this Amendment

The purpose of this amendment is to establish a temporary, collaborative cross-party governance framework ('Concord Council') which:

- **a) Statutory Alignment:** Enables the Council to function effectively within the lawful Leader and Cabinet governance model mandated by the Local Government Act 2000.
- **b) Consensus-Based Governance:** Facilitates broad political involvement without forcing parties into formal coalition agreements.
- **c) Leader Appointment Delegation:** Enables the Leader to exercise statutory power under Section 9E of the Local Government Act 2000 by appointing Cabinet Members nominated through a representative cross-party mechanism.
- **d) Comprehensive Pre-Decision Consultation:** Establishes politically balanced Concord Advisory Committees to provide detailed examination, policy guidance, and recommendations to the Leader and Cabinet before executive decisions are formally taken.
- **e) Allowance Integrity & Independent Review:** Refers any proposed adjustments to the Members' Allowances Scheme to the Independent Remuneration Panel (IRP) in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, ensuring allowances lawfully align with documented special responsibilities.
- **f) Scrutiny & Opposition Integrity:** Preserves the full independence, statutory oversight powers, and call-in functions of the Council's Overview and Scrutiny Committees under Section 9F of the Local Government Act 2000.

General Principles

- **Principle 1 (Consultative Discretion & Fiduciary Duty):** Executive office holders commit to giving maximum weight and due regard to the advice and recommendations of the Concord Advisory Committees. In accordance with public law, executive office holders retain their statutory executive responsibilities and discretion, ensuring decisions remain legally valid, accountable, and subject to statutory duty.
- **Principle 2 (Political Independence):** Nothing in this amendment shall affect the political identity, independence, or policy positions of any political group or councillor. All members remain free to express independent views and vote according to their conscience.
- **Principle 3 (Civic Responsibility):** All elected members are requested to support this framework in good faith to maintain democratic governance and stability for the residents of the Borough of Oldham.

This Council resolves:

- **1. Appointment of Leader:** Councillor Diane Williamson be appointed as Leader of the Council for the remainder of the 2026/27 municipal year.
- **2. Leader's Advisory Committee:** To establish a Leader's Advisory Committee comprising the Leader and Deputy Leader of each political group represented on the Council to consult on major strategic decisions and borough-wide policy prior to executive determination.
- **3. Executive Appointments:** The Leader be requested to exercise statutory appointment powers under Section 9E of the Local Government Act 2000 to appoint Cabinet Members nominated through the cross-party representative mechanism detailed in Appendix 1.
- **4. Cabinet Member Advisory Sub-Committees:** To establish Cabinet Member Advisory Sub-Committees across key portfolio service areas to examine policy proposals and formulate advice for Cabinet consideration.
- **5. Overview & Scrutiny Independence:** Reaffirms that the Council's Overview and Scrutiny Committees retain all statutory oversight powers under Section 9F of the Local Government Act 2000. Members appointed to executive advisory roles shall not sit on Overview & Scrutiny committees reviewing decisions within those same portfolio areas.
- **6. Referral to Independent Remuneration Panel (IRP):** To request the Monitoring Officer to immediately refer the proposed Concord Members' Allowances Framework (Appendix 1, Item 15) to the Independent Remuneration Panel (IRP) for formal review in compliance with Regulation 19 of the Local Authorities (Members' Allowances) (England) Regulations 2003, with recommendations reported back to Full Council for approval prior to implementation.
- **7. Constitutional Amendments:** To instruct the Monitoring Officer to draft necessary constitutional amendments, including revised terms of reference and scheme of delegation, to reflect this advisory framework and bring them to the next Full Council meeting for formal adoption.

Appendix: Framework Details & Operational Procedures

- **1. Executive Nomination & Appointment Mechanism:** Political groups may nominate eligible councillors up to 50% of their group membership (rounded up) to the Cabinet candidate pool. To comply with Section 9E of the Local Government Act 2000, the Leader formally appoints Cabinet Members from this representative pool, ensuring no single political group holds an absolute majority on the Cabinet.
- **2. Terms of Reference for Concord Advisory Committees:** Concord Advisory Committees shall: (i) Review draft executive proposals and provide advisory recommendations to the relevant Cabinet Member or Leader; (ii) Conduct meetings in public in compliance with access to information rules; (iii) Utilise a weighted advisory voting system reflecting group political balance to provide clear guidance to decision-makers.
- **3. Protocol on Executive Discretion:** Where an executive decision is required urgently or under a statutory deadline, and a Concord Advisory Committee has not reached a recommendation, the decision-maker may exercise statutory authority after consulting the Leader and Chief Executive.
- **4. Members' Allowances Review:** The allocation of Special Responsibility Allowances (SRAs) must reflect designated special responsibilities. The proposed schedule will be submitted to the IRP to ensure full statutory compliance with the 2003 Regulations.
- **5. Declaration of Executive Intent:** Upon appointment, Executive Office Holders shall make the following declaration: "I, [Name], accepting appointment as [Leader/Cabinet Member], declare that I will exercise my statutory executive functions in open consultation with all members of the Council. I commit to seeking, receiving, and giving full and due weight to the recommendations of the Concord Advisory Committees before exercising my statutory executive discretion."

Date of Council meeting:- 20 August 2026

Amendment submitted from (must be received no later than noon, the day before the meeting)

Councillor Proposing: Mark Kenyon

Date: 18/08/2026

Councillor Seconding: Sam Al-Hamdani

Time: 09:43