

Comparative Analysis of Local Government Systems in Western Europe: Legislative Frameworks and Organizational Models

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Abstract: *This research paper provides a comparative analysis of the organizational structures and legislative frameworks of local self-government systems in Western Europe, focusing on the Anglo-Saxon, French, and German models. The study examines the unique and shared characteristics of these models, the distribution of power within local government bodies, and the impact of legislative changes on local governance. Through an in-depth review of various legislative acts and their influence on local self-government, the paper highlights the evolution and current practices in local governance across different countries. The purpose of this article is to analyze the different models of local self-government in Western Europe, identify their unique and common features, and evaluate the impact of legislative frameworks on the functioning of local governance. This articles significance lies in its comprehensive analysis of various local government systems, which can provide valuable insights for policymakers, scholars, and practitioners interested in improving local governance through legislative reforms and structural adjustments. The study employs a comparative method, analyzing legislative acts and organizational structures of local self-government across several Western European countries. It involves a review of existing literature, legislative documents, and case studies to draw comparisons and assess the impact of different governance models. The paper suggests that understanding these models can offer valuable lessons for other regions aiming to enhance their local governance systems.*

Keywords: local self-government, legislative frameworks, local governance, Anglo-Saxon model, Western Europe, local self-government bodies, councils, communes, communities, administrative apparatus.

Structure of local government bodies

Self-government bodies have their own internal, organizational structure. This structure is determined by the distribution of power and the way of organizing the relationship between the representative and executive bodies.

There are two generalized models describing the organizational structure of self-governing bodies: *presidential and parliamentary*, by analogy with the corresponding forms of government at the state level.

The version of *the presidential model* (in practice, it exists in some municipalities in the United States, Canada and other countries adhering to the Anglo-Saxon model) assumes: direct election of the mayor by the voters; interdependence of the mayor and the representative body (up to the right of veto and the possibility of appeal to the court); attributing to the powers of the mayor the sole management of the local administration, from appointment to the current management. In this case, opposition (including political opposition) between the mayor and the representative body is possible, but the mayor has a significant advantage in the form of authority over the administration.

The variant of *the parliamentary model* is represented in practice by traditional English municipalities, Italian municipalities before the reforms of the 90s, etc. In this case, the mayor, who is elected by the council, has only representative functions (not to be confused with representative functions). The municipal council is both representative and, through the commissions and committees it creates, executive, directly managing the administration. The mayor has no right to interfere in these matters.

The variety of situations presented can be interpreted based on the need to combine efficiency and democracy in the

organization of local self-government. In modern society, when often the question of who the administration actually reports to is the main issue of power, the concentration of managerial powers in the hands of the mayor means a de facto rejection of the idea of representative democracy. At the same time, the representative body creates commissions or committees, but their role is limited to performing advisory functions and drafting some decisions. Even in Great Britain, where the system of absolute dominance of the representative body has traditionally been dominant, there is a serious tendency to move executive power into the hands of a city manager, a council-appointed official, or an elected mayor.

Another approach, common in Northern Europe and Germany, ensures effective governance through a clear separation of executive and representative powers, but the executive, even if formed by professional managers through indirect election or appointment, is collegial. Thus, the necessary and sometimes sufficient minimum of democracy is achieved: there is no concentration of power in one hand, individual responsibility and collegial decision-making complement each other. With more or less significant variations, this model can be considered the most widespread.

Finally, in the Scandinavian countries, a model almost identical to the Danish one ensures parallel management of administrative services: technical on the part of the mayor and his assistants and political on the part of the commissions of the representative body. This ideal equilibrium is disturbed by the fact that the mayor almost always becomes the chair of the main commission, the finance commission, despite the fact that this is not being provided for by law.

In all cases, the main characteristics of the model are determined by three factors:

- 1) The possibility for the representative body to influence the head of the executive (through appointment or otherwise);
- 2) The possibility for the representative body to influence the directors of administrative services (appointment, etc.);
- 3) The possibility for the representative body to give direct orders to administrative structures.

The structure of executive power itself is determined by one or another combination of the following options:

- 1) The executive power is headed by one person (mayor, head of administration, etc.);
- 2) The executive power is managed by a collegial body;
- 3) The functions of executive power are assumed by a representative body (through commissions, committees, etc.).

The question of who really leads the executive power is solved quite simply: the one who has his own powers to do so. Thus, in France, any self-governing community has a collegial body that performs a number of executive functions (deputy mayors in a commune, bureaux in a department, etc.). However, this body has no powers of its own: all powers are delegated to its members by the head of the executive branch, who can revoke the delegation or the decision taken at any time, since the hiring of the head of the executive branch is not subject to the authority of the executive branch he can revoke the delegation or the decision taken at any time, since, by law, only he owns the executive power and only he is responsible for its activity. Thus, despite the apparent collegiality, the executive power is in the hands of one person. In Belgium, the Netherlands, and in the German system of magistrates, this is not the case: each member of the collegial executive body is responsible for a certain area of work, which falls within his own authority. Here, individual responsibility for a given area and collegial responsibility for the policy of the executive as a whole are combined.

However, the classical scheme of representative power executive power does not fully reflect the complexity of the territorial organization of existing self-governing systems. As a rule, self-governing territorial communities of different levels can form associations (unions, associations, etc.) for the joint fulfillment of certain competencies. The necessity to create such associations is obvious: some small or financially insecure territorial communities cannot solve all their tasks alone; moreover, the solution of many issues is much more efficient on a larger scale than the territory of a single community. Finally, coordination is often necessary between different levels of government when there is overlap of accountable territory.

The associations that emerge in this way do not have the status of self-governing communities: there are no legislative guarantees for their existence, their governing bodies are usually formed through indirect elections, and many associations do not have their own sources of funding or even their own budgets. Nevertheless, the real role of such entities can sometimes be more significant for the population and for the governance/self-governance system than the role of their constituent self-governing communities.

The state has an interest in creating and maintaining such associations, as they allow for local governance at the expense of the self-governing communities. Otherwise, the inability of individual communities to effectively solve local problems would inevitably cause the need for state intervention and corresponding financial and organizational costs. In each country, the number of possible forms of cooperation is very large: there can be up to a dozen forms of associations for communities of one level, a large number of forms of cooperation for communities of different levels, etc.

There are also other forms of associations, which, as a rule, cover all the authorities representing a given level of self-government in the territory of the country. These associations exist everywhere - in all developed countries and at every level of self-government - there are practically no exceptions. They can be legally formalized either as associations of territorial communities (the Dutch Union of Provinces in the Netherlands, the Association of Italian Provinces, etc.), or as associations of their representatives (the Union of American Mayors, the Association of Presidents of French General Councils, the Association of Irish City Managers, etc.). The main task of such associations is to lobby for common interests in the central government and exchange information and experience. In addition to differences by level of government (separate associations for each type of self-governing communities), there may be different associations for communities of the same level, differing in political orientation (pro-socialist and Christian Right associations of communes in Italy, Association of Directors of the Offices of Presidents of General Councils - Socialists in France, etc.). Given the predominantly political objectives, this is only natural.

Finally, many local government functions may be carried out by specialized bodies that are either formed by election (some officials and special district bodies in the United States) or appointment (many British quangos). Their role also needs to be considered when characterizing local governance in a country.

Experience of local self-government in different countries

Local self-government in its modern sense began to be formed at the turn of the XVIII-XIX centuries. Then the first theories of self-government and the first state legislation regulating municipal activity (in England, France, Prussia and other countries) appeared. Legislative consolidation of the rights of local self-government was most fully reflected in the Belgian Constitution of 1831, which played a significant role (spreading the ideas of local self-government in European countries).

For the last 200 years local self-government has been developed all over the world. In European countries, the USA, Japan, Australia, Turkey and many other countries it is formalized in legislation, reflecting the vast experience of citizens in solving local problems, participation in municipal activities. The European Charter on Local Self-Government has been adopted.

The activity of local self-government bodies is regulated by various legislative acts, which vary from country to country. In this study we will review the main legislative acts regulating local self-government in several countries and

analyze the changes in legislation and their impact on the functioning of local self-government. The indicators of this

study are shown in *Table 1 "Legal Regulation of Local Self-Governance Bodies (Laws and Regulations)"* below .

Table 1: "Legal Regulation of Local Self-Governance Bodies (Laws and Regulations)"

Country	Main legislative acts in different countries	Analysis of legislative changes and their impact
1. United Kingdom	<p>1. Local Government Act 1972: The main piece of legislation governing local authorities.</p> <p>2. Localism Act 2011: Expands the powers of local government and promotes citizen participation in government.</p>	The adoption of the Localism Act 2011 was a significant step towards empowering local authorities and increasing citizen participation in the decision-making process. This act gave local authorities more freedom to decide on issues related to the development of their territories, which improved local governance and increased the satisfaction of residents.
2. USA	<p>1. U.S. Constitution: Does not contain specific provisions on local government, but leaves these matters to the states.</p> <p>2. State Laws: Each state has its own laws governing LSG. For example, in California it is the California Government Code.</p>	In the United States, local government legislation is highly decentralized. Changes often take place at the state level and relate to, for example, budgetary regulations, the powers of municipalities and interaction with the federal government. Such changes can have a significant impact on the quality of services provided and the level of local participation.
3. Germany	<p>1. Basic Law of the Federal Republic of Germany (1949): Article 28 guarantees the right of local self-government.</p> <p>2. Land Laws: Each federal state (Länder) has its own laws governing local self-government.</p>	In Germany, legislative changes at the Länder level are often aimed at improving the financial autonomy of municipalities and increasing their management capacity. Recent reforms include strengthening inter-municipal cooperation and improving administrative procedures.
4. Russia	<p>1. Constitution of the Russian Federation (1993): Chapter 8 enshrines the foundations of local self-government.</p> <p>2. Federal Law No. 131-FZ "On General Principles of Organization of Local Self-Government in the Russian Federation" (2003): Regulates the organization, powers and activities of LGBs.</p>	In Russia, there have been many amendments to the Federal Law 131-FZ since its adoption in 2003. These amendments concerned the expansion of the powers of municipalities, improvement of their financial position, and increased transparency and accountability. The introduction of mechanisms of public control and an increased role of the population in decision-making have increased the effectiveness of the work of local government

The study of legal regulation of local self-governance bodies in different countries shows a significant variety of approaches and models. Changes in legislation are usually aimed at improving the efficiency of local self-governance, expanding their powers and increasing citizen participation. Analyzing these changes we can see how different countries are adapting to new challenges and needs of local communities, which, in turn, can be useful for developing recommendations for improving the local self-governance system in other jurisdictions.

To interact with regional and local authorities of European countries, the Council of Europe has created a special structure - the Congress of Local and Regional Authorities - with two chambers (regional and local).

None of the countries of the world, if we do not mean extremely small states, it is impossible to govern only from the center. Therefore, the territory of states (or states, if it is a federation) is divided into administrative-territorial units. In each such unit there are either elected bodies of local self-government (councils, assemblies of deputies, committees, etc.), or appointed or approved by the center bodies of local government (governors, prefects, commissioners of republics, etc.), or both.

The system of municipal bodies depends on different factors: geographical, historical, cultural or national peculiarities, approach to the understanding of state power, division of administrative-territorial units into natural and artificial. Let us dwell on the last two.

Many states have long adopted the concept, according to which the bodies of state power are only central bodies (president, parliament, government, etc.) and their local

commissioners (governors in regions, district chiefs). As for locally elected bodies and administrative services formed by them, they are considered only as self-governing bodies. These bodies are autonomous, not hierarchically subordinated among themselves, and in some countries (for example, Great Britain) their position is determined by the norms of administrative law rather than constitutional law. Within the framework of such doctrine it is recognized that local self-government bodies can perform some functions of state power. In our country at present this approach is fixed.

Another doctrine is used in socialist countries of developing countries, which proclaimed the orientation on cataclysm. According to it, local bodies are organs of state power. Any body such as the Soviets of People's Deputies, regardless of its name, including the smallest village council, is considered to be the only full authority on its territory.

The different nature of administrative-territorial units does not so much affect the principle approach to the system of local self-government as the construction of its individual links in the same country. It is accepted to distinguish natural and artificial administrative-territorial units. The former include various kinds of settlements, where people have historically and naturally grouped together to live together, such as villages, towns, communities, etc. The latter are often referred to as natural units. Artificial units - units created "from above" by acts of state power - regions, provinces, provinces, provinces, voivodships and others. In natural units, almost everywhere the population elects its self-governing bodies. In artificial units there are none; only representatives (agents) of the president, the government, the Ministry of the Interior (governors, prefects, district chiefs, etc.) can be appointed to govern them. According to this criterion, some

authors distinguish between communal and regional local administration.

In connection with the reform of local self-government in the Russian Federation, quite a lot of attention is paid to foreign experience in the organization of local government, and in particular to foreign models of local self-government.

Organisation of local governments in democratic countries

Local governments are organized differently. In democratic countries, local governments are responsible for governing the local community. They are elected by the citizens of the particular region and have a degree of autonomy from the central government.

These are general characteristics for all systems of public administration. But some characteristics are shaped by national, historical traditions, political, cultural peculiarities.

With the development of history, we can distinguish three types of local governments:

- *Aglo-Saxon type*: This type is based on the principle of self-government. Local governments have a high degree of autonomy from the central government. This type is characteristic of countries such as the United States, the United Kingdom and the Netherlands.
- *Continental European (French) type*: This type is based on the principle of a strong central government. Local governments have a limited degree of autonomy. This type is characteristic of countries such as France, Germany and Italy.
- *Mixed type*: This type combines elements of the Aglo-Saxon and Continental European types. Local governments have a degree of autonomy but are also subject to the control of the central government. This type is characteristic of countries such as Belgium, Switzerland and Spain.

The Aglo-Saxon system originated in England. This type was adopted by countries that used to be part of the British colonial empire and to some extent adopted this state system. For example, countries such as United States, Canada, Australia and others.

In the 19th century, the Aglo-Saxon system was adopted by many countries that were part of the British colonial empire. This system was seen as a modern and efficient system of public administration.

Countries such as the United States, Canada, Australia and others have adopted the Aglo-Saxon system to varying degrees. In some countries such as the United States, the local government system is based on the principle of self-government. In other countries such as Canada, the system of local governments is more centralized.

The Aglo-Saxon system has had an important influence on the development of public administration systems in many countries. This system is based on the ideas of democracy, autonomy and local responsibility. These ideas are still important in many countries around the world.

The system of local government in England consists of different layers and types of local authorities as listed below.

Local councils (Local Councils) are the primary local authorities in England. They are responsible for day-to-day services and decision-making at the local level, such as waste collection, public lighting, local roads and parks. Local councils are elected by the citizens of the respective municipality.

County councils (County Councils) are responsible for larger geographical areas, such as counties. They are responsible for tasks and services that span multiple municipalities, such as transportation, education and social care. County Councils are elected by the citizens of the respective counties.

City Councils (City Councils) are a special form of local council responsible for urban affairs in large cities. City councils often have greater authority than local councils, and they are responsible for tasks and services specific to urban areas, such as urban planning, economic development and local infrastructure. City councils are elected by the citizens of the respective city.

Parish councils (Parish Councils) are the smallest form of local government in England. They are responsible for very local matters, such as village development, green space and local events. Parish councils are elected by the citizens of the respective parish.

The system of local government in England is based on the principle of self-government. Local governments have a large degree of autonomy from central government. They have the power to manage their own budgets and implement their own policies.

To summarize the above, we can conclude that local self-government systems in any country of the world gravitate either to the first or to the second type. None of these models exists in a pure form, and many intermediate types can be found between them.

Also this study provides a thorough analysis of the various models of local self-government in Western Europe, emphasizing the importance of legislative frameworks in shaping local governance. The findings highlight the need for a balanced approach that combines efficiency and democracy in local self-government. The paper suggests that understanding these models can offer valuable lessons for other regions aiming to enhance their local governance systems.

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