

LOCAL GOVERNMENT ACT 2000 - PROPOSALS FOR EXECUTIVE ARRANGEMENTS AND NEW CONSTITUTION

Report of the County Secretary

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1. Purpose of Report

To update members on the implementation of legislation which requires all local authorities to introduce new executive arrangements.

To propose a way forward for the Council.

2. Summary

The Local Government Act 2000 requires all local authorities to adopt new ways of making decisions. They must choose between 3 models:

- Leader and Cabinet
- Elected Mayor and Cabinet
- Elected Mayor and Council Manager.

The Secretary of State expects all local authorities to draw up and submit to him proposals for executive arrangements by June 2001. He expects all local authorities to have fully implemented the new arrangements by June 2002.

The County Council has already made significant progress by piloting a Leader and Cabinet model. It still needs to draw up Executive Arrangements which comply with the new legislation and to adopt a detailed Constitution.

Results of public consultation to date suggest a weight of opinion in favour of the Leader and Cabinet model.

3. Conclusion

Provided the legislation is fully introduced in time, and subject to the final outcome of public consultation, the Council could adopt Executive Arrangements based on the draft attached to this report at its meeting on 3 April 2001. The Arrangements would then be submitted to the Secretary of State and come into effect from the Annual Meeting on 22 May 2001.

1. The Legislation

The Local Government Act 2000 requires the County Council to consult the public about the introduction of new decision making processes based on one of 3 models:

- Leader and Cabinet
- Elected Mayor and Cabinet
- Elected Mayor and Council Manager.

The Government has now issued detailed Regulations and Guidance determining how the new arrangements must be implemented.

The County Council must consult the public on the 3 models before deciding which to adopt.

2. Consultation

The following methods are being used to inform the public and test their opinion on which of the models they support:

- article in Herts Direct newspaper, sent to all 485,000 households and businesses
- information pack sent to residents on request following the newspaper article, including a survey
- information pack also sent to partner organisations, advocacy and special interest groups
- MORI commissioned to
 - hold focus groups
 - survey the citizens panel
 - conduct a web based survey

The results of the web-based survey are not yet available. MORI's work with focus groups concluded that there was a preference for the Leader and Cabinet model; and 70% of the questionnaire returns received so far indicate a preference for that model. The survey of the Citizens Panel highlighted a large number of people admitting to knowing little, if anything, of the Government's proposals. This has resulted in a fairly even split between the 4 options: 26% Leader with Cabinet, 25% Manager & Council Manager, 25% Mayor with Cabinet and 24% don't know/not stated.

3. Proposals for Executive Arrangements

Having consulted the public, the County Council must draw up "Proposals for Executive Arrangements". It is suggested that this decision be taken by the Council at its meeting on 3 April 2001, provided the necessary implementation Regulations are in place by then. If the full results of the public consultation did favour the Leader and Cabinet model, the Council could on 3 April adopt Proposals for Executive Arrangements along the lines set out in the draft document attached as an Annex to this report. These are based on the constitutional arrangements which have been operating on a pilot basis since August 2000.

Before adopting the proposals, the Council would need to be satisfied that, once implemented, they are likely to assist in securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Having adopted Proposals for Executive Arrangements, the Council must then send them to the Secretary of State. He is not required to approve them, but if he believed they did not reflect the wishes of the public he could intervene to require a referendum to be held on a different model, i.e. a model based on an elected Mayor.

If the Proposals are adopted by the Council on 3 April it would be possible to implement the new Arrangements from the Annual Meeting on 22 May.

4. The Constitution

Once the Council has begun to operate the new Executive Arrangements (i.e. from 22 May on the basis of the timetable set out above) it must prepare and keep up to date a Constitution.

The Constitution will be a very detailed document which must set out, inter alia:

- a) the Executive Arrangements
- b) the name and address of each Executive Member
- c) a description of citizens rights and responsibilities
- d) Standing Orders for Council, Committees and other bodies
- e) Scheme of Allowances
- f) the Management Structure of the Council, including rules for appointments, dismissal and discipline of staff
- g) arrangements for informing the public about meetings and decisions
- h) the Council's Financial and Contract Regulations and Audit rules
- i) the Council's Codes of Conduct for Members and officers
- j) a description of the register of Members' Interests.

The Government's Statutory Guidance recommends that the Constitution be available in each library and on the web; and that it be published in large print, Braille and a range of languages.

It is proposed that a draft Constitution be available for approval by the Council at the Annual Meeting on 22 May.

5. Key Decisions and the Forward Plan

One important feature of the new procedures is the concept of "Key Decisions". Once the Executive Arrangements are operating, it will be necessary for the Council to maintain a Forward Plan which sets out the matters on which Key Decisions will be taken over the following 4 months.

The Forward Plan must be updated monthly and published.

A Key Decision is one which whether taken by the Cabinet or by an officer:

- a) incurs expenditure (or results in savings) which is significant in relation to the budget of the Service concerned; or
- b) is significant in its effects on communities living or working within 2 or more electoral divisions.

There are stringent requirements for recording Key Decisions.

Work is in hand to develop a process to ensure a consistent and workable approach to Key Decisions; this will be part of the report to the Council in April.

6. Standards Committee

The Council's Executive Arrangements have to include measures for ensuring high standards of conduct. There will be a need to establish a Standards Committee which complies with the requirements of the legislation.

The Council has had for some time a Standards Panel which includes 4 independent members, recruited following public advertisement, together with 2 County Councillors. The Government has published draft Regulations which would allow those 4 members to continue to serve on a Standards Committee for up to 2 years before further public advertisement would be required.

When agreeing the Proposals for Executive Arrangements in April, the Council could therefore invite the 4 independent members to sit on the new Standards Committee.

7. Financial Implications

None arising directly from this report.