

**DRAFT**

**HERTFORDSHIRE COUNTY COUNCIL**  
**LOCAL GOVERNMENT ACT 2000**  
**PROPOSALS FOR EXECUTIVE ARRANGEMENTS**

**1. Introduction**

These Proposals for Executive Arrangements set out how the County Council takes decisions. They comply with the Local Government Act 2000, and with Regulations and Guidance made under that Act. They take account of the views of the people of Hertfordshire.

**2. Form of Executive**

- (1) The Executive is a Leader and Cabinet Executive, consisting of
  - a) a County Councillor elected as Leader by the Council; and
  - b) between 2 and 9 County Councillors appointed to the Executive by the Leader.
- (2) The Leader is appointed by the Council as the first Annual Meeting following the ordinary election of County Councillors and holds office for the period ending with the day of the next ordinary election of County Councillors unless within that period the Leader:
  - a) resigns from the office of Leader by giving notice in writing to the County Secretary or
  - b) is suspended from being a Councillor under Part III of the Local Government Act 2000 (but shall resume office at the end of the suspension) or
  - c) ceases to be a County Councillor or
  - d) is removed from the office of Leader by resolution of the Council.
- (3) Upon the occurrence of a vacancy in the office of the Leader the Council shall fill the vacancy at the next ordinary meeting of the Council, or at an extraordinary meeting summoned for the purpose. The person appointed to fill the vacancy shall hold office for the remainder of the original term subject to earlier termination under 2(2).
- (4) The Leader may nominate another member of the Executive to act during any period of absence.

- (5) Members of the Executive other than the Leader are appointed by the Leader who shall give written notice of the appointment to the County Secretary. They hold office until:
- a) they resign from office by giving notice in writing to the Leader, copied to the County Secretary
  - b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)
  - c) they cease to be County Councillors
  - d) the County Secretary receives a written notice of removal signed by the Leader.

### **3. Roles of the Executive**

- (1) The Executive:
- a) leads the Council's community planning process and the search for best value
  - b) leads the preparation of the Council's policies and budget
  - c) takes decisions on resources and priorities to deliver and implement the Council's policies and budget
  - d) is the focus for forming partnerships with other organisations to address local needs.
  - e) has responsibility for all functions of the Council which are not excluded from its remit by Regulations made under Section 13(3) of the Local Government Act 2000.
  - f) has responsibility for "local choice" functions as specified in Appendix 1.
  - g) delegates functions which are its responsibility to officers of the Council in accordance with the Scheme of Delegations from the Executive to Officers set out in Appendix 2.
- (2) Individual members of the Executive may be allocated portfolios by the Leader. A member with such a portfolio in relation to a particular area of the Council's work shall, in relation to that work:
- a) oversee the development and implementation of policy
  - b) propose an appropriate course of action when a matter comes before the Executive for decision

- c) be consulted by officers before decisions are taken by them under powers delegated from the Executive
  - d) establish a Panel of County Councillors (to which the rules of political proportionality shall apply) to assist them in drawing up proposals for policy development for consideration by the Executive
  - e) bring proposals for policy development before a Select Committee or a Panel thereof
  - f) attend meetings of relevant Select Committees and their Panels to assist with scrutiny
- (3) The Leader shall notify the County Secretary in writing of the allocation of a portfolio to a member of the Executive, and of any change to a portfolio.

#### **4. Role of the Council**

- (1) All County Councillors, acting together as the full Council, have the following roles
- a) adopting and changing the Constitution
  - b) approving the policy framework (see (2) below) and the budget
  - c) adopting the Code of Conduct
  - d) taking decisions about any matter in the discharge of an executive function where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or the budget
  - e) taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees or officers
  - f) appointing the Leader
  - g) agreeing and amending the terms of reference for Committees
  - h) adopting a Scheme of Members' Allowances
  - i) confirming the appointment of Head of Paid Service
  - j) performing "local choice functions" as set out in Appendix 1.
  - k) dealing with all other matters which by law must be reserved to the Council.

(2) “The Policy Framework” means those policies required by law to be approved by the Council i.e.

- a) Annual Library Plan
- b) Best Value Performance Plan
- c) Children’s Services Plan
- d) Community Care Plan
- e) Community Strategy
- f) Crime & Disorder Reduction Strategy
- g) The Development Plan (Structure Plan and associated Plans)
- h) Early Years Development Plan
- i) Education Development Plan
- j) Youth Justice Plan
- k) Local Transport Plan

TOGETHER WITH

- l) Food Law Enforcement Service Plan
- m) Agenda 21 Strategy
- n) Lifelong Learning Development Plan
- o) Quality Protects Management Action Plan
- p) School Admission Arrangements.

(3) The Council delegates its functions under (1) e) above to:

- a) the Development Control Committee
- b) the Casework Committee
- c) officers

in the manner set out in the Scheme of Delegations from the Council to Committees and officers in Appendix 3.

## **5. Arrangements for Operation of Select Committees**

- (1) The Council shall carry out its duty under the Local Government Act 2000 to appoint Overview & Scrutiny Committees by the appointment of the following Select Committees:
  - a) Children, Schools & Families
  - b) Environment
  - c) Adult Care Services
  - d) Community Information & Protection
  - e) Resources Prosperity Partnership & Consultation
  - f) Audit.
- (2) The terms of reference and membership of each Select Committee are as set out in Appendix 4.
- (3) Each Select Committee has power to:
  - a) review or scrutinise decisions made in connection with the discharge of any functions whether or not they are the responsibility of the Executive
  - b) report and make recommendations to the Council or the Executive with respect to the discharge of any functions whether or not they are the responsibility of the Executive
  - c) report or make recommendations to the Council or the Executive on matters which affect the County or its inhabitants
  - d) recommend that a decision which is the responsibility of the Executive which has been taken but not implemented be reconsidered by the decision maker
  - e) refer to the Council for review or scrutiny on a decision which is the responsibility of the Executive and which has been taken but not implemented.
- (4) Each Select Committee, other than the Audit Committee, may appoint Best Value Review Groups to carry out Best Value reviews as set out in Appendix 5.
- (5) Any member of a Select Committee may require that a matter which is relevant to the functions of the Committee be included on the agenda for, and discussed at, a meeting of the Committee.

- (6) Each Select Committee may appoint Panels and Topic Groups to deal with particular matters within their remit.
- (7) No member of the Executive shall be a member of a Select Committee or a Panel or Topic Group thereof.
- (8) As part of their functions under (3) b) above, a Select Committee (or Panel thereof) may consider and make recommendations to the Executive on any proposals for policy development referred to them by the Executive or by a member of the Executive.
- (9) Each Select Committee (or Panel and Topic Group thereof) may require members of the Executive and officers to attend before them to answer questions. It is the duty of a member to comply with any such requirement. Each Select Committee may invite other persons to attend its meetings.
- (10) The Chairmen and Vice-Chairmen of all Select Committees shall meet regularly to ensure the work of their Committees is properly co-ordinated.

## **6. Measures for Probity**

- (1) In order to ensure that County Councillors observe, and are seen to observe, high standards of conduct the Council shall appoint a Standards Committee.
- (2) The Standards Committee shall consist of:
  - a) 4 independent persons appointed to the Committee following public advertisement
  - b) 2 County Councillors, neither of whom shall be a member of the Executive.
- (3) The Chairman of the Standards Committee shall be appointed by the Committee from among the 4 independent members.
- (4) The remit of the Standards Committee shall be to:
  - a) promote and maintain high standards of conduct by County Councillors and any co-opted members
  - b) advise the Council on the adoption or revision of the Code of Conduct
  - c) assist County Councillors and co-opted members to observe the Council's Code of Conduct
  - d) monitor the operation of the Code of Conduct
  - e) advise, train or arrange to train County Councillors and co-opted members on the Code of Conduct.

- (5) The proceedings of the Standards Committee shall be as determined by the Local Government Act 2000 and Regulations and Guidance made thereunder; and otherwise as determined by the Committee itself.
- (6) The Standards Committee shall have power to report, with recommendations, to the Council and to the Executive at such times and in such manner as they think fit.

## **7. Implementation**

The Executive Arrangements shall come into effect at the end of the Annual Meeting of the Council on 22 May 2001 and shall continue in effect unless or until amended in accordance with the requirements of the Local Government Act 2000.

**LOCAL CHOICE FUNCTIONS**

<b><u>Function</u></b>	<b><u>Proposed Allocation</u></b>
1. Determining appeals against any decision made by or on behalf of the Authority.	1. The Casework Committee.
2. Making arrangements for hearing appeals in relation to school admissions and exclusions.	2. The Cabinet (but normally dealt with by officers under delegated powers).
3. Making arrangements for enabling questions on police matters to be asked at Council Meetings.	3. The Council (through Standing Orders).
4. Appointing members to the Police Authority	4. The Council (but may be dealt with by officers under delegated powers).
5. Conducting Best Value Reviews	5. a) The Cabinet sets the terms of reference for each review.  b) The relevant Select Committee appoints a Review Group to conduct the review (but this may be dealt with by officers under delegated powers).  c) The Cabinet considers and makes decisions on the recommendations of the Best Value Review Group.  d) The recommendations are copied to the Select Committee.
6. Obtaining information as to interests in land under the Town & Country Planning Act 1990 and the Local Government (Miscellaneous Provisions) Act 1976.	6. The Cabinet (but normally dealt with by officers under delegated powers).
7. Making Agreements for the execution of highway works.	7. The Cabinet (but normally dealt with by officers under delegated powers).
8. Appointing to outside bodies.	8. The Council (but may be dealt with by officers under delegated powers)

## **APPENDIX 2**

### **SCHEME OF DELEGATIONS FROM THE EXECUTIVE TO OFFICERS**

This will follow the current rules for delegation to officers in so far as they relate to Executive functions. Officers will exercise those functions in consultation with Executive members.

## **APPENDIX 3**

### **SCHEME OF DELEGATIONS FROM THE COUNCIL TO OFFICERS**

This will follow the current rules for delegation to officers in so far as they relate to functions which are not the responsibility of the Executive. Officers will exercise these functions in consultation with Group Leaders and Spokesmen.

## **APPENDIX 4**

### **TERMS OF REFERENCE OF SELECT COMMITTEES**

This will follow the current terms of reference for Select Committees as set out in the Constitution.

## **APPENDIX 5**

### **BEST VALUE REVIEWS**

This will set out the current process for establishing Best Value Review Groups as set out in the Constitution.