

HERTFORDSHIRE COUNTY COUNCIL

TUESDAY 27 NOVEMBER 2001 AT 10.30 A.M.

Agenda Item No:

10

IMPLEMENTATION OF THE NEW CONSTITUTION

Report of the County Secretary

Report Author: Andrew Laycock (Tel: 01992 555500)

1. Purpose of the report

To ask the Council to implement the new Constitution.

2. Background

The Local Government Act 2000 requires every principal local authority to adopt a new Constitution. This Council began to pilot a new Constitution, based on a Leader and Cabinet model, in August 2000 in advance of the legislation taking effect. Following public consultation the Council in April 2001 resolved to adopt formal proposals for a new Constitution which were sent to the Secretary of State. Although the Secretary of State's approval to the new Constitution is not required he does have the power to order a referendum on a Mayoral option if he does not consider that the Council have taken full account of the results of public consultation.

The Secretary of State has not commented on the Councils proposals.

At their April 2001 meeting the Council authorised the County Secretary to prepare the final version of the new Constitution in consultation with Group Leaders and to bring it to Council for implementation when the Government had introduced the necessary Regulations under the Local Government Act 2000.

Those Regulations are now in place and the Council is therefore able to implement formally the new Constitution with immediate effect.

3. The New Constitution

A copy of the new Constitution has been sent to each Member. It will be available in Libraries and on Connex.

The contents and format of the document are determined by Government Regulations and Guidance.

The following points should be noted :-

- The Executive Committee is no longer required. The Cabinet is able to take formal decisions. It meets in public
- Policy development work is carried out by cross-party Cabinet Panels rather than by Select Committee Panels. Select Committees become Scrutiny Committees, and focus on scrutiny work. Cabinet Panels are cross party and play an important role in advising the Cabinet on new policy. They are able to ask a Scrutiny Committee to comment on an issue before making a recommendation to Cabinet. Cabinet will need to consider whether to replicate the current structure of Select Committee Panels as Cabinet Panels, or whether to make changes. Cabinet continues to seek views from Scrutiny Committees on budget proposals and on policy proposals where public consultation is being undertaken
- A forward plan has to be prepared showing the key decisions to be taken by Cabinet or Chief Officers over the next 4 months. The Constitution defines a key decision as one resulting in expenditure or savings of more than £500,000; or a decision which significantly impacts on two or more electoral divisions. The budgetary limit may have to be amended when new Government guidance is received
- The Standards Panel becomes the Standards Committee; the 4 independent Members of the Committee are able to continue to serve until August 2003
- Once the new Constitution has been implemented the Council cannot change the form of Executive (i.e. to a Mayoral option) without going out to further public consultation. Otherwise, changes of substance require the full Council's consent after public consultation where appropriate.

4. Financial Implications

None

5. Conclusion

- 5.1 In order to implement the new Constitution (with or without changes made at this meeting) the Council would need to resolve that it begins to operate the executive arrangements set out in the Constitution with effect from the end of this meeting.
- 5.2 In view of the introduction of Cabinet Panels, and the changed role of Scrutiny Committees the Council may wish to ask the Independent Remuneration Panel to review the current scheme of Members' Allowances to see if any changes to the allocation of Special Responsibility Allowances are needed; and to report to the Council in February with any recommendations for changes to the Scheme.