

## **5A : THE LOCAL GOVERNMENT ACT 2000**

Report of the Cabinet – 8 May 2001

- 1 The Chief Officer of the Council presented a report on matters relating to the formal adoption of the Cabinet and Leader Model to operate in the new Council.
- 2 At the meeting of the County Council on 23 November 2000 it was resolved that proportionality rules be suspended. From this time the Council has been piloting the “Leader and Cabinet” model of Local Government, which is one of the four options contained in the Local Government Act 2000. An evaluation exercise has been carried out among officers and Members of the Authority and the results of the evaluation and the views from the Modernising Working Group and Member Seminar were reported to the Cabinet. A copy of the evaluation exercise has been circulated separately.
- 3 The Local Government Act 2000 requires the Authority to draft and maintain a formal Constitution, and the Government has also issued guidance on the form such Constitution should take. The Interim Constitution which was approved by the Council at its meeting has therefore been amended, both in the light of new Government guidance and also to take into account minor changes that have become necessary during the pilot and to incorporate the changes that will be necessary to implement the Constitution and proceed to operate under this model. The amended draft Constitution has been circulated to Members separately.
- 4 To proceed to implement the new form it is necessary for the Council to resolve to adopt the provisions of Section 29 of the Local Government Act 2000. It is then necessary for the Constitution, together with other documentation to be submitted to the DETR. The Secretary of State has a period of two months from the date of submission of the proposals to indicate whether he should exercise his power under the Local Authorities Referendums (Petitions and Directions) (England) Regulations 2000 to direct the Authority to hold a referendum. The Government have recently given the Secretary of State power to extend this

period of Notice if he is unlikely to reach a decision whether or not to exercise these powers within the two month period.

- 5 When the proposals for the chosen model are submitted to the Secretary of State they should be accompanied by:
  - a a statement setting out the steps taken to consult electors and other interested parties on the options in the Act, the outcome of that consultation and how that outcome is reflected in the proposals;
  - b a timetable for implementation;
  - c details of the Authority’s transitional arrangements.
- 6 Copies of the proposed supporting documents have been circulated separately marked Appendix C.

### **RECOMMENDED**

- 1 **To adopt, under the provisions of S29 of the Local Government Act 2000, the Council’s proposals for the operation of Executive arrangements under S25 of the Local Government Act 2000 subject to:**
  - a **3 below; and**
  - b **any amendments resulting from comments received from Members at the meeting being delegated to the Chief Officer of the Council in consultation with the Leader.**
- 2 **To operate the Executive arrangements with effect from the Annual Meeting of the Council on 28 June 2001;**
- 3 **Constitution**
  - a **To confirm the number (ie five) and name of the Overview and Scrutiny Committees;**

- b To delete reference to the appointment of sub-committees by the Overview and Scrutiny Committees;**
- c To incorporate within the Constitution the resolution of the County Council on 26 April 2001 concerning the presentation of reports from the Overview and Scrutiny Committees;**
- d To incorporate with the Council's Standing Orders and/or rules of procedure provision for:**
  - i reports from Cabinet Members and questions and comments on the matters therein;**
  - ii opportunities for Members to ask written questions on other matters which are the responsibility of the Executive;**
  - iii provision for Cabinet Members not to have to read out written answers to written questions, but allowing for a supplementary oral question and answer;**
- e To incorporate within the rules of procedure that the Overview and Scrutiny Committees:**
  - i should normally meet no more than once a month;**
  - ii should, following joint discussion between the Cabinet and Overview and Scrutiny Chairmen, propose an annual work programme for agreement by the Council (recognising the right of the Overview and Scrutiny Committees to call in and investigate any action of the Executive);**
- f Subject to the above changes being incorporated, to adopt as the formal constitution of Buckinghamshire County Council the Constitution as now submitted;**

- g To approve the submission of the Constitution, Statement on Consultation, Timetable for implementation and transitional arrangements to the Secretary of State;**
  - h To resolve that, until such time as the relevant Modification Orders are in force, so that the functions of the Adoption Panels can be exercised by the Executive, the existing Adoption Panels continue as Panels of the County Council.**
- 4**
- a To agree that further work be undertaken (to involve school governing bodies and other stakeholders) to clarify the division of policy responsibilities between the portfolios for Schools and Children and Young People, and the associated provision of services to schools;**
  - b To ask Cabinet Members to review the way in which Policy Advisory Groups are working and to reconfirm their informal status.**