

Standards Committee 4th January 2012

Localism Act – Report on provisions relating to the Constitution.

Localism Act – the Constitution

New Part 1A Local Government Act 2000

Forms of Executive

- Can be an Executive (Mayor and Cabinet or Leader and Cabinet), Committee system or other as proscribed in Regulations.

Executive functions

Generally the Act makes provision for a split between Executive and Council of functions. The split is very similar to now – that all functions are to be those of the Executive unless specified to be those of the Council. However much remains to be clarified in the Regulations.

Executive

- The Leader will be appointed by Council. It is for the Council to decide the term – the mandatory 4 year term has gone.
- The procedure for the Council to appoint must be included (presumably) in the Constitution. This may make provision for the term of office of the Leader and must make provision for the procedure for removing the Leader.
- It is for the Leader to determine the number on the Executive, who they are and there is still a requirement for the Leader to appoint a Deputy.
- The Executive is still a maximum of 10 councillors and minimum of the Leader plus 2.
- The Leader will arrange for the discharge of Executive functions by:-

The Leader

The Executive

Another Executive member

A Committee of Executive

An Area Committee

An Officer of the Council

- The Leader has the power to determine that Executive functions are dealt with differently as long as they are exercised by one of the above.

- Other than where expressed in Regulations it will be for the Executive to say whether meetings are open or not.
- There must be a record of all Executive and Executive member decisions which must be kept and the record must include reasons for decisions. These records to be available to the public. Regulations could provide for it to be a criminal offence for the record not to be made available.

Scrutiny

- Required to have if Executive arrangements are in place.
- Must have power to make reports and recommendations on any aspect of Council business and on any matters which affect the Authority's area or its inhabitants.
- The provision for call in of Executive decisions remains.
- Still not allowed a Joint Scrutiny Committee unless for Health or Community Safety.
- Secretary of State may issue guidance and if he does we must have regard to it.
- The requirement to have a Scrutiny Officer remains with County. There is no such requirement on us.
- Scrutiny Committee can publish their reports and require Executive to respond and require that the Executive's response is published also.
- Scrutiny Committee can require Partner organisations (other than health and community safety partners) to have regard to their reports.
- Information from partners – Secretary of State may make regulations clarifying what information they must provide to a Scrutiny Committee.

Committee System

- Regulations may specify what can't be delegated to a Committee and must therefore stay with Council.
- A Council with a Committee system may also have a Scrutiny Committee.
- All other detail appears to be within the proposed Regulations, including when.

Constitution

- Required to be maintained and made available to the public.
- It will include Standing Orders, the Code of Conduct plus whatever else the Secretary of State sets out in Regulations.

Timescales

We don't know yet. In relation to the Code of Conduct, the DCLG plans to have the provisions in place for April 2012 and thus in time for our Annual Meeting.