

EAST HERTS COUNCIL

ANNUAL COUNCIL – 18 MAY 2005

13. REPORT BY ASSISTANT DIRECTOR (LAW AND CONTROL)

REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

WARD(S) AFFECTED: All

“D” RECOMMENDATION – that (A) the following Scrutiny Committees, Regulatory Committees, Joint Member/Employee Panel, and Joint Committees be appointed, with the number of voting Members stated:

Committee

Policy Development Scrutiny (16)

Performance Scrutiny (16)

Call-In Scrutiny (12)

Development Control (25)

Licensing (15)

Highways Joint Member Panel (12)  
(6 from Hertfordshire County Council  
6 from this Council)

Local Joint Panel (8)  
(4 Members of the Council and 4  
representatives of employees drawn from  
UNISON with substitutes)

Royston, Buntingford and Bishop's  
Stortford Joint PCT Scrutiny Committee  
(4 non-executive Councillors from this  
Council)

South East Herts Joint PCT Scrutiny  
Committee (2 non-executive Councillors  
from this Council)

(B) the allocation of seats on Scrutiny Committees and the Development Control and Licensing Committees be as follows:

<u>Committee</u>	<u>Seats</u>	<u>Cons</u>	<u>Lib Dem</u>	<u>KAB</u>	<u>JW</u>	<u>BWJS</u>	<u>DRA</u>	<u>Total</u>
Policy Scrutiny	16	13	2	1	0	0	0	16
Performance Scrutiny	16	13	2	0	1	0	0	16
Call-In Scrutiny	12	10	1	0	1	0	0	12
Development Control	25	20	2	1	0	1	1	25
Licensing	15	12	1	0	0	1	1	15
<b>Total</b>	<b>84</b>	<b>68</b>	<b>8</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>84</b>

(C) the allocation of seats on Sub-Committees to political groups be as detailed in the appendix to the report now submitted,

(D) the allocation of seats on the Highways Joint Member Panel (6) and Local Joint Panel (4) to political groups be as follows:-

	<u>Cons</u>	<u>Lib Dems</u>	<u>KAB</u>	<u>JW</u>	<u>BWJS</u>	<u>DRA</u>
HJMP	5	1	0	0	0	0
LJP	3	1	0	0	0	0

(E) as a consequence of the decisions at (A) - (D) above, the membership of Scrutiny Committees, Regulatory Committees, Joint Member/Employee Panel and the Highways Joint Member Panel be as set out in the (papers to be tabled), with Members being appointed in accordance with the wishes of the political groups to whom the seats on these bodies have been allocated,

(F) the following Members be appointed as Chairmen (and where specified, Vice-Chairmen) of the bodies detailed:

	<u>Chairman</u>	<u>Vice-Chairman</u>
Policy Scrutiny	J O Ranger	-
Performance Scrutiny	D L E Hollebon	-
Call-In Scrutiny	M Wood	-
Development Control	R Gilbert	S A Bull
Licensing	M P A McMullen	W A Ashley
Community Voice:		
Bishop's Stortford	A L Burlton	-
Buntingford	S A Bull	-
Hertford	S Rutland-Barsby	-
Sawbridgeworth	D Richards	-
Ware	J J Taylor	-

(G) Councillor A P Jackson be appointed as Deputy Leader for the remaining life of this Council;

(H) the number of Executive Members to be appointed to the Executive be 5, plus the Leader and Deputy Leader of the Council,

(I) the Council's Standards Committee be appointed for the ensuing civic year consisting of two independent Members (previously appointed to serve a four year term of office), three District Councillors (of whom one should be from each political party with five or more Members), one Town Council Member, one Parish Council Member and the following individuals be appointed:

District Council

Councillors A L Burlton, J Warren, M Wood

Town/Parish

Mrs E Woods (Town) and Mr B Taylor (Parish)

(J) the programme of Council meetings, as previously agreed, be

confirmed,

(K) the action to be taken by the Assistant Director (Law and Control), in consultation with the Leader, under delegated authority, concerning the appointment of representatives to outside bodies, be noted, and

(L) the Council's constitution be amended as necessary to take account of the decisions at (A) - (I) above.

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## 1.0 Background

1.1 The Council previously adopted a new model for political management in accordance with the requirements of the Local Government Act 2000.

1.2 The report has been prepared on the basis that the Council will continue with its existing political management model and constitution, subject to a number of amendments as detailed below.

## 2.0 Contributions to the Council's Corporate Objectives

2.1 The proposals set out in this report will support all of the Council's corporate objectives.

## 3.0 Scrutiny Committees, Regulatory Committees and Joint Committee

3.1 It is proposed to retain the 2004/05 arrangements for the ensuing Civic Year. Accordingly, three scrutiny committees will be reconstituted. One of these committees will focus on performance and one on policy. The remaining committee, the Call-In Scrutiny Committee, will be principally charged with reviewing decisions of the Executive referred to it by Members.

3.2 The scrutiny committees will comprise the following number of Members:

Performance Scrutiny	16
Policy Scrutiny	16
Call-In Scrutiny	12

- 3.3 The Development Control Committee (comprising 25 Members) and the Licensing Committee (comprising 15 Members) will retain their existing terms of reference.
- 3.4 Sub-Committees with specific responsibilities relating to licensing, public entertainment licensing and human resources matters will be reconstituted by the Licensing Committee (as the 'parent' Committee), at its first meeting in the Civic Year.
- 3.5 In relation to Joint Committees, it is proposed that the Highways Partnership Panel should be retained throughout the next civic year in accordance with the latest Highways Partnership Agreement. The joint Primary Care Trust (PCT) Scrutiny Committees will also be retained. It is intended that the rules of proportionality should continue not to apply to the joint PCT Scrutiny Committees.
- 3.6 Council, in November 2001, established a joint Member/employee panel, known as the Local Joint Panel to discuss, essentially, staffing issues and to report thereon to the Executive. It is proposed to retain this body throughout the next Civic Year.
- 3.7 A schedule detailing the proposed allocation of seats on Sub-Committees, should they be established during the year, is appended to this report at Appendix 'A13' (Page 77).

#### 4.0 Political Groups

- 4.1 Where Members of the Council are divided into political groups, the provisions of the Local Government and Housing Act 1989 place a duty on the Council to review the allocation between those groups of seats on its Scrutiny Committees, Regulatory Committees and Joint Committee according to certain principles. The aim is to ensure that the political composition of the Committees etc reflects the composition of the Council. The rules of the proportionality do not apply to the Executive.
- 4.2 There are two duly constituted political groups within East Herts Council. In addition, account must be taken of those Members, if any, who are not Members of political groups on the Council. Those Members are entitled to a proportion of seats in relation to their relative percentage size. It is for Council to appoint such Members to the seats allocated. Details of political group etc sizes are listed below:

Cons: 41 (82%)  
Lib Dem: 5 (10%)

Councillors Atkins, Barnes, Sapsford and Warren are independent Members (2% each)

- 4.3 The recommendation at the head of this report identifies the need to allocate seats on the Council's Scrutiny and Regulatory Committees and its Joint Committees to political groups and non-aligned Members as required by legislation.
- 4.4 The Council is obliged to allocate seats to be occupied by its Members to the political groups into which it is divided. Political groups then nominate the Members of the Council whom they wish to see occupy those seats allocated to them. The nominees need not be a member of the political group which nominates them.
- 4.5 Council must appoint the nominees of the political groups to the seats allocated.
- 4.6 There is no provision within the Council's constitution for substitutes with the exception of the Local Joint Panel and Human Resources Sub-Committee.
- 4.7 Members of the Executive may not be appointed to serve on Scrutiny Committees. Executive Members may, however, if the Council so wishes, be appointed to the Regulatory Committees, the Local Joint Panel, Standards Committee and Highways Joint Panel (but not the joint PCT Scrutiny Committees).
- 4.8 The Executive has the power to constitute Executive Committees or Panels. Such panels may only comprise Members of the Executive. In the civic year 2004/05, the Executive established the Local Plan Executive Panel comprising two Executive Members. Additionally, representatives of other political groups were invited to attend to participate in the deliberations of this Panel. It is for the Executive to re-establish this Panel for 2005/06.
- 5.0 Membership
- 5.1 Council is invited to note that Sub-Committees may comprise any Member of the Council (save for the exclusion referred to above concerning the Executive Members and Scrutiny Committees and if they were to be established, Sub-Committees of Scrutiny Committees).

## 6.0 Standards Committee

6.1 The Council has established a Standards Committee consisting of one District Council Member from each political group of five Members or more, one Parish Council member, one Town Council member and two independent members.

6.2 At the Annual Council meeting in May 2002, the following two independent Members were appointed for a four year term following a selection and interview process:

Mr A Walker  
Mr J Morphew

6.3 The appointment of the Town and Parish Council representatives on the Standards Committee followed an invitation to all such authorities within the district to nominate candidates.

## 7.0 Community Voice

7.1 In October 2003, the Council established five Community Voices to provide local residents an opportunity to comment upon issues concerning their community. These were based around the five main towns in the District: - Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. Council also agreed that rural communities' engagement needs should be dealt with via the convening of the Rural Parish Conference twice a year.

7.2 It is proposed that the five existing Community Voice bodies are retained with the following Chairmen:

Bishop's Stortford	:	A L Burlton
Buntingford	:	S A Bull
Hertford	:	S Rutland-Barsby
Sawbridgeworth	:	D Richards
Ware	:	J J Taylor

## 8.0 The Executive/Leader of the Council/Constitution

8.1 At its Annual Meeting each year the Council is required to approve its constitution (with or without amendment). It is proposed that, at this annual Council meeting, the constitution be amended to reflect the issues detailed in this report. A separate report on this agenda deals

with other proposed changes to the Constitution.

- 8.2 Under the Council's constitution, it is for the Council to appoint the Leader of the Council (and also the Deputy Leader). At its annual meeting in 2003, Councillors M G Carver and H G S Banks were appointed as Leader and Deputy Leader. Effectively, these appointments are for the "life" of this Council (ie until next District Council elections). The constitution sets out the circumstances when these posts will become vacant.
- 8.3 In December 2004, the Leader indicated the intention of Councillor H G S Banks, the Deputy Leader, to resign at the end of 2004/05. Council is asked to approve the appointment of Councillor A P Jackson for the remaining life of this Council, that is until May 2007.
- 8.4 In terms of the appointment of Members to the Executive, the constitution provides that this is the responsibility of the Leader of the Council once appointed. However, Council determines the number of Councillors to be appointed upon the recommendations of the Leader. As previously indicated by the Leader in December 2004, the size of the Executive proposed for 2005/06 is 5 Members plus the Leader and Deputy Leader.
- 8.5 Details of the allocation of executive portfolio responsibilities will be tabled.
- 9.0 Appointment of Chairmen
- 9.1 It is the practice of this Authority, to appoint Chairmen of Scrutiny Committees, etc, at the Annual Council Meeting.
- 9.2 The recommendation at the head of this report details proposed Chairmen of Committees etc for the ensuing civic year.
- 10.0 Calendar of Meetings
- 10.1 Council approved its calendar of meetings for 2005/06 at its meeting held on 23 February 2005. Under the Constitution, Council is required to confirm its programme of meetings for 2005/06 as follows:

29 June 2005  
27 July 2005  
21 September 2005  
26 October 2005  
14 December 2005



25 January 2006  
22 February 2006  
1 March 2006  
12 April 2006  
17 May 2006 (Annual)

#### 11.0 Outside Bodies

11.1 The Council appoints a significant number of people as its representatives on outside bodies. The appointment of such representatives is delegated to the Assistant Director (Law and Control), in consultation with the Leader of the Council.

11.2 The Head of Democratic Services and Leader will be reviewing the Council's appointments for the ensuing civic year.

11.3 The Assistant Director, acting under delegated authority, will make appointments to outside bodies for 2005/06 in the near future.

#### 12.0 Consultation

12.1 The appropriate consultation with Group Leaders has taken place.

#### 13.0 Legal Implications

13.1 The proposals set out in this report accord with the statutory provisions for reviewing the Council's decision-making structure.

#### 14.0 Financial Implications

14.1 None.

#### 15.0 Human Resource Implications

15.1 None.

#### 16.0 Risk Management Implications

16.1 None.

#### 17.0 Recommendations

17.1 At the head of this report are several recommendations which seek to bring into effect for the 2005/06 civic year a division of the Council's duties and responsibilities in accordance with the Authority's existing

constitution but subject to a number of amendments.

17.2 In advance of this meeting, the Head of Democratic Services has liaised with political group leaders in an order to obtain their nomination to their group seats on various bodies, where relevant. Details of these nominations will be circulated to all Members. Council is invited to note that one of the recommendations before them will enable these nominations to be appointed to the seats allocated to groups.

17.3 The Council is invited to adopt the recommendations at the head of this report.

Background Papers

None

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APPENDIX 'A13'

<u>Seats</u>	<u>Cons</u>	<u>Lib Dem</u>	<u>KAB</u>	<u>JW</u>	<u>BWJS</u>	<u>DRA</u>
3	2	1	0	0	0	0
4	3	1	0	0	0	0
5	4	1	0	0	0	0
6	5	1	0	0	0	0
7	6	1	0	0	0	0
8	7	1	0	0	0	0
9	8	1	0	0	0	0
10	9	1	0	0	0	0
11	9	1	1 seat to be allocated amongst the 4 independents			
12	10	1	1 seat to be allocated amongst the 4 independents			
13	11	2	0	0	0	0
14	12	2	0	0	0	0
15	12	2	1 seat to be allocated amongst the 4 independents			
16	13	2	1 seat to be allocated amongst the 4 independents			
25	20	3	2 seats to be allocated amongst the 4 independents			