

EAST HERTS COUNCIL

ANNUAL COUNCIL – 16 MAY 2007

REPORT BY HEAD OF DEMOCRATIC SERVICES

11. REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

WARD(S) AFFECTED: All

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

<u>Committee</u>	<u>No. of Members</u>
Policy Development Scrutiny	12
Performance Scrutiny	12
Development Control	16
Licensing	15
Human Resources	7
Audit	7
Highways Joint Member Panel (6 from Hertfordshire County Council 6 from this Council)	12

(B) the allocation of seats be as follows:

To be determined

(C) the allocation of seats on the Highways Joint Member Panel (6) to political groups be as follows:

To be determined

(D) the membership of Scrutiny Committees, Regulatory Committees 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,

(E) Councillors A P Jackson and M R Alexander be appointed as Leader and Deputy Leader respectively for the life of the Council;

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

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

District Council

Councillors to be advised

Town/Parish

To be advised

Independents

Mr J Morphew and Mr A Walker (both appointed for a two year term in May 2006)

(H) the programme of Council meetings, as detailed at paragraph 9.1 of the report submitted, be approved,

(I) the Director of Internal Services be authorised to make changes in the standing membership of committees and panels in (A) above, in accordance with the wishes of the political groups to whom seats on these bodies have been allocated, and

(J) the action to be taken by the Director of Internal Services, in consultation with the Leader, under delegated authority, concerning the appointment of representatives to outside bodies, be noted.

1.0 Background

1.1 The Council, at its annual meeting, is required to approve the decision-making arrangements for the discharge of functions.

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 The Executive/Leader of the Council

3.1 Under the Council's constitution, it is for the Council to appoint the Leader of the Council (and also the Deputy Leader). Effectively, these appointments are for the "life" of this Council (ie until the next District Council elections in 2011). The constitution sets out the circumstances when these posts will become vacant.

3.2 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. The Leader has advised that the size of the Executive proposed for 2007/08 is 5 Members plus the Leader and Deputy Leader.

3.3 Details of the allocation of executive portfolio responsibilities are set out at Appendix 'A' (page 42).

4.0 Scrutiny Committees, Regulatory Committees and Joint Committee

4.1 It is proposed that two scrutiny committees will be constituted. One of these committees will focus on performance and one on policy. The Policy Development Scrutiny Committee will also be charged with reviewing decisions of the Executive referred to it by Members (previously undertaken by the Call-in Scrutiny Committee).

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

Performance Scrutiny	12
Policy Scrutiny	12

4.3 It is proposed that the following Committees will be established with the same of terms of reference as last year.

Development Control Committee (16 Members)
Licensing Committee (15 Members)
Human Resources Committee (7 Members)
Audit Committee (7 Members)

4.4 Sub-Committees and panels with specific responsibilities relating to licensing and human resources matters will be reconstituted by the Licensing and Human Resources Committees respectively (as the 'parent' committees) at their first meetings in the Civic Year immediately after Annual Council.

4.5 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.

5.0 Political Groups

5.1 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 proportionality do not apply to the Executive.

5.2 At the time of writing this report, it is understood that two political groups will be constituted 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 potential political group etc sizes are listed below and potential allocation of seats based on several scenarios can be found at Appendix 'B' (pages 43 - 47):

Cons:	42	(84%)
Lib Dem:	4	(8%)

5.3 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 Committee to political groups and non-aligned Members as required by legislation.

5.4 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.

5.5 Council must appoint the nominees of the political groups to the seats allocated.

5.6 Members of the Executive may not be appointed to serve on Scrutiny Committees. Executive Members may, if the Council so wishes, be appointed to the Regulatory Committees, the Audit and Human Resources Committees, Standards Committee and Highways Joint Panel.

7.0 Standards Committee

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

7.2 The following two independent Members were appointed for a two year term in 2006 following a selection and interview process:

Mr A Walker
Mr J Morphew

7.3 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. A similar invitation will be issued this year.

8.0 Community Voice

8.1 It is proposed that five Community Voices be established 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 has previously agreed that rural communities' engagement needs should be dealt with via the convening of the Rural Parish Conference twice a year.

9.0 Calendar of Meetings

9.1 Council is invited to approve its meetings for 2007/08 as follows:

27 June 2007
12 September 2007
7 November 2007

9 January 2008
20 February 2008
4 March 2008 (Tax setting)
16 April 2008
14 May 2008 (Annual)

10.0 Outside Bodies

10.1 The Council appoints a significant number of people as its representatives on outside bodies. The appointment of such representatives is delegated to the Director of Internal Services, in consultation with the Leader of the Council.

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

10.3 The Director, acting under delegated authority, will make appointments to outside bodies for 2007/08 in the near future.

11.0 Allowances

11.1 The Council's Members' Allowances Scheme provides for the payment of Special Responsibility Allowances (SRA's) for those Councillors who have significant responsibilities. The scheme has been approved by Council on recommendation by an Independent Remuneration Panel.

12.0 Consultation

12.1 The appropriate consultation with Group Leaders has taken place. In advance of this meeting, the Head of Democratic Services has liaised with political group leaders in an order to obtain their nominations 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.

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 The Council needs to establish a robust and clear decision-making structure to enable it to function effectively and make decisions in an expeditious manner which is accountable to the electorate.

Background Papers

None

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