

EAST HERTS COUNCIL

ANNUAL COUNCIL – 14 MAY 2008

REPORT BY HEAD OF DEMOCRATIC AND LEGAL SUPPORT SERVICES

12. 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>
Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10
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 set out in Appendix 'A12' of the report now submitted;

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

Conservative	5
Lib Dem	1

(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,

(F) the number of Executive Members to be appointed to the Executive be 6, plus the Leader,

(G) the Council's Standards Committee be appointed for the ensuing civic year consisting of three independent Members, four District Councillors (of whom at least 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
Mrs E Woods (town) and Mr R Taylor (parish) plus one vacancy (parish)

Independents
Mr J Morpew and two tba (all appointed for term expiring at the Annual Meeting in May 2011)

(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 also amend, as necessary, the Constitution to take account of the decision at (G) above

(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

3.1 In terms of the appointment of Members to the Executive, the constitution provides that this is the responsibility of the Leader of the Council. 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 2008/09 is 6 Members plus the Leader. A separate report on the agenda refers to new requirements arising from the Local Government and Public Involvement in Health Act 2007.

3.2 Details of the allocation of executive portfolio responsibilities are set out at Appendix 'B12' (page 74).

4.0 Scrutiny Committees, Regulatory Committees and Joint Committee

4.1 Members will recall that the scrutiny arrangements were reviewed in November 2007 and it is proposed to continue with these. Therefore, it is proposed that three scrutiny committees will be constituted as follows.

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

Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10

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 present, there are three political groups 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. The proposed allocation is set out at Appendix 'A12' (page 73). It is for Council to appoint such Members to the seats allocated. Details are as follows:

Cons:	42	(84%)
Lib Dem:	4	(8%)
Independent Group	3	(6%)
Independent Member	1	(2%)

- 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 the non-aligned Member as required by legislation.
- 5.4 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 Morphey
- 7.3 Mr Walker has given notice of his resignation from the Committee (w.e.f. the Annual meeting in 2008).
- 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 in 2007.
- 7.4 Taking Mr Walker's resignation into account together with legislative changes arising from the provisions of the Local Government and Public Involvement in Health 2007, Council is invited to approve the establishment of a Standards Committee consisting of 4 District councillors (of whom at least 1 should be from each political party with four or more Members), 1 Town Council Member, 2 Parish Council Members and 3 independent members.
- 7.5 It is proposed that the existing town and parish representatives be re-appointed.
- 7.6 The size of the Committee proposed reflects Standards Board guidance on this matter to take account of the local determination of complaints process.

- 7.7 At the time of writing, a recruitment process is underway to fill the vacancies in respect of independent and parish members of the committee. It should be noted that a person is only eligible to become an independent member if they meet the following criteria:
- They have not been a member or employee of the authority for five years before the date of the appointment
 - They are not a member or officer of any authority currently
 - They are not a close relative or close friend of a member or employee of the authority
 - They have filled in an application for the position
 - They have been approved by the majority of members of the Authority
 - The position has been advertised in at least one newspaper distributed in the Authority's area.
- 7.8 The Monitoring Officer will report on the progress of the recruitment process orally at the meeting.
- 7.9 The Standards Committee, in accordance with legislative requirements, will now be chaired by an independent member. The Committee will elect its Chairman at its first meeting following the Annual Council meeting.
- 7.10 It should be noted that the post of Chairman of the Standards Committee attracted a special responsibility allowance (25% of the basic councillors allowance). It is not possible to pay such an allowance to an independent member who is the Committee's chairman.
- 7.11 Council could, however, pay a co-optees' allowance. This allowance relates to a person who is not a member of the Authority but is a member of a committee or sub-committee, for example an independent member of a standards committee. Council must consider the recommendations of its independent remuneration panel as to whether it should provide for the payment of a co-optees' allowance and travelling and subsistence expenses. Council's instructions on this aspect are sought.
- 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 2008/09 as follows:

25 June 2008
1 October 2008
10 December 2008
4 March 2009 (Tax setting)
25 March 2009
13 May 2009 (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 and Legal Support 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 2008/09 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. Consideration is currently being given by the Leader to reconvening the Panel.

12.0 Consultation

12.1 The appropriate consultation with Group Leaders has taken place. In advance of this meeting, the Head of Democratic and Legal 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

Contact Officer: Jeff Hughes, Head of Democratic and Legal Support Services, ext 2170

Report Author: Jeff Hughes, Head of Democratic and Legal Support Services
Martin Ibrahim, Senior Democratic Services Officer

ALLOCATION OF SEATS TO POLITICAL GROUPS – 2008/09

<u>Committees</u>	<u>Seats</u>	<u>Cons</u>	<u>Lib Dem</u>	<u>Ind</u>	<u>JW</u>	<u>Totals</u>
Corporate Business Scrutiny	10	8	1	0	1	10
Environment Scrutiny	10	8	1	1	0	10
Community Scrutiny	10	8	1	1	0	10
Licensing	15	13	1	1	0	15
Human Resources	7	6	1	0	0	7
Audit	7	6	0	0	1	7
Development Control	16	14	1	1	0	16
Totals:	75	63	6	4	2	75