

EAST HERTS COUNCIL

ANNUAL COUNCIL – 13 MAY 2009

REPORT BY HEAD OF DEMOCRATIC AND LEGAL SUPPORT SERVICES

13. 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<br>(6 from Hertfordshire County Council<br>6 from this Council) | 12                    |

(B) the allocation of seats be as set out in Appendix 'A13' 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,

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

(F) the Council's Standards Committee be appointed for the ensuing civic year consisting of four 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, two Parish Council Members and the following District Councillors be appointed:

to be advised

(G) the programme of Council meetings, as detailed at paragraph 8.1 of the report submitted, be approved,

(H) 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

(I) 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 2009/10 is 6 Members plus the Leader.

3.2 Details of the allocation of executive portfolio responsibilities are set out at Appendix 'B13' (page 159). This remains unchanged from 2008/09.

4.0 Scrutiny Committees, Regulatory Committees and Joint Committee

4.1 It is proposed that three scrutiny committees will be constituted as follows comprising the following number of Members:

|                             |    |
|-----------------------------|----|
| Community Scrutiny          | 10 |
| Corporate Business Scrutiny | 10 |
| Environment Scrutiny        | 10 |

4.2 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)

4.3 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.

4.4 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 'A13' (page 158). It is for Council to appoint such Members to the seats allocated. Details are as follows:

|                     |    |       |
|---------------------|----|-------|
| Conservative:       | 41 | (82%) |
| Liberal Democrat:   | 4  | (8%)  |
| Independent Group:  | 3  | (6%)  |
| Independent Member: | 1  | (2%)  |
| Vacancy:            | 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.
- 5.7 The current vacancy on the Council has been taken into account in determining proposed seat allocations.

## 6.0 Standards Committee

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

6.2 All of these Members, except for the District Council Members, have been appointed until the Annual Council meeting in 2011. Council is required to appoint four District Councillors for the ensuing civic year.

## 7.0 Community Voice

7.1 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.

## 8.0 Calendar of Meetings

8.1 Council is invited to approve its meetings for 2009/10 as follows:

30 June 2009  
30 September 2009  
9 December 2009  
24 February 2010  
3 March 2010 (Tax setting)  
12 May 2010 (Annual)

8.2 Dates of other meetings for 2009/10 have already been published.

## 9.0 Outside Bodies

9.1 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.

9.2 The Director of Internal Services and Leader will be reviewing the Council's appointments for the ensuing civic year.

9.3 The Director, acting under delegated authority, will make appointments to outside bodies for 2009/10 in the near future.

#### 10.0 Consultation

10.1 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 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.

#### 11.0 Legal Implications

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

#### 12.0 Financial Implications

12.1 None.

#### 13.0 Human Resource Implications

13.1 None.

#### 14.0 Risk Management Implications

14.1 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 Authors: Jeff Hughes, Head of Democratic and Legal Support Services  
Martin Ibrahim, Senior Democratic Services Officer

ALLOCATION OF SEATS TO POLITICAL GROUPS – 2009/10

| <u>Committees</u>                 | <u>Seats</u> | <u>Cons</u> | <u>Lib<br/>Dem</u> | <u>Ind</u> | <u>JW</u> | <u>Vac</u> | <u>Totals</u> |
|-----------------------------------|--------------|-------------|--------------------|------------|-----------|------------|---------------|
| Corporate<br>Business<br>Scrutiny | 10           | 8           | 1                  | 0          | 1         | 0          | 10            |
| Environment<br>Scrutiny           | 10           | 8           | 1                  | 1          | 0         | 0          | 10            |
| Community<br>Scrutiny             | 10           | 8           | 1                  | 1          | 0         | 0          | 10            |
| Licensing                         | 15           | 13          | 1                  | 1          | 0         | 0          | 15            |
| Human<br>Resources                | 7            | 5           | 1                  | 0          | 0         | 1          | 7             |
| Audit                             | 7            | 6           | 0                  | 0          | 1         | 0          | 7             |
| Development<br>Control            | 16           | 13          | 1                  | 1          | 0         | 1          | 16            |
| Totals:                           | 75           | 61          | 6                  | 4          | 2         | 2          | 75            |