

EAST HERTS COUNCIL

COUNCIL – 19 JULY 2006

REPORT BY DIRECTOR OF CORPORATE GOVERNANCE

9. REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

WARD(S) AFFECTED: All

'D' RECOMMENDATION – that (A) 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>Ind</u>	<u>Total</u>
Policy Scrutiny	12	10	1	1	12
Performance Scrutiny	12	10	1	1	12
Development Control	16	13	2	1	16
Licensing	15	12	2	1	15
Human Resources	7	6	1 or 0	0 or 1	7
Audit	7	6	0 or 1	1 or 0	7
<b>Total</b>	<b>69</b>	<b>55</b>	<b>7</b>	<b>6</b>	<b>69</b>

(B) no alteration be made to the allocation of seats on Sub-Committees and the Highways Joint Member and Local Joint Panels to political groups as agreed at the Annual meeting of the Council held on 17 May 2006

(C) as a consequence of the decisions at (A) and (B) 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,

## 1.0 Background

- 1.1 The Director of Corporate Governance recently received notification that Councillor Mrs J Mayes has joined the Conservative Group on the Council for the purpose of the Local Government and Housing Act 1989.
- 1.2 Under the provisions of Section 15 of the aforementioned Act, the Conservative Group has requested a review of the arrangements for the allocation of seats to political groups on Committees etc.

## 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 Annual Council meeting on 17 May 2006 established its decision-making structure for the current Civic Year.

- 3.2 It agreed that scrutiny committees would comprise the following number of Members:

Performance Scrutiny	12
Policy Scrutiny	12

- 3.3 A Development Control Committee (comprising 16 Members), Audit Committee (comprising 7 Members) and a Licensing Committee (comprising 15 Members) were also established. However, it was agreed that human resource issues would no longer be within the remit of the Licensing Committee. Instead, Council established a Human Resources Committee of 7 Members.

- 3.4 A Sub-Committee with specific responsibilities relating to licensing matters was reconstituted by the Licensing Committee (as the 'parent' committee).

- 3.5 In relation to Joint Committees, the Highways Partnership Panel was retained for the 2006/07 civic year in accordance with the latest Highways Partnership Agreement. The joint Primary Care Trust (PCT) Scrutiny Committees were also retained. The rules of proportionally do not 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. This body was retained but Council agreed that it would report via the Human Resources Committee.

#### 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 and in certain circumstances (e.g. upon a request from a political group usually following a by-election). 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 three duly constituted political groups within East Herts Council. Following a recent by-election, the size of the Conservative political group increased. Details of political group etc sizes are listed below:

Cons:	41	(82%)
Lib Dem:	5	(10%)
Ind:	4	(8%)

4.3 The recommendation at the head of this report identifies the need to (re)allocate seats on the Council's Scrutiny and Regulatory Committees and its Joint Committees to political groups and non-aligned Members to take account of the increased size of the Conservative Group.

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.

4.7 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, 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.

#### 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).

5.2 For the 2006/07 Civic Year, a “named substitute system” was put in place for Committees.

#### 6.0 Consultation

6.1 The appropriate consultation with Group Leaders will have taken place by the meeting.

#### 7.0 Legal Implications

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

#### 8.0 Financial Implications

8.1 None.

#### 9.0 Human Resource Implications

9.1 None.

#### 10.0 Risk Management Implications

10.1 The Council needs to establish and maintain 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.

## 11.0 Recommendations

- 11.1 The recommendations at the head of this report deal with the reallocation of seats following an increase in the size of the Conservative Group.
- 11.2 In advance of this meeting, the Head of Democratic Services will have liaised with political group leaders in an order to obtain their views on the options to allocate seats on the Human Resources and Audit Committees and their wishes in relation to the appointment of Councillors to Committees etc.
- 11.3 Council is invited to adopt the recommendations at the head of this report.

## Background Papers

None

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