

EAST HERTS COUNCIL

COUNCIL – 30 JUNE 2009

REPORT BY HEAD OF DEMOCRATIC AND LEGAL SUPPORT SERVICES

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

WARD(S) AFFECTED: All

'D' RECOMMENDATION – that (A) the allocation of seats be as set out in the report now submitted, and

(B) 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.

1.0 Background

1.1 Council, at its Annual meeting in May 2009, approved the decision-making arrangements for the discharge of functions for the 2009/10 Civic Year.

1.2 A subsequent Council by-election means that the Authority needs to review the allocation of seats on its committees.

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 The following three scrutiny committees were constituted by Council in May 2009 comprising the following number of Members:

Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10

3.2 The following Committees were also 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)

3.3 Council retained the Highways Partnership Panel for the next civic year in accordance with the latest Highways Partnership Agreement.

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 proportionality do not apply to the Executive.

4.2 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 below. It reflects the outcome of a recent District Council by-election. The newly elected Member has joined the Liberal Democrat political group.

<u>COMMITTEES</u>	<u>Seats</u>	<u>Cons</u>	<u>Lib Dem</u>	<u>Ind</u>	<u>JW</u>
Community	10	8	1	1	0
Environment	10	8	1	1	0
Corporate Business	10	8	1	0	1
Development Control	16	13	2	1	0
Licensing	15	13	1	1	0
Human Resources	7	6	1	0	0
Audit	7	5	1	0	1

4.3 It is for Council to appoint such Members to the seats allocated in accordance with the relative sizes of political groups. Details are as follows:

	<u>Members</u>	<u>Seats</u>
Conservative:	41	61
Liberal Democrat:	5	8
Independent Group:	3	4
Independent Member:	1	2

4.4 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.

4.5 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.

4.6 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, Standards Committee and Highways Joint Panel.

5.0 Standards Committee

5.1 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.

5.2 All of these Members, except for the District Council Members, have been appointed until the Annual Council meeting in 2011. Council appointed four District Councillors for 2009/10 at its Annual Meeting.

6.0 Consultation

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

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 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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