

# Public Document Pack



Chairman and Members of the  
Council

Your contact: Martin Ibrahim  
Ext: 2173  
Date: 10 May 2012

cc. All other recipients of the Council  
agenda

Dear Councillor

## **ANNUAL COUNCIL - 16 MAY 2012: SUPPLEMENTARY AGENDA NO 1**

Please find attached the following report which was marked "to follow" on  
the agenda for the above meeting:

23. Decision-Making Structure (Pages 229 - 240)

*To consider a report of the Head of Democratic and Legal Support  
Services.*

Please bring these papers with you to the meeting next Wednesday

Yours faithfully

Martin Ibrahim  
Democratic Services Team Leader  
Democratic Services  
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**MEETING** : ANNUAL COUNCIL  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 16 MAY 2012  
**TIME** : 7.00 PM

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EAST HERTS COUNCIL

ANNUAL COUNCIL – 16 MAY 2012

REPORT BY HEAD OF DEMOCRATIC AND LEGAL SUPPORT SERVICES

REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

WARD(S) AFFECTED: All

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

<b><u>RECOMMENDATIONS FOR DECISION:</u> That:</b>																							
<b>(A)</b>	<b>the following Scrutiny Committees, Regulatory Committees, Joint Committee and Joint Member Panel be appointed, with the number of voting Members stated:</b>																						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"><b><u>Committee</u></b></th> <th style="width: 20%;"><b><u>No. of Members</u></b></th> </tr> </thead> <tbody> <tr> <td><b>Community Scrutiny</b></td> <td style="text-align: center;"><b>10</b></td> </tr> <tr> <td><b>Corporate Business Scrutiny</b></td> <td style="text-align: center;"><b>10</b></td> </tr> <tr> <td><b>Environment Scrutiny</b></td> <td style="text-align: center;"><b>10</b></td> </tr> <tr> <td><b>Audit</b></td> <td style="text-align: center;"><b>7</b></td> </tr> <tr> <td><b>Council Tax Setting</b></td> <td style="text-align: center;"><b>5</b></td> </tr> <tr> <td><b>Development Control</b></td> <td style="text-align: center;"><b>12</b></td> </tr> <tr> <td><b>Human Resources</b></td> <td style="text-align: center;"><b>7</b></td> </tr> <tr> <td><b>Licensing</b></td> <td style="text-align: center;"><b>15</b></td> </tr> <tr> <td><b>Highways Joint Member Panel (8 from Hertfordshire County Council 8 from this Council)</b></td> <td style="text-align: center;"><b>16</b></td> </tr> <tr> <td><b>East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee (3 from East Herts</b></td> <td style="text-align: center;"><b>6</b></td> </tr> </tbody> </table>	<b><u>Committee</u></b>	<b><u>No. of Members</u></b>	<b>Community Scrutiny</b>	<b>10</b>	<b>Corporate Business Scrutiny</b>	<b>10</b>	<b>Environment Scrutiny</b>	<b>10</b>	<b>Audit</b>	<b>7</b>	<b>Council Tax Setting</b>	<b>5</b>	<b>Development Control</b>	<b>12</b>	<b>Human Resources</b>	<b>7</b>	<b>Licensing</b>	<b>15</b>	<b>Highways Joint Member Panel (8 from Hertfordshire County Council 8 from this Council)</b>	<b>16</b>	<b>East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee (3 from East Herts</b>	<b>6</b>
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	and 3 from Stevenage)	
	Hertfordshire Police and Crime Panel	1
(B)	the allocation of seats to political groups be as set out in Essential Reference Paper 'C';	
(C)	<p>the allocation of seats on the Highways Joint Member Panel (8) and Revenues and Benefits Joint Committee (3) to political groups be as follows:</p> <p style="margin-left: 40px;"><u>Highways etc.</u></p> <p style="margin-left: 40px;">Conservative 7</p> <p style="margin-left: 40px;">Liberal Democrats or Group of Independents* 1</p> <p style="margin-left: 40px;"><u>Revenues etc.</u></p> <p style="margin-left: 40px;">Conservative 2</p> <p style="margin-left: 40px;">Liberal Democrats or Group of Independents* 1</p> <p>(*Council to determine)</p>	
(D)	the membership of Scrutiny Committees, Regulatory Committees, the East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee and the Highways Joint Member Panel be as set out in Essential Reference Paper 'D', 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 intention of the Leader of the Council to appoint 5 Members to the Executive (in addition to the Leader) with the portfolio responsibilities as detailed at Essential Reference Paper 'B', be noted;	
(F)	<p>the Council's Standards Committee be established for the period ending on 30 June 2012 and consist 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:</p> <p><u>District Council</u> As set out in Essential Reference Paper 'D'</p>	

	<p><b><u>Town/Parish</u></b>  <b>Mr J Jones</b>  <b>Mr C Marks</b>  <b>Mrs E Woods</b></p> <p><b><u>Independents</u></b>  <b>Mr S Bouette</b>  <b>Mr D Farrell</b>  <b>Mr J Morpew</b>  <b>Mr T Vickers</b></p>
<b>(G)</b>	<b>the programme of Council meetings, as detailed at paragraph 6.1 of the report submitted, be approved,</b>
<b>(H)</b>	<b>the Director of Internal Services be authorised to sign, on behalf of the Authority, the finalised agreement to establish Hertfordshire’s Police and Crime Panel’s (governance) arrangements;</b>
<b>(I)</b>	<b>Councillor M Alexander be appointed as East Herts Council’s member of the Hertfordshire Police and Crime Panel;</b>
<b>(J)</b>	<b>the Director of Internal Services be authorised to make changes in the standing membership of committees, joint committee and panel in (A) above, in accordance with the wishes of the political groups to whom seats on these bodies have been allocated, and</b>
<b>(K)</b>	<b>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.</b>

## 1.0 The Executive/Leader of the Council

- 1.1 Under the Council’s constitution, the Annual meeting in 2011 appointed the Leader for the “life” of this Council (i.e. until the next District Council elections in 2015).
- 1.2 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. The Leader determines the size of the Executive and he has advised that the size of the Executive proposed for 2012/13 should be five (plus the Leader).

1.3 The Leader is also responsible for advising Council on the allocation of executive portfolio responsibilities. These are set out at **Essential Reference Paper ‘B’** (to follow).

## 2.0 Scrutiny Committees and Regulatory Committees

2.1 It is proposed that three scrutiny committees will be constituted as follows:

Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10

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

Audit Committee (7 Members)  
Development Control Committee (12 Members)  
Human Resources Committee (7 Members)  
Licensing Committee (15 Members)

2.3 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.

2.4 Elsewhere on the agenda for this meeting is a report detailing proposed amendments to the Council’s Constitution. The recommendation at the head of this report reflects the proposed constitutional arrangement to establish a Council Tax Setting Committee (of 5 members). Council will need to determine the allocation of seats on this Committee to political groups based on the options identified (in **Essential Reference Paper ‘C’**).

## 3.0 Joint Committees

3.1 It is proposed that the Highways Partnership Panel should be retained throughout the next civic year in accordance with the latest Highways Partnership Agreement. However, Members are invited to note that Hertfordshire County Council is reviewing the existing arrangements for each of the joint panels in its area.

3.2 It is further proposed that the joint committee relating to Revenues

and Benefits (with Stevenage) be retained on its existing basis.

#### 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 Committees 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 Three political groups have been constituted within East Herts Council as follows:

Conservatives	46
Group of Independents	2
Liberal Democrats	2

These groups 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. **Essential Reference Paper 'C'** details the allocation of committee seats to political groups.

4.3 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 Committees to political groups as required by legislation.

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. **Essential Reference 'D'** (*to follow*) sets out the proposed membership.

4.6 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, Joint Committees 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. 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.
- 5.2 The current Standards regime has been abolished with effect from 1 July 2012. In view of this, Council is requested to approve the reappointment of the existing Standards Committee until 30 June 2012. Elsewhere on the agenda is a separate report detailing options for a replacement standards regime to come into effect on 1 July 2012.

## 6.0 Police and Crime Panel

- 6.1 In November 2012, the electorate of Hertfordshire will chose their Police and Crime Commissioner (PCC) – a position created through changes to national policing arising from the provisions of The Police Reform and Social Responsibility Act 2011.
- 6.2 A PCC will be held to account by a Police and Crime Panel (PCP) for each police area.
- 6.3 A PCP will be a formally constituted joint committee of all principal authorities in the force area.
- 6.4 Broxbourne Borough Council will be providing the administrative support for Hertfordshire's PCP. It is currently drafting an agreement for Hertfordshire's principal authorities to sign to establish their area's PCP arrangements (covering issues such as appointment of co-optees, provision for its resourcing, and the payment of allowances). Provisions within the agreement are largely prescribed by legislation. The draft agreement is currently the subject of consultation at officer level to ensure that it meets legislative requirements. Council is therefore invited to authorise the Director of Internal Services to sign the finalised version on behalf of the Authority.
- 6.5 The Authority is entitled to nominate one Councillor (there is no prescription precluding an Executive Member) to a seat on the PCP. The appointment is for a four year term with caveats concerning cessation of membership in circumstances detailed.



6.6 A recommendation at the head of this report details the proposed nomination by the Leader of the Council.

## 7.0 Calendar of Meetings

7.1 Council is invited to approve its meetings for 2012/13 as follows:

4 July 2012  
7 August 2012  
26 September 2012  
12 December 2012  
20 February 2013  
15 May 2013 (Annual)

## 8.0 Outside Bodies

8.1 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.

8.2 The Director and Leader will be reviewing the Council's appointments for the ensuing civic year.

## 9.0 Implications/Consultations

9.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

## Background Papers

None

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## ESSENTIAL REFERENCE PAPER 'A'

### IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i>	The proposals set out in this report will support all of the Council's corporate objectives.
Consultation:	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.
Legal:	The proposals set out in this report accord with the statutory provisions for reviewing the Council's decision-making structure.
Financial:	None
Human Resource:	None
Risk Management:	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.

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## ESSENTIAL REFERENCE PAPER 'C'

### ALLOCATION OF SEATS ON MAIN COMMITTEES

<u>COMMITTEES</u>	<u>Seats</u>	<u>Cons</u>	<u>Lib Dem</u>	<u>GOI</u>	<u>Total</u>
Community	10	9	1	0	10
Environment	10	9	0	1	10
Corporate Business	10	9	1	0	10
Development Control	12	11	0	1	12
Licensing	15	14	0	1	15
Human Resources	7	7	0	0	7
Audit	7	6	1	0	7
Council Tax Setting	5	4	1(or 0)	0 (or 1)	5
Total(s):	76	69	4 (or 3)	3 (or 4)	76

### POLITICAL GROUPS

	<u>No.</u>	<u>%</u>	<u>Total seats</u>	
Conservative	46	92	69	69.92
Liberal Democrat	2	4	4(or 3)	3.04
Group of Ind. (GOI)	2	4	3(or 4)	3.04
Total:	50	100	76	76

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