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Chairman and Members of the
Council

Your contact: Martin Ibrahim
Ext: 2173
Date: 10 May 2013

cc. All other recipients of the Council
agenda

Dear Councillor

ANNUAL COUNCIL - 15 MAY 2013: SUPPLEMENTARY AGENDA NO 1

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

14. Review of the Council's Decision-Making Structure (Pages 3 - 14)

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

15. Review of Constitution (Pages 15 - 20)

To receive a report of the Monitoring Officer.

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 15 MAY 2013
TIME : 7.00 PM

EAST HERTS COUNCIL

ANNUAL COUNCIL – 15 MAY 2013

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.

<u>RECOMMENDATIONS FOR DECISION:</u> That:																					
(A)	the following Scrutiny Committees, Regulatory Committees, Joint Committee and Joint Member Panel be appointed, with the number of voting Members stated:																				
	<table border="1"> <thead> <tr> <th><u>Committee</u></th> <th><u>No. of Members</u></th> </tr> </thead> <tbody> <tr> <td>Community Scrutiny</td> <td>10</td> </tr> <tr> <td>Corporate Business Scrutiny</td> <td>10</td> </tr> <tr> <td>Environment Scrutiny</td> <td>10</td> </tr> <tr> <td>Audit</td> <td>7</td> </tr> <tr> <td>Development Control</td> <td>12</td> </tr> <tr> <td>Human Resources</td> <td>7</td> </tr> <tr> <td>Licensing</td> <td>15</td> </tr> <tr> <td>Standards</td> <td>5</td> </tr> <tr> <td>East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee (3 from East Herts and 3 from Stevenage)</td> <td>6</td> </tr> </tbody> </table>	<u>Committee</u>	<u>No. of Members</u>	Community Scrutiny	10	Corporate Business Scrutiny	10	Environment Scrutiny	10	Audit	7	Development Control	12	Human Resources	7	Licensing	15	Standards	5	East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee (3 from East Herts and 3 from Stevenage)	6
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(B)	the allocation of seats to political groups be as set out in Essential Reference Paper ‘C’;	
(C)	the membership of Scrutiny Committees, Regulatory Committees, the East Herts Council and Stevenage Borough Council Joint Revenues and Benefits Committee 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,	
(D)	the intention of the Leader of the Council to appoint 6 Members to the Executive (in addition to the Leader) with the portfolio responsibilities as detailed at Essential Reference Paper ‘B’, be noted;	
(E)	the programme of Council meetings, as detailed at paragraph 5.1 of the report submitted, be approved,	
(F)	the Director of Finance and Support 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	
(G)	the action to be taken by the Director of Finance and Support Services, in consultation with the Leader, under delegated authority, concerning the appointment of representatives to outside bodies, be noted.	

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 2013/14 should be six (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'**.

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)
Standards Committee (5 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.

3.0 Joint Committees

3.1 It is proposed that the joint committee relating to Revenues and Benefits (with Stevenage) be retained on its existing basis.

3.2 In respect of the Hertfordshire Police and Crime Panel (PCP) established in 2012, the Authority was entitled to nominate one Councillor for a four year term with caveats concerning cessation of membership in circumstances detailed. Councillor M Alexander was nominated for that four year term.

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	45
Group of Independents	3
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 and Joint Committees.

5.0 Calendar of Meetings

- 5.1 A Calendar of meetings for 2013/14 has already been published and Council is invited to confirm the dates of its meetings as follows:

24 July 2013
16 October 2013
11 December 2013
29 January 2014

19 February 2014
5 March 2014
14 May 2014 (Annual)

6.0 Outside Bodies

6.1 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 Finance and Support Services, in consultation with the Leader of the Council.

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

7.0 Implications/Consultations

7.1 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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Report Author: Martin Ibrahim, Democratic Services Team Leader
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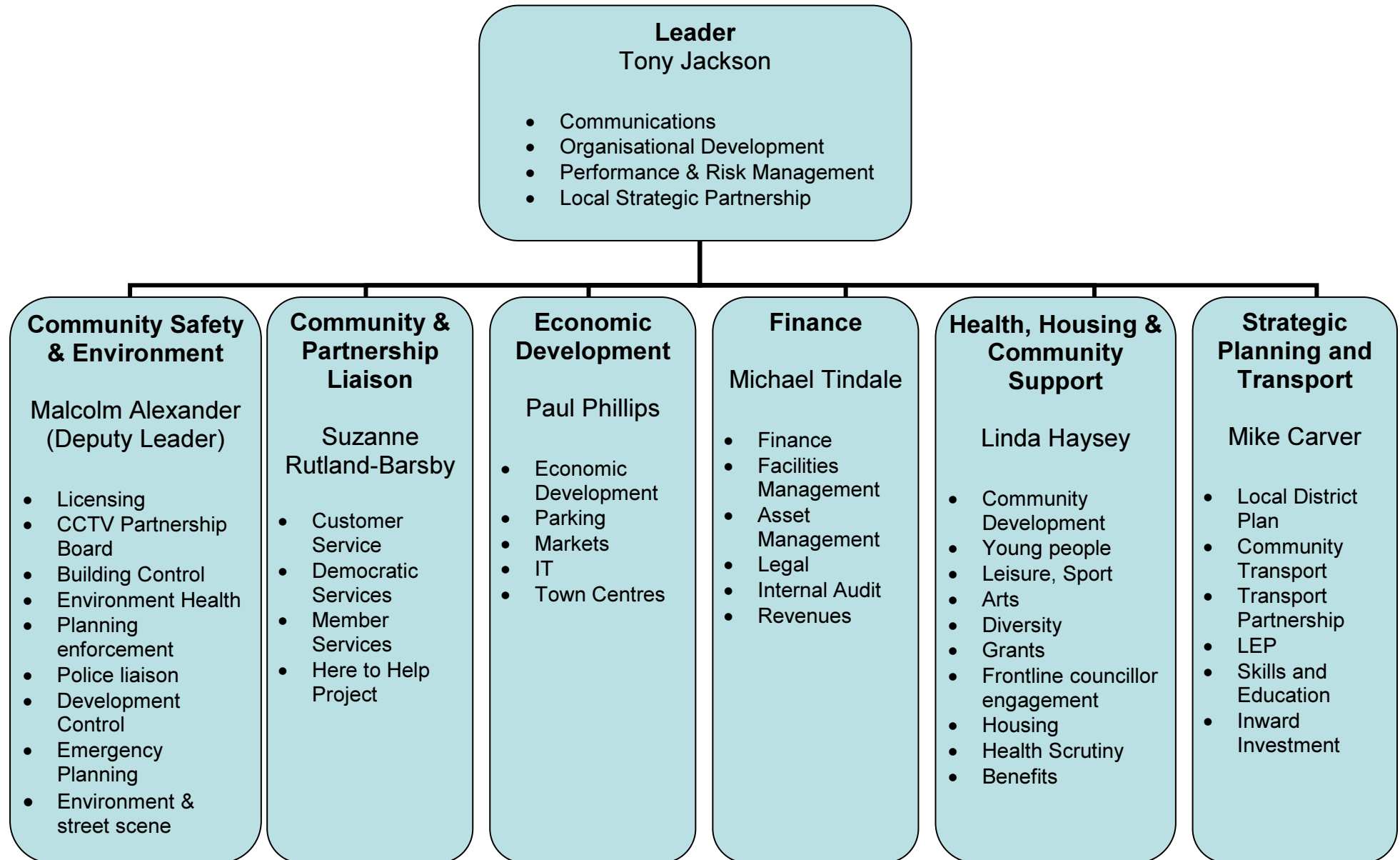
ESSENTIAL REFERENCE PAPER 'A'

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:	The appointment of an additional Executive Member has financial implications which can be met within existing budgets.
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 'B'
EXECUTIVE PORTFOLIO STRUCTURE – MAY 2013



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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	1	0	12
Licensing	15	14	0	1	15
Human Resources	7	6	0	1	7
Audit	7	6	0	1	7
Standards	5	4	0	1	5
Total(s):	76	68	3	5	76

POLITICAL GROUPS

	<u>No.</u>	<u>%</u>	<u>Total seats</u>	
Conservative	45	90	68	68.4
Liberal Democrat	2	4	3	3.04
Group of Ind. (GOI)	3	6	5	4.56
Total:	50	100	76	76

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EAST HERTS COUNCIL

ANNUAL COUNCIL - 15 MAY 2013

REPORT BY THE MONITORING OFFICER

AMENDMENTS TO THE CONSTITUTION

WARD(S) AFFECTED: All

Purpose/Summary of Report

- The report sets out proposed amendments to the Constitution.

<u>RECOMMENDATION:</u>	
(A)	That the amendments to the Constitution be approved.

1.0 **Background**

1.1 The report considers amendments to the Council's Constitution. The Monitoring Officer monitors and reviews the Constitution on an annual basis. Recommended changes are included in the report.

2.0 **Report**

2.1 An annual review of the Constitution is carried out prior to a report being submitted to Annual Council on any proposed changes. A number of changes are proposed. The significant changes are highlighted in this report.

2.2 Some amendments reflect changes which have already taken place such as delegations for decisions on community assets. Changes in job titles and responsibilities require minor changes to be made. The significant changes are described in this report and they are shown in **Essential Reference Paper 'B'**.

3.0 **Community Assets and Community Right to Bid**

3.1 The decision making process for the determination of applications for community assets and community right to bid was agreed by the Executive on 4 December 2012. The procedure which was agreed will now be included in the constitution.

4.0 **Member/Officer Working Group**

4.1 A Member/Officer Working Group will be set up to review aspects of the constitution which are of interest to Members. The Group will report to Council on any proposed changes.

5.0 **Financial Regulations and Procurement Regulations**

5.1 An officer group will be reviewing the financial regulations and the procurement regulations. There will be a report to Council on the proposed changes later in the year.

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

Background Papers

Constitution Guidance

Contact Officer: Simon Drinkwater – Director of
Neighbourhood Services and Monitoring
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Report Author: Simon Drinkwater – Director of
Neighbourhood Services and Monitoring
Officer

ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/Objectives (<i>delete as appropriate</i>):</p>	<p>People</p> <p>This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <ul style="list-style-type: none"> • Enhance our local community engagement by working together with our partners such as Parish and Town Councils, for the benefit of our communities. • Maintain our core services to a good standard and ensure high satisfaction with the council as measured through the biennial Residents Survey.
<p>Consultation:</p>	<p>The Monitoring Officer has consulted the Section 151 Officer and the Head of Paid Service.</p>
<p>Legal:</p>	<p>The legal implications have been taken into account in amending the Constitution.</p>
<p>Financial:</p>	<p>N/A</p>
<p>Human Resource:</p>	<p>No comments.</p>
<p>Risk Management:</p>	<p>A Constitution which reflects the Council's structure and delegation is important to the smooth running of the organisation.</p>

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COMMUNITY RIGHT TO CHALLENGE

- (A) The Director of Neighbourhood Services is the proper officer for the receipt, validation and acceptance or rejection of expression of interests;
- (B) After consultation with appropriate Heads of Service, to determine whether grounds exist to reject an expression of interest, and , subject to prior consultation with the appropriate Portfolio Holder, to accept or reject an expression of interest on behalf of the Council, with an instruction to refer sensitive expressions of interest to the Executive for consideration;
- (C) To report to the Executive on any expressions of interests received;

DELEGATION:

Director of Neighbourhood Services

The Chief Executive Officer and Director of Customer and Community Services is appointed deputy for the proper officer to act in the situation where the proper officer is absent or if a conflict situation exists between the proper officer and the expression of interest submitted;

DELEGATION:

Chief Executive and Director of Customer and Community Services

The proper officer (or deputy) be responsible for managing each procurement exercise, subject to the settlement of the specification for the service and the evaluation of tenders being joint with the appropriate Head of Service or Director;

DELEGATION:

Director of Neighbourhood Services and Chief Executive and Director of Customer and Community Services

- (A) To act as the project lead for any procurement exercises;

- (B) To proposed to the Executive timescales for the period between acceptance of an acceptance of an expression of interest and start of the procurement exercise;
- (C) After consultation with appropriate officers, to propose a timetable of periods within which expressions of interest for specified services will be received

DELEGATION:

Procurement Officer

COMMUNITY ASSETS

- (A) The Director of Neighbourhood Services will compile the list of assets of community value in consultation with Executive Member for Community Safety and Environment and ward Members

DELEGATION:

Director of Neighbourhood Services

Internal review of listing decisions and compensation decisions for asset of community value.

DELEGATION:

Director of Finance and Support Service