

EAST HERTS COUNCIL

ANNUAL COUNCIL – 10 MAY 2017

REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES

REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

WARD(S) AFFECTED: All

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

<u>RECOMMENDATIONS FOR DECISION: That:</u>																	
(A)	the following Scrutiny Committees, Regulatory Committees and Joint Committee 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>Overview and Scrutiny</td><td>14</td></tr><tr><td>Performance, Audit and Governance</td><td>14</td></tr><tr><td>Development Management</td><td>12</td></tr><tr><td>Human Resources</td><td>7</td></tr><tr><td>Licensing</td><td>12</td></tr><tr><td>Chief Officer Recruitment</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>	Overview and Scrutiny	14	Performance, Audit and Governance	14	Development Management	12	Human Resources	7	Licensing	12	Chief Officer Recruitment	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 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 group to whom the																

	seats on these bodies have been allocated,
(C)	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;
(D)	the programme of Council meetings, as detailed at paragraph 5.1 of the report submitted, be approved,
(E)	the Head of Legal and Democratic 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 group to whom seats on these bodies have been allocated;
(F)	the action to be taken by the Head of Legal and Democratic Services, in consultation with the Leader, under delegated authority, concerning the appointment of representatives to outside bodies, be noted; and
(G)	the Monitoring Officer be authorised to make such amendments to the Council’s constitution as may be necessary to account for the decisions in (A) to (F) above.

1.0 The Executive/Leader of the Council

1.1 Under its constitution, in May 2015, Council appointed the Leader of the Council for the “life” of the Council (i.e. until the next District Council elections in 2019). The constitution sets out the circumstances when this post becomes vacant.

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 she has advised that the size of the Executive proposed for 2017/18 is five members (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 Following the review of scrutiny arrangements earlier this year and Council's decision of 1 March 2017, it is proposed that two scrutiny committees be constituted as detailed below. The proposed terms of reference of each are set out at **Essential Reference Paper C** (to follow).

Overview and Scrutiny	14
Performance, Audit and Governance Scrutiny	14

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

Development Management Committee (12 Members)
Human Resources Committee (7 Members)
Licensing Committee (12 Members)
Chief Officer Recruitment Committee (5 Members)

- 2.3 Sub-Committees and panels with specific responsibilities relating to licensing and standards matters will be reconstituted by the Licensing and Performance, Audit and Governance Committees respectively (as the 'parent' committees) at their first meetings in the Civic Year immediately after Annual Council.

3.0 Joint Committee

- 3.1 It is 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. These rules specifically refer to proportionality between political groups. Therefore a sole independent Member has no entitlement to any seats under the rules of proportionality. However, the Council's custom and practice has been to allocate seats to non-group Members in accordance with their proportionate size and it is proposed to continue this.

- 4.2 At time of writing (and before the outcome of the Datchworth and

Aston by-election is known), one political group has been constituted within East Herts Council as follows:

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This group is entitled to a proportion of seats in relation to their relative percentage size, i.e. 96%. It is for Council to appoint Members to the seats in accordance with the wishes of the political group to whom they have been allocated.

- 4.3 Once the outcome of the by-election is known, **Essential Reference Paper 'D'** (to follow) will detail the allocation of committee seats to political group(s) and independent Member(s).
- 4.4 Once the allocation of seats is agreed, Council must appoint the nominees of political group(s) to the seats on committees etc. **Essential Reference Paper 'E'** (to follow) sets out the proposed membership.
- 4.5 Members of the Executive may not be appointed to serve on Scrutiny Committees.

5.0 Calendar of Meetings

- 5.1 A Calendar of meetings for 2017/18 has already been published (**Essential Reference Paper F**) and Council is invited to confirm the dates of its meetings as follows:

18 July 2017
18 October 2017
13 December 2017
1 March 2018
16 May 2018 (Annual)

6.0 Outside Bodies

- 6.1 Council appoints a significant number of people as its representatives on outside bodies. The appointment of such representatives is delegated to the Head of Legal and Democratic Services, in consultation with the Leader of the Council.
- 6.2 The Head and Leader will be reviewing the Council's appointments for the ensuing civic year and will advise members shortly of appointments.

6.3 A separate report on this agenda reviews the work undertaken by outside bodies in 2016/17.

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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