

EAST HERTS COUNCIL

COUNCIL – 8 DECEMBER 2010

REPORT BY HEAD OF DEMOCRATIC AND LEGAL SUPPORT SERVICES

REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

WARD(S) AFFECTED: All

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**Purpose/Summary of Report**

- **To review the Council's decision-making structure following the by-election in Hunsdon.**

<b><u>RECOMMENDATIONS FOR DECISION:</u> That:</b>	
<b>(A)</b>	<b>the allocation of seats be as set out in the report now submitted, and</b>
<b>(B)</b>	<b>the membership of Scrutiny Committees, Regulatory Committees 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.</b>

1.0 Background

1.1 Council, at its Annual meeting in May 2010, approved the decision-making arrangements for the discharge of functions for the 2010/11 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 Scrutiny Committees, Regulatory Committees

2.1 The following three scrutiny committees were constituted by Council in May 2010 comprising the following number of Members:

Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10

2.2 The following Committees were also established:

Development Control Committee (16 Members)  
 Licensing Committee (15 Members)  
 Human Resources Committee (7 Members)  
 Audit Committee (7 Members)

### 3.0 Political Groups

3.1 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 and Regulatory 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.

3.2 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 with another Member to (re)form the Independent political group.

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

3.3 It is for Council to appoint such Members to the seats allocated in accordance with the relative sizes of political groups. To facilitate seat allocation, where a group's entitlement equates to a whole number plus half a seat, a rounding up and down process (to the nearest integer) has been followed. The groups etc underlined have seen their allocations rounded up (those in italics – the opposite). Details are as follows:

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

3.4 The recommendation at the head of this report identifies the need to allocate seats on the Council's Scrutiny and Regulatory Committees to political groups and the non-aligned Member as required by legislation.

3.5 Political groups 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.

3.6 Council must appoint the nominees of the political groups to the seats allocated.

3.7 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 and Standards Committee.

4.0 Standards Committee

4.1 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.

4.2 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 2010/11 at its Annual Meeting.

## 5.0 Conclusion

5.1 The recommendation at the head of this report (and the allocation of seats detailed above) reflects the outcome of the recent by-election for Hunsdon and the formation of the Independent political group. The seat allocation is based on relative sizes of groups. It is worth highlighting that seats allocated to the Independent group, the individual independent Member and the “vacancy” on the three scrutiny committees are interchangeable. These parties are entitled to one seat each over all the scrutiny committees, but the allocation can be in whatever combination Council feels appropriate. The recommended allocation reflects the least amount of change (the change being that the (re)formed Independent group of two Members (formerly three) no longer has a seat on Community Scrutiny Committee).

## 6.0 Implications/Consultations

6.1 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'

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 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.