

EAST HERTS COUNCIL

ANNUAL COUNCIL – 16 MAY 2018

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.**

<b><u>RECOMMENDATIONS FOR DECISION:</u> That:</b>																	
<b>(A)</b>	<b>the following Scrutiny Committees, Regulatory Committees and Joint Committee be appointed, with the number of voting Members stated:</b>																
	<table border="1"><thead><tr><th><b><u>Committee</u></b></th><th><b><u>No. of Members</u></b></th></tr></thead><tbody><tr><td><b>Overview and Scrutiny</b></td><td><b>14</b></td></tr><tr><td><b>Performance, Audit and Governance</b></td><td><b>14</b></td></tr><tr><td><b>Development Management</b></td><td><b>12</b></td></tr><tr><td><b>Human Resources</b></td><td><b>7</b></td></tr><tr><td><b>Licensing</b></td><td><b>12</b></td></tr><tr><td><b>Chief Officer Recruitment</b></td><td><b>5</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><b>6</b></td></tr></tbody></table>	<b><u>Committee</u></b>	<b><u>No. of Members</u></b>	<b>Overview and Scrutiny</b>	<b>14</b>	<b>Performance, Audit and Governance</b>	<b>14</b>	<b>Development Management</b>	<b>12</b>	<b>Human Resources</b>	<b>7</b>	<b>Licensing</b>	<b>12</b>	<b>Chief Officer Recruitment</b>	<b>5</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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	<b>Joint CCTV Executive (3 from East Herts)</b>	<b>12</b>
<b>(B)</b>	<b>the allocation of seats on committees in (A) above, as detailed at Essential Reference Paper 'C', be approved;</b>	
<b>(C)</b>	<b>the membership and Chairmen of Scrutiny Committees, Regulatory Committees, joint Committees 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,</b>	
<b>(D)</b>	<b>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;</b>	
<b>(E)</b>	<b>the programme of Council meetings, as detailed at paragraph 5.1 of the report submitted, be approved,</b>	
<b>(F)</b>	<b>the Head of Legal and Democratic Services be authorised to make changes in the standing membership of committees, joint committees and panel in (A) above, in accordance with the wishes of the political group to whom seats on these bodies have been allocated;</b>	
<b>(G)</b>	<b>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</b>	
<b>(H)</b>	<b>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 (G) above.</b>	

## 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 2018/19 is six members (plus the Leader). A new Housing portfolio has been created and Councillor Jan Goodeve has been appointed.
- 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 two scrutiny committees be constituted with the same of terms of reference as detailed below.

Overview and Scrutiny (14 Members)

Performance, Audit and Governance Scrutiny (14 Members)

- 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 Committees

3.1 It is proposed that the joint committees relating to Revenues and Benefits (with Stevenage) and CCTV (with Hertsmere, Stevenage, North Herts) be retained on their 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.

4.2 In East Herts, one political group has been constituted as follows:

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This group is entitled to a proportion of seats in relation to their relative percentage size. 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 There are also two sole independent Members. As stated above, sole independent Members have no entitlement to any seats. There is also one vacancy arising from the resignation of Councillor M Freeman. **Essential Reference Paper 'C'** details the allocation of committee seats.

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 'D'** 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 2018/19 has already been published (**Essential Reference Paper E**) and Council is invited to confirm the dates of its meetings as follows:

25 July 2018  
17 October 2018  
19 December 2018  
5 March 2019  
15 May 2019 (Annual)

#### 6.0 Outside Bodies

6.1 Council appoints a significant number of Members 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 A separate report on this agenda reviews the work undertaken by outside bodies in 2017/18.

#### 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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