

EAST HERTS COUNCIL

ANNUAL COUNCIL – 18 MAY 2011

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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- The 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 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>Highways Joint Member Panel (8 from Hertfordshire County Council 8 from this Council)</td><td>16</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	Highways Joint Member Panel (8 from Hertfordshire County Council 8 from this Council)	16
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(B)	the allocation of seats to political groups be as set out in Essential Reference Paper 'C';																		
(C)	the allocation of seats on the Highways Joint Member Panel (8) to political groups be as follows:																		

	<p style="text-align: center;">Conservative 7 Liberal Democrats 1</p>
(D)	<p>the membership of Scrutiny Committees, Regulatory Committees 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,</p>
(E)	<p>Councillor A Jackson be appointed as Leader of the Council for the life of the Council;</p>
(F)	<p>to note that the number of Executive Members to be appointed to the Executive, as advised by the Leader, will be 4 (in addition to the Leader) and the portfolio responsibilities as detailed at Essential Reference Paper 'B';</p>
(G)	<p>the Council's Standards Committee be appointed for the ensuing civic year consisting 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> <i>As set out in Essential Reference Paper 'D'</i></p> <p><u>Town/Parish</u> Mr J Jones Mr C Marks Mrs E Woods</p> <p><u>Independents</u> Mr S Bouette Mr D Farrell Mr J Morphew Mr T Vickers</p>
(H)	<p>the programme of Council meetings, as detailed at paragraph 6.1 of the report submitted, be approved,</p>
(I)	<p>the Director of Internal Services be authorised to make changes in the standing membership of committees and panels in (A)</p>

	above, in accordance with the wishes of the political groups to whom seats on these bodies have been allocated, and
(J)	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.

1.0 The Executive/Leader of the Council

- 1.1 Under the Council's constitution, it is for the Council to appoint the Leader of the Council. Effectively, this appointment is for the "life" of this Council (ie until the next District Council elections in 2015). 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. The Leader will advise the size of the Executive proposed for 2011/12 at the meeting.
- 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, Regulatory Committees and Joint Committee

- 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 In relation to Joint Committees, it is proposed that the Highways Partnership Panel should be retained throughout the next civic year in accordance with the latest Highways Partnership Agreement.

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, Regulatory Committees and Joint Committee 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 At the time of writing this report, it is understood that 3 political groups will be 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.

3.3 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 Committee to political groups as required by legislation.

3.4 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.

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

3.6 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 Highways Joint Panel.

4.0 Standards Committee

4.1 The 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.

4.2 The current Standards regime is being reviewed with a view to abolishing Standards Committees. In view of this, Council is requested to approve the reappointment of existing town/parish/independent members of the Standards Committee pending notification of future arrangements. Further information will be reported when details become known.

5.0 Community Voice

5.1 Previously, Council had established Community Voice to provide local residents with an opportunity to comment upon issues concerning their community. These were based around the five main towns in the District: - Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware. Council has previously agreed that rural communities' engagement needs should be dealt with via the convening of the Rural Parish Conference twice a year.

5.2 A task and finish group was set up in 2010/11 to review the current methods used by the Council to engage with the community (including Community Voice) and to recommend a sustainable, cost effective framework/strategy for Community and Public Engagement for the District of East Hertfordshire. The findings of this review will be considered by the Executive on 24 May 2011, who will forward recommendations to the next Council meeting. Pending the outcome of this, Council will be invited to consider future arrangements at its next meeting on 6 July 2011.

6.0 Calendar of Meetings

6.1 Council is invited to approve its meetings for 2011/12 as follows:

6 July 2011
28 September 2011
14 December 2011
22 February 2012
7 March 2012 (Tax setting)
16 May 2012 (Annual)

7.0 Outside Bodies

7.1 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.

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

8.0 Implications/Consultations

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

Background Papers

None

Contact Officer: Jeff Hughes, Head of Democratic and Legal Support Services, ext 2170

Report Author: Martin Ibrahim, Senior Democratic Services Officer

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 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.