



APPENDIX

AGENDA ITEM: 5(a)(2)

**CABINET:
20 JANUARY 2009**

Report of: Council Secretary and Solicitor

Relevant Portfolio Holder: Councillor Grant

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**SUBJECT: PORTFOLIO ATTENDANCE AT EXECUTIVE OVERVIEW AND
SCRUTINY COMMITTEE**

District wide interest

1.0 PURPOSE OF THE REPORT

1.1 To advise of the decision of the Executive Overview and Scrutiny Committee meeting held on 4 December 2008.

2.0 RECOMMENDATIONS

2.1 That the Executive Overview and Scrutiny Committee be informed that Cabinet would prefer that the existing practice whereby Portfolio Holders routinely attend meetings of the Executive Overview and Scrutiny Committee be continued because it facilitates effective and open communication between Cabinet and the Overview and Scrutiny Committees. However if the Executive Overview and Scrutiny Committee so resolve then the Portfolio Holders would be happy only to attend meetings of the Executive Overview and Scrutiny Committee by invitation of the Chairman.

2.2 That the Committee advise whether the term 'Portfolio Holder' is intended to cover the Leader.

2.3 That it be noted that no amendments are required to the Constitution to effect any change at 2.1 above as it can be done by custom and practice.

3.0 BACKGROUND

3.1 The report attached as an appendix to this report was considered at the Executive Overview and Scrutiny Committee meeting held on 4 December 2008.

3.2 The minute of that meeting reads as follows:-

“51. LEADER AND PORTFOLIO ATTENDANCE AT EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 583 –585 of the Book of Reports outlining the current arrangements for Leader and Portfolio Holder attendance at Executive Overview and Scrutiny Committee meetings.

RESOLVED (A) That Cabinet and Council be requested to consider an amendment to Constitution 9.1 (14) (Overview and Scrutiny Committee Procedure Rules) to the effect that Cabinet Members with a responsibility for an area of Council activity (i.e. Relevant Portfolio Holders) are not expected to routinely attend Executive Overview and Scrutiny Committee meetings. Attendance to be by invitation of the Chairman if, for example an item has been called in and a request for the Portfolio Holder’s attendance has been indicated on the call in notice.

(B) That it be noted that amendments to the Constitution shall be referred to Council for decision.”

4.0 COMMENTS OF THE COUNCIL SECRETARY AND SOLICITOR

4.1 Overview and Scrutiny Committee Procedure Rules 14 (a) and (b) which applies to all Overview and Scrutiny Committee meetings states as follows:-

“(a) The Leaders of the two main political groups on the Council shall be allowed to attend each Overview and Scrutiny Committee and to speak but not vote on any issue under consideration.

(b) The members of the Cabinet with responsibility for an area of Council activity (i.e. the relevant Portfolio Holders) shall be allowed to attend the relevant Overview and Scrutiny Committee and with the consent of the Chairman to answer questions only but not vote on any issue under consideration affecting that member’s area of responsibility save that with the express consent of the Chairman the relevant Portfolio Holder may be invited to address the Committee”.

4.2 It has been custom and practice over recent years for the Leader and Cabinet members to routinely attend Executive Overview and Scrutiny Committee to be held to account in relation to called in items and post hoc scrutiny of the minutes. This is regarded as good practice in terms of effective overview and scrutiny. In addition the Leader of the Labour Group has attended to speak but not vote under rule 14(a).

- 4.3 It would be helpful for the Committee to clarify the resolution which it passed on 4 December 2008 as there is no need to amend the Procedure Rules in this regard.
- 4.4 On balance it is my view that Portfolio Holders should attend Overview and Scrutiny Committees as it represents good practice in terms of open and effective communication between the Committee and Cabinet and enables the Committee to hold Cabinet to account and Cabinet to understand Overview and Scrutiny Committees view on various topics. This being the purpose of this particular Overview and Scrutiny Committee.
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Background Documents

There are no background documents (as defined in Section 100D (5) of the Local Government Act 1972) to this report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

Report of the Council Secretary and Solicitor