

Report to the Constitution & Member Services Scrutiny Panel



Date: 16 December 2010.

Portfolio: Leader.

Subject: Review of Executive Procedure Rule 1.6

Responsible Officer: Gary Woodhall (01992 564470).

Democratic Services: Mark Jenkins (01992 564607).

Recommendations:

(1) To recommend to the Overview & Scrutiny Committee and Council the following amendments to Executive Procedure Rule 1.6:

(a) the requirement to complete all business at a Cabinet meeting by 10.00pm be deleted; and

(b) the requirement to hold a minimum of 12 Cabinet meetings a year be amended to hold a maximum of 12 Cabinet meetings a year.

Executive Summary:

The Cabinet has requested this Scrutiny Panel to review Executive Procedure Rule 1.6, primarily to allow its meetings to continue past 10.00pm. This would allow all the business on the agenda for a meeting to be completed in one evening, without items having to be referred to another meeting or voted upon without debate.

As a consequence of reviewing Executive Procedure Rule 1.6, it has been noted that it also states that the Cabinet should hold at least twelve meetings per year. The current calendar allows for only eight meetings of the Cabinet per year, therefore it is felt that this rule should be amended to allow for a maximum, rather than a minimum, of twelve meetings per year to reflect current practice.

Reasons for Decision:

To allow the Cabinet to complete all its scheduled business at a meeting.

To reflect the current practice that only eight meetings of the Cabinet are held per year.

Other Options Considered and Rejected:

To retain Executive Procedure Rule 1.6 as it is, however this would run the risk of:

(i) items of business being voted upon without debate;

(ii) additional meetings being arranged, to complete the agenda for a particular meeting and to meet with the requirement to hold a minimum of twelve Cabinet meetings per year, which would have cost implications for the Council.

Report:

1. Executive Procedure Rule 1.6 (page H3 of the Constitution) states that:

“The Executive will meet at least 12 times per year at times to be agreed by the Leader. The Executive shall meet at the Civic Offices, High Street, Epping, Essex CM16 4BZ or another location to be agreed by the Leader. Meetings will commence at 7.00 p.m. and all business shall be concluded by 10.00 p.m.”

2. This rule was agreed by the Council at its meeting held on 13 February 2003, and inserted within the Constitution shortly afterwards. The front of each Cabinet agenda since this time has stated that any business not concluded by the 10.00pm threshold should either stand referred to the next meeting or be voted upon without debate, at the discretion of the Chairman.

Cabinet ‘Guillotine’ Procedure

3. The Cabinet meeting held on 13 September 2010, was the second executive meeting of the municipal year to extend past the 10.00pm threshold. The Cabinet expressed concern about the ‘guillotine’ procedure in operation, and requested that the Constitution & Member Services Scrutiny Panel examine this procedure, with a view to removing it.

4. If the ‘guillotine’ procedure was removed from the Constitution then it would enable the Cabinet to complete all the items of business on an agenda in one meeting, without the need to make decisions without debate or delay further possible important decisions to the next meeting.

Measures Already Implemented

5. In an effort to reduce the pressure on Cabinet agendas, a number of measures have been implemented by the Acting Chief Executive at the Agenda Planning Group stage.

6. The Cabinet Agenda Planning Group is the first stage of the process in compiling the Cabinet agenda. Meetings of the Group are held three weeks before the Cabinet and the draft Cabinet reports from Officers are scrutinised and cleared by the Acting Chief Executive, Director of Corporate Support Services and the Director of Finance & ICT. Notes of the meeting are prepared by the Executive Democratic Services Officer.

7. In the past, reports for the Group’s agenda were attached in the order that they were received; reports are now attached depending upon whether they are considered a Major report or Standard report. Major reports are those that are either key decisions or for which significant members of the public might attend the Cabinet meeting. All Major reports are attached to the Cabinet agenda before Standard reports so that they are considered earlier in the meeting.

8. All draft Cabinet reports considered by the Group are also scrutinised as to whether they could be dealt with as a delegated decision by the relevant Portfolio Holder. So far, four draft Cabinet reports have been amended to Portfolio Holder decisions and signed off. This had the twin advantages of allowing the issue to be dealt with quicker than if it had remained as a Cabinet report, and reduced pressure on the subsequent Cabinet agenda.

9. All draft Cabinet reports are also reviewed for their relevance. The Cabinet, as an executive body, exists to make decisions and any draft reports that simply asks the Cabinet “To note...” without having to make a decision are reviewed by the Agenda Planning Group. Alternative measures, such as publishing information in the Council Bulletin, are examined for such reports in an effort to avoid unnecessary items being placed upon the Cabinet agenda and prolonging the meeting.

10. With the recent agreement that members of the Public could address the Cabinet on items of business for that particular meeting, it is felt that the removal of the 'guillotine' procedure for Cabinet is both practicable, and would allow the timely resolution of the Cabinet's business at one meeting without either items being referred to another meeting or an extra meeting being convened to deal with the outstanding items of business.

Number of Cabinet Meetings per Year

11. Whilst investigating the issue of the Cabinet 'guillotine', it also came to the attention of Democratic Services that Executive Procedure Rule 1.6 also contained a requirement to hold at least twelve Cabinet meetings each year. This may have been true in 2003, however since then the number of Cabinet meetings have gradually been reduced to the current eight per year, which reflects a desire both to increase the number of delegated decisions taken by Portfolio Holders and to economise in the number of meetings held each year.

12. Therefore, it is felt that this procedure rule should be further revised to reflect current practice, and that it should be amended to allow for a maximum of twelve meetings per year, rather than a minimum.

Resource Implications:

Revising Executive Procedure Rule 1.6 as suggested would avoid the Council from incurring extra expense from having to arrange additional meetings of the Cabinet.

Legal & Governance Implications:

Revising the Executive Procedure 1.6 as suggested would allow the Cabinet to fully consider all the items on its agenda without having to vote upon any items without debate.

Safer, Cleaner & Greener Implications:

No direct implications at the current time, although the Council's carbon footprint would not be increased from arranging additional meetings of the Cabinet.

Consultation Undertaken:

No external consultation undertaken.

Background Papers:

Page H3 of the Constitution.

Impact Assessments:

Risk Management

There are currently no risks within the Corporate Risk Register that would be affected by reviewing Executive Procedure Rule 1.6.

Equality & Diversity

There would be no direct impact upon the Council's commitment to promote equality and diversity from reviewing Executive Procedure Rule 1.6.