

2. CONSTITUTION AND MEMBER SERVICES STANDING PANEL

The Constitution and Member Services Standing Panel consisted of the following members:

Councillor Mrs M McEwen (Chairman)
Councillor K Chana (Vice Chairman)
Councillors R Cohen, Miss C Edwards, Mrs J Hedges, J Markham, J Philip, Mrs M Sartin, D Stallan, Mrs J Sutcliffe and Mrs J H Whitehouse.

The Lead Officer was Ian Willett, Assistant to the Chief Executive.

Terms of Reference

To undertake reviews of constitutional, civic, electoral and governance matters and services for members on behalf of the Overview and Scrutiny Committee and to report to the Overview and Scrutiny Committee, the Council and the Cabinet with recommendations on matters allocated to the Panel as appropriate.

The Panel scrutinised a number of issues over the last year, which included:

(i) **E-petitions** – They considered the E-petitions legislation and our duty to respond. They considered the main provisions identified in the Act and highlighted issues for consideration for enhancing the Councils current petition scheme.

(ii) **Review of General, District and Parish Elections** – The Panel reviewed the combined general and local elections that took place in May 2010, receiving a report from the Returning Officer and fed back their findings and views to the Returning Officer and the main Overview and Scrutiny Committee.

(iii) **Cancellation of Meetings** – They considered a report on the effects of extreme weather conditions on meetings. During the recent severe weather with the associated difficult transport conditions one or two meetings had to be cancelled at short notice due to safety concerns and the ability to meet the quorum. They recommended that the constitution should provide clear procedures for the cancellation of meetings.

(iv) **Deputy Portfolio Holders** – They considered the desirability of establishing the posts of deputies to the Portfolio Holders. They proposed that the appointments should be for one years duration, that the deputies would not have decision making powers but could assist in the compiling of reports. The constitution would have to be altered to introduce Deputy Portfolio Holders as formal appointments. On their recommendation the Council has now established the role of Deputy Portfolio Holders.

(v) **Public address at Cabinet and Overview and Scrutiny Committee Meetings** – The Panel looked at and agreed that provision be made to enable members of the public or other organisations to address the Cabinet and the Overview and Scrutiny Committee and that these arrangements be reviewed in 12 months time.

(vi) Statutory Officer Protocols and Member Accountability – In November they looked at and made recommendations on the draft protocols regulating relations between Statutory Officers and the Council, namely the Head of Paid Services, the Monitoring Officer and the Chief Financial Officer. They also looked at and revised the Member Accountability Statements based on the Model provided by the Improvement and Development Agency.

(vii) Guillotine at Cabinet Meetings – They agreed that the Cabinet no longer be required to complete all meetings by 10pm and that the requirement for a set number of meetings per year be deleted.

(viii) Appointments at Annual Council – The Panel reviewed the appointments procedures at the annual Council meeting. They looked at how consultation between Political groups could be improved and discussed if the principles of pro-rata allocations on outside organisations was still fit for purpose, if voting on appointments to outside organisations could be made easier, how the paperwork could be made simpler, other options for making these decisions, the appointment of Chairman and Vice Chairman of the Council and how the ceremonial aspects of Annual Council could be improved.

Case Study: Deputy Portfolio Holders

At the meeting of the Overview and Scrutiny Committee on 1 June 2010, a proposal was made concerning a review of the desirability of establishing Deputies to Portfolio Holders was referred to the Panel for consideration.

Creating Deputy Portfolio Holders would give more members an insight into how the Cabinet worked, providing an experience of working more closely with officers and could spread the Executive workload.

Four specific review items were raised in the proposal which were dealt with in turn:

(1) Statutory restrictions on responsibilities undertaken by a Deputy Portfolio Holder

Legislation prescribed that a Leader and Cabinet Executive must consist of no less than three Councillors (including a Leader) and no more than 10 (including a Leader).

Legislation prescribed that arrangements for the carrying out of Executive functions could be delegated in the following manner:

- to the Cabinet itself;
- to members of the Cabinet individually;
- to any committees of the Executive; and
- to officers of the Council

Deputy Portfolio Holders could not be full members of the Cabinet, and therefore could not participate in its decisions either individually or collectively. However guidance issued in 2000 from the Government suggested the Executive could invite any person considered appropriate to attend its meetings and speak on behalf of an absent Executive member. However, that person would not take formal decisions. The duties and responsibilities of a Deputy Portfolio Holder would be as follows:

- Assisting the designated Cabinet member in shaping and developing the strategic priorities of the Council as it related to the allocated portfolio;

- Assisting the designated Cabinet member in monitoring performance in specified areas relating to the allocated portfolio; and
- Where appropriate and where permissible under the Council's Constitution, represent the designated Cabinet member at meetings or visits.

(2) "Pairing" Assistants with specific Portfolio Holders

The number of appointments could be the same as the number of Cabinet members and each of the Deputies could be allocated to a specific Portfolio Holder assisting with their duties. Alternatively, a smaller number of Deputies could be appointed to act as a "pool" of Deputies for all Cabinet members.

(3) Payment of Special Responsibility Allowances

Payments could be made to Deputy Portfolio Holders by way of a Special Responsibility Allowance. These allowances allowed the Council to determine remuneration for responsibilities which were over and above those of a Councillor, the latter being reflected in the basic allowance.

However, the Council could not make payments to Deputy Portfolio Holders because these were not currently included in the Remuneration Scheme. This option would have to be referred to the Independent Remuneration Panel and its report considered by the Council before the scheme could be amended.

(4) Conclusion

It was for the Council to determine whether it wished to appoint Deputy Portfolio Holders. In practice, these appointments would be made at the discretion of the Leader of the Council. It was suggested that:

- appointments should be for one Council year;
- Deputies should be assigned to specific Portfolio Holders so that roles were clear;
- that Deputy Portfolio Holders did not have decision making powers but could, if the Leader so determined, assist Portfolio Holders in compiling decision reports and reports to the Cabinet with no change to the accountability of the Portfolio Holder for the decisions made;
- in the absence of a Portfolio Holder, another Cabinet member would make decisions, not the Deputy;
- Portfolio Holders would still sign Portfolio Holder reports and present Cabinet reports;
- if deputies were to be involved in drafting reports etc, close liaison arrangements between the Portfolio Holder, the Deputy and the Service Director (s) concerned were necessary;
- Article 6 of the Constitution and the Executive Procedure rules should be altered to introduce Deputy Portfolio Holders as formal appointments within the Council; and
- question of payments of Special Responsibility Allowance to Deputy Portfolio Holders was a matter for the Independent Remuneration Panel and in order to facilitate this the Panel and the Council would need to agree the "Job Description" for these Deputy positions.

The Leader of the Council informed the Panel that, subject to Council approval she intended to make appointments to positions of Deputy Portfolio Holders during the current year.

The Panel concluded that the initial experience would assist in considering the question of a Special Responsibility Allowance.