

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader and Cabinet

8 May 2008

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PORTFOLIO HOLDERS' MEETINGS: AGREEMENT OF OPERATING GUIDELINES

Purpose and background

1. Following Council's previous decision to hold Portfolio Holders' meetings in public, and the identification of inconsistencies between portfolios in terms of the frequency and structure of meetings, this report seeks Cabinet approval for operating guidelines to apply to all Portfolio Holder meetings for the next Civic Year and beyond.
2. This is not a key decision, however it is a decision which, in the interests of transparency and accountability, should be taken collectively by the Cabinet. The issue was first published in the February 2008 Forward Plan.

The current situation

3. Council's previous decision to hold Portfolio Holders' meetings in public has formalised such meetings so that, to all intents and purposes, they are single-Member Committee meetings. These developments have led to greater transparency and openness in decision-making but have revealed differing practices and a lack of consistency across portfolios. This in turn indicates a lack of clarity as to the purpose of such meetings in the minds of Members and officers, a state of affairs with the potential to be detrimental to the Council's desire to operate clearly understood decision-making structures. Specific examples of this lack of consistency are as follows:
 - The agreement of an annual schedule of meetings, dates agreed on a meeting-by-meeting basis or *ad hoc* meetings.
 - Portfolio Holders considering some Cabinet reports in advance (e.g. Housing Futures, Pay and Grading Review), but not others.
 - Decision-making by Portfolio Holders taking place predominantly at meetings (e.g. Resources) versus decisions taken outside meetings, as and when required (allowed for in the Constitution e.g. Planning Services, Planning and Sustainable Communities).
 - The Planning and Growth and Sustainable Communities Portfolio Holders' meeting is combined, whereas the Housing Futures Portfolio Holder holds separate meetings to cover the Housing Futures and ICT elements of his portfolio.
 - Attendance by officers: Corporate Manager(s) and Chief Officer(s) only, or all service managers presenting reports?
 - Officers producing reports, decision sheets, neither or both.

Considerations

4. The issues identified in paragraph 3 above can be addressed under the following headings:

- (1) **Purpose** of Portfolio Holders' meetings (Decision making, information sharing, performance monitoring)
- (2) **Meeting schedules**
- (3) **Attendance** by officers
- (4) **Portfolio Holders' Forward Plans**, and their relationship to the forward plans for Cabinet and management teams;
- (5) **Agenda planning and recording decisions**

The purpose of Portfolio Holder meetings

5. Portfolio Holders' meetings are currently used for a variety of purposes:
 - (1) A forum for public decision-making on matters reserved to each Portfolio Holder under the Constitution, or matters referred 'upwards' to Portfolio Holders by Officers;
 - (2) A forum for Portfolio Holders to consider reports and make recommendations to Cabinet on matters which will require a collective Cabinet resolution or referral to Council (e.g. Housing Futures, Pay and Grading Review).
 - (3) A forum for the receipt of integrated performance monitoring and other standing updates on crucial matters within each Portfolio (e.g. Update on financial position, Member training and development, ICT)
 - (4) A forum for Scrutiny and Overview Committee Monitors and Opposition Spokespersons to contribute to the Portfolio Holder's deliberations on a particular issue and ask questions before reporting back to the Scrutiny and Overview Committee or Group Leader as appropriate.
6. Traditionally a number of decisions have been taken by Portfolio Holders outside of formal meetings. Whilst the Constitution allows this (Access to Information Procedure Rule 22) subject to rules regarding advance notice and subsequent publicity, it is considered that, in the interests of open and transparent government, all Portfolio Holder decisions shall be taken at meetings, and it is therefore **recommended** that this provision be adopted as an operating guideline.
7. It is accepted that urgent and unforeseen matters will arise which require determination outside of agreed meeting cycles. It is **recommended** that the appropriate Corporate Manager, in consultation with the Monitoring Officer, be authorised to determine where, in the case of urgent and unforeseen matters, it is appropriate for a matter to be determined outside of a formal meeting. It is further **recommended** that Portfolio Holders be given discretion to arrange additional meetings as and when required.
8. Given their public nature, Portfolio Holders' meetings cannot be used as the primary means of contact between the Portfolio Holders and their relevant Chief Officers and Corporate Managers. Close working relationships between leading Members and officers are crucial to the successful delivery of the Council's corporate objectives. These relationships by necessity include regular one to one briefings to discuss political and service priorities at an early informal stage, discussions which, in many cases, it is not appropriate to hold in public. The same can apply to draft reports, and

without some clarity on this point, there is a danger that draft reports may be released into the public domain at an earlier stage than authors and lead Members might have wished, potentially prejudicing the Council's position.

9. All of the themes identified in paragraph 5 above constitute legitimate business for a Portfolio Holder to consider, although the amount of information items being considered by Portfolio Holders can be excessive. The current lack of consistency arises from each Portfolio Holder using his/her meeting for different purposes. In order to achieve this consistency, minimise information items which can be disseminated to Members in other ways and enable a more strategic focus it is **recommended** that the following objective for Portfolio Holder meetings be agreed:

“To provide a timely public forum for

- The determination of decisions falling within each Portfolio Holder's remit
- The agreement and subsequent monitoring of service plans and other performance information within that remit.
- The consideration, including appropriate pre-scrutiny, of certain matters for subsequent determination by the Cabinet and Council.”

Frequency of meetings

10. The Constitution requires that Portfolio Holder meetings take place at least on a quarterly basis. It is appreciated that some Portfolio Holders will require monthly meetings, others quarterly, therefore, based on the current allocation of Portfolios therefore, in the interests of flexibility, it is not recommended that the frequency of meetings is prescribed. In order, however, to provide the required advance notice and aid effective business planning, it is **recommended** that the following guidelines be agreed:

- (1) Meeting dates shall be agreed, and publicised appropriately, at the first meeting of the civic year, or by 30 June, whichever is the earlier.
- (2) Scheduled meetings shall be cancelled when there is no substantive business to be considered.
- (3) The Portfolio Holder may request that additional meetings are arranged as and when required.

Officer attendance

11. In order to clarify the current situation and minimise demands on officer time, it is **recommended** that Cabinet agree an operating guideline that reports to Portfolio Holder meetings should be presented by the relevant member of the Executive Management Team (Chief Officer, Corporate Manager, the Human Resources Manager or Principal Solicitor), unless other specific arrangements have been agreed in advance between the Portfolio Holder and officer(s) concerned.

Portfolio Holders' forward plans

12. In order to enable effective business planning and achieve the necessary integration with the Cabinet's published Forward Plan and that maintained by the Council's Senior Management Team, it is **recommended** that each Portfolio Holder maintain, for agreement at each meeting, a Forward Plan identifying all matters relevant to the Portfolio which it is believed are likely to be the subject of consideration and/or

decision by the Portfolio Holder, Cabinet, Council, or any other constituent part of the Council. The plan shall be updated as necessary and published on the Council's website following each meeting; the relevant Portfolio Holder shall be responsible for the content and accuracy of their forward plan.

Agenda planning and recording decisions

13. Since Portfolio Holders' meetings were made public they have been subject to the same statutory access to information rules as apply to the Council, Cabinet and committees. In other words, the Agenda and all reports are required to be published five clear working days (which generally equates to eight calendar days) before the meeting. Previously, as informal meetings, agenda contained a number of items for which reports were marked 'to follow', or for which verbal updates would be given. Given the statutory requirement for proper notice of business to be given, reports to follow and verbal updates are no longer acceptable. It should be borne in mind that Members should be given a reasonable amount of time to read and digest information provided to them, regardless of whether the meeting is subject to statutory notice requirements. Whilst accepting that there may be legitimate circumstances in which it is not possible to adhere to these requirements, it is **recommended** that an operating guideline be agreed that Portfolio Holder agenda should not, save in exceptional circumstances, contain either reports 'to follow' or items for verbal update.
14. The rules governing decision making by Portfolio Holders (see paragraph 9 above and Part 4 of the Council's Constitution) require decision sheets to be completed and published outlining key facts including the decision itself and reasons for it. Now that Portfolio Holder meetings are held in public, such decision sheets no longer need to be produced, as Democratic Services will publish a formal record of the decision following the meeting as is normal practice following Cabinet meetings. Reports and recommendations should be set out on the corporate template and it is **recommended** that these provisions be adopted as operating guidelines. Please note that signed decision notices are still required for Portfolio Holder decisions taken outside formal meetings.

Implications

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| 15. Financial | Holding more Portfolio Holder meetings increases printing and other direct costs associated with the publication of Agenda and reports. |
| Legal | As explained above, public Portfolio Holder meetings are subject to the Access to Information requirements set out in the Local Government Act 1972 as amended. |
| Staffing | None specific |
| Risk Management | None specific |
| Equal Opportunities | Clarifying and simplifying the Portfolio Holder decision-making structure will lead to a greater understanding of the Council's decision-making structures amongst all sections of the community. |

Consultations

16. The Policy Development Committee considered this matter at its meeting on 9 April 2008, suggesting changes which have subsequently been incorporated. The draft report and proposals were also submitted to the Leader of the Council and Executive Management Team for comment.

Effect on Corporate Objectives

17. The agreement of a coherent and workable set of operating guidelines governing Portfolio Holder meetings will lead to more efficient and effective decision making, thereby assisting the Council in meeting all its corporate objectives.

Conclusions/Summary

18. It is considered that the recommendations in this report, if agreed, will provide much-needed clarity regarding the place of Portfolio Holders' meetings within the decision-making structure. Such clarity is vital to the effective corporate governance of the Council as it embraces new ways of working as part of its improvement journey.

Recommendations

19. (1) That the following objective for Portfolio Holder meetings be agreed:

“To provide a timely public forum for

- The determination of decisions falling within each Portfolio Holder's remit
- The agreement and subsequent monitoring of service plans and other performance information within that remit.
- The consideration, including appropriate pre-scrutiny, of certain matters for subsequent determination by the Cabinet and Council.”

- (2) That the following operating guidelines in respect of Portfolio Holder meetings be agreed:

- (i) In the interests of open and transparent government, all Portfolio Holder decisions shall be taken at meetings;
- (ii) The appropriate Corporate Manager, in consultation with the Monitoring Officer, is authorised to determine where, in the case of urgent and unforeseen matters, it is appropriate for a matter to be determined outside a formal meeting.
- (iii) Annual meeting schedules for each Portfolio Holder shall be agreed at his/her first meeting of the civic year or by 30 June, whichever is the earlier.
- (iv) Scheduled meetings shall be cancelled when there is no substantive business to be considered.
- (v) The Portfolio Holder may request that additional meetings are arranged as and when required.
- (vi) Reports to Portfolio Holder meetings shall be presented by the relevant member of the Executive Management Team (Chief Officer, Corporate Manager, the Human Resources Manager or Principal Solicitor), unless other specific arrangements have been agreed in advance between the Portfolio Holder and officer(s) concerned.
- (vii) Each Portfolio Holder shall maintain, for agreement at each meeting, a Forward Plan identifying all matters relevant to the Portfolio which it is believed are likely to be the subject of consideration and/or decision by the Portfolio Holder, Cabinet, Council, or any other constituent part of the Council. The plan shall be updated as necessary and published on the Council's website following each meeting; the Portfolio Holder shall be responsible for the content and accuracy of their forward plan.

- (viii) That Portfolio Holder agenda should not, save in exceptional circumstances, contain either reports 'to follow' or items for verbal update.
- (ix) Reports and recommendations shall be set out on the corporate template. Decision notices are not required for matters to be decided at Portfolio Holder meetings, however they shall continue to be used if a decision is required to be taken outside of a formal meeting.

Background Papers: the following background papers were used in the preparation of this report:

The Council's Constitution

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