

REPORT TO COUNCIL

REPORT OF: CORPORATE MANAGER – DEMOCRATIC AND LEGAL SERVICES

REPORT NO. DLS60

DATE: JANUARY 2006

TITLE:	RECOMMENDATIONS FROM THE CONSTITUTION AND ACCOUNTS COMMITTEE HELD ON 9 TH JANUARY 2006
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	N/A
CORPORATE PRIORITY:	CORPORATE GOVERNANCE AND MANAGEMENT OF COUNCIL BUSINESS
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	THIS REPORT IS PUBLICLY AVAILABLE VIA THE COUNCIL'S WEBSITE – WWW.SOUTHKESTEVEN.GOV.UK UNDER "LOCAL DEMOCRACY – AGENDA AND MINUTES"
BACKGROUND PAPERS:	MINUTES OF THE MEETING OF THE CONSTITUTION ACCOUNTS COMMITTEE DATED 9 TH JANUARY 2006

1. INTRODUCTION

- 1.1 At its meeting on the 9th January 2006 The Constitution Accounts Committee made the following decision that requires the approval of the Council as it relates to recommended amendments to the Constitution.

2. DETAILS OF THE REPORT

EXTRACT FROM MINUTES CONSTITUTION AND ACCOUNTS COMMITTEE MONDAY, 9 JANUARY 2006

25. RECOMMENDATIONS FROM THE SCRUTINY CO-ORDINATING GROUP

Decision

To request the Council to approve the following amendments to the Constitution:

- 1) That the right of Chairmen or Vice-Chairmen (at the request of the Chairmen) to attend open and private cabinet meetings and speak on behalf of their DSP on relevant matters provided that the Chairman (or Vice-Chairman on behalf of the Chairman) reflect the views of the Panel and undertake to communicate those deliberations of the cabinet meeting back to the DSP.***
- 2) That reciprocal arrangements be granted to the Cabinet Portfolio Holders to attend and speak at relevant DSP meetings.***
- 3) That provision for Chairmen or Vice-Chairmen of DSP's should be made within the Constitution to allow them to speak at Cabinet meetings before debate of a relevant DSP item.***

Members had before them report DLS50 which concerned recommendations that had come out of a recent Scrutiny Co-ordinating Group meeting. The report dealt with attendance of Chairmen or Vice-Chairmen of DSP's attending Cabinet meetings. Members of the Scrutiny Co-ordinating group felt that the Constitution should be revised to ensure that it is the right of Chairmen or Vice-Chairmen of DSP's to address the Cabinet on behalf of their Panel on any item of relevance to that Panel. Also that Chairmen or Vice-Chairman should be able to attend private cabinet meetings.

Members had mixed views over the proposals but the consensus was that private cabinet meetings should remain private. The Chief Executive did clarify that a private cabinet meeting had not been held over the last year. Private briefings had taken place but no decisions were taken at these meetings and it would be a rare occurrence where a decision had to be taken in camera which would necessitate a private cabinet meeting. Members felt that the DSP Chairmen and Vice-Chairmen were given the opportunity to speak at Cabinet and the Leader of the Council said that she had never denied any of the Councillors the opportunity to and never would.

The Chief Executive said that the Chairmen and Vice-Chairmen of the DSP's were trying to achieve better pre-scrutiny of issues on the forward plan which was behind their request. It was felt that if the recommendation was agreed that it should state that the Chairman/Vice-Chairman was properly reflecting the views of the Panel and that the findings of the meeting should be reported back to the Panel.

A comment was then made about the call-in procedure and reference was made to the last call-in and its validity. The Corporate Manager Democratic and Legal Services clarified to the Committee the role of the DSP's and the call-in procedure rules as defined in the Local Government Act 2000. The Chief Executive said that questions had certainly been discussed at the call-in and responses given.

An amendment was proposed and seconded that arrangements be made for the Portfolio Holders to speak at DSP meetings. On being put to the vote the amendment was lost. The original recommendation was then proposed with the addition that the Chairman or Vice Chairman (who attended at the Chairman's request) reflect the views of the Panel to the Cabinet and that the outcome of the meeting be reported back to the DSP. This was proposed and seconded and the recommendation carried.

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