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Date: 4th May 2016

Dear Sir/Madam,

A meeting of the **Scrutiny Leadership Group** will be held at the **Ebbw Room, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 10th May, 2016** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

- 1 To receive apologies for absence.
- 2 Declarations of interest
Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution, and the Code of Conduct for both Councillors and Officers.
- 3 To approve and sign the following minutes:- 28th January 2016.
- 4 Scrutiny Review Draft Protocols.

Circulation:

Councillors L. Ackerman, Mrs E.M. Aldworth, Mrs P. Cook, H.W. David (Chair), W. David, D.T. Davies, C.P. Mann, S. Morgan (Vice Chair), J. Pritchard and D. Rees

A greener place Man gwyrdach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



And Appropriate Officers



SCRUTINY LEADERSHIP GROUP

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON THURSDAY, 28TH JANUARY 2016 AT 5.00 P.M.

PRESENT:

Councillors:

Miss L. Ackerman, Mrs P. Cook, H. David, W. David (Acting Chair), D.T. Davies and C. Mann.

Together with:

A. Price (Interim Head of Democratic Services and Deputy Monitoring Officer) and C. Forbes-Thompson (Scrutiny Manager).

1. APOLOGIES

Apologies for absence were received from Councillors Mrs E.M. Aldworth, S. Morgan, J. Pritchard and D. Rees

2. CHAIR

In the absence of the Councillor H. David (Chair) at the beginning of the meeting and the absence of Councillor S. Morgan (Vice Chair) it was proposed and seconded and unanimously supported that Councillor W. David would Chair the meeting.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

4. MINUTES – 29TH OCTOBER 2015

RESOLVED that the minutes of the Scrutiny Leadership Group meeting held on the 29th October 2015 be approved as a correct record and signed by the Chair.

REPORTS OF OFFICERS

Consideration was given to the following reports.

5. SCRUTINY COMMITTEE FORWARD WORK PROGRAMMES

Mrs Forbes-Thompson confirmed that there had been no consultation responses to the draft work programmes and no further changes, Members therefore endorsed the work programmes for the period February to April 2016. It was noted that changes to the work programmes would be implemented following the AGM in May 2016 as agreed in the Scrutiny

Review.

Members sought clarification on the arrangements for information reports, it was explained that from May 2016 there will be a maximum of four items on each scrutiny committee agenda, which will all be discussed. At present scrutiny committee agendas have a section for 'information' reports which can be called forward for discussion. From May 2016 this section will no longer be included. However the scrutiny committee, when determining its work programme could decide that an 'information' item should be included on the agenda as one of the four items.

It was requested that a list of the scrutiny review recommendations is circulated again to all SLG members.

It was noted that Miss Price would shortly be leaving the Local Authority and Members took the opportunity to offer their best wishes for the future and thank her for her work as Interim Head of Democratic Services.

The meeting closed at 17.33p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 10th May 2016 they were signed by the Chair.

CHAIR



SCRUTINY LEADERSHIP GROUP – 10TH MAY 2016

SUBJECT: SCRUTINY REVIEW DRAFT PROTOCOLS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 For Scrutiny Leadership Group to consider and comment on the draft protocols in respect of forward work programmes and requests for reports from Members and the Public.

2. SUMMARY

- 2.1 This attached protocols outline the process for consideration by scrutiny committees of their forward work programmes and requests for reports, in order to implement the changes agreed by Council in October 2015 under the Scrutiny Review. Scrutiny Leadership Group is asked to comment on the draft protocols.

3. LINKS TO STRATEGY

- 3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation.

4. THE REPORT

- 4.1 The recommendations of the Scrutiny Review were agreed by full Council on the 5th October 2015. The following recommendations were endorsed:

- That a limit of no more than 4 items is placed scrutiny agendas.
- That there is a limit placed on the number of special scrutiny meetings held per scrutiny committee, of two additional meetings per annum, with priority for MTFP.
- Cabinet and scrutiny forward work programmes to include brief narrative on key issues to be covered in the Reports.
- Scrutiny committees will discuss their forward work programmes at each meeting.
- A prioritisation matrix is developed for requests for reports from Members and the public.
- That guidance on the format and content of the Cabinet Members' written statement is developed. A new protocol developed to provide that the statement is in writing and is shared ahead of the relevant meeting with Scrutiny committee Members and placed on the Members' portal, in advance of the scrutiny meeting. The protocol will give advice on the type of information to be included in the statement.

- 4.2 The appendices attached to this report outline the process to be followed for forward work programmes (appendix 1) and requests for reports (appendix 2). Scrutiny Leadership Group is asked to consider these protocols and comment.

5. EQUALITIES IMPLICATIONS

5.1 This report is for information purposes, so the Council's EqIA process does not need to be applied.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications not contained in the report.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications not contained in the report.

8. CONSULTATIONS

8.1 There are no consultation responses not contained in the report.

9. RECOMMENDATIONS

9.1 Scrutiny Leadership are asked to comment on the draft protocols.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To ensure that scrutiny committee forward work programmes are published.

11. STATUTORY POWER

11.1 Section 21 of the Local Government Act 2000.

11.2 Local Government (Wales) Measure 2011.

Author: Catherine Forbes-Thompson, Interim Head of Democratic Services
Consultees: Chris Burns, Interim Chief Executive
Christina Harray, Corporate Director Communities
Nicole Scammell, Acting Director Corporate Services and Section 151 Officer
Dave Street, Corporate Director Social Services
Gail Williams, Interim Head of Legal Services and Monitoring Officer

Appendices:
Appendix 1 Forward Work Programme Protocol
Appendix 2 Requests for Reports Protocol



PROTOCOL FOR SCRUTINY COMMITTEE FORWARD WORK PROGRAMMES

INTRODUCTION

This protocol provides guidance for Scrutiny Committee Meetings when developing forward work programmes and the recommendation of the Scrutiny Review 2015 in respect of limiting the maximum number of reports on scrutiny agendas to four.

Cabinet Work Programmes

Scrutiny committees determine if a report on the cabinet work programme should be considered by the scrutiny committee prior to a decision being taken by Cabinet. The cabinet work programme includes **a narrative** to help the scrutiny committee determine if the report will contain key issues, such as:

- A strategic or controversial nature
- Are likely to have a significant effect on the delivery of council services across the county borough
- Have a significant element of risk or financial implications

The narrative includes the likely recommendations and a very short summary about the reasons for the recommendations (if they are known), including any important facts about the background that will be presented to Cabinet. Scrutiny committees can also ask Cabinet Members or Officers who are present at the meeting for more detail when they are discussing the forward work programme.

PROCEDURE

The procedure for developing scrutiny forward work programmes is as follows:

- The forward work programme template (appendix 1) is discussed by each scrutiny committee meeting once per annum to develop the 'year ahead' for meetings from May onwards. This 'year ahead' work programme will be published on the council website for public consultation.
- The scrutiny work programme is pre-populated with reports that are regularly considered, such as Improvement Objectives and Budget monitoring, which scrutiny committee can amend or accept.
- The Cabinet Member statement includes issues that scrutiny committee may decide to add to their work programme (see Cabinet Member Statement Protocol).
- The scrutiny work programme is accompanied by:
 - The Cabinet work programme (appendix 2).
 - Report requests from Members and the public.
 - Report referrals from Audit Committee or Standards Committee.
 - Details of recommendations or planned work by Auditors, Regulators or Inspectors.

- Scrutiny Committee determines which items it will add to its work programme, up to a maximum of 4 items per meeting (which will all be discussed); there will be no information items.
- The prioritisation matrix (appendix 3) assists the committee to determine which reports are added to the work programme.
- Scrutiny committee reviews its work programme at every meeting (6 weekly) alongside changes to the cabinet work programme and any new requests for reports.
- Scrutiny Chairs can alter the work programme (whilst still keeping agendas to 4 items) in order to accommodate 'urgent' items and will update the scrutiny committee at the next meeting. Any items removed from the work programme to accommodate 'urgent' items can be considered at the next available meeting if scrutiny committee decides it is still appropriate.
- The revised scrutiny committee work programme is updated on the Council website following each meeting.

PROTOCOL FOR SCRUTINY COMMITTEE FORWARD WORK PROGRAMMES
Appendix 1

Scrutiny Committee Forward Work Programme May 2016 to April 2017			
Meeting Date:			
Subject – (The report title will be listed here - a maximum of 4 agenda items per meeting)	Purpose – (This explains the purpose of the report being considered by scrutiny committee – these are the main examples)	Key Issues – (This will list the key issues to be contained in the report – similar to the report summary)	Witnesses – (This will be the Officers, external witnesses or key stakeholders, identified by the Scrutiny Committee, who will be invited to attend and give evidence)
e.g: Policy & Resources - WHQS and Sheltered Housing Complexes	<p style="text-align: center;">Pre-decision Scrutiny</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> Reports from the Cabinet Forward Work programme which Scrutiny decides to consider before decisions are taken by Cabinet. </div>	Additional measures needed to expand capacity to cope with the volume of work. An alternative approach to implement the WHQS programme in sheltered schemes Work could be out sourced to a suitable multi-disciplinary consultancy leaving just the client role in house.	<ul style="list-style-type: none"> - Officers - Caerphilly Homes Tenants Representatives
e.g: Education for Life - Caerphilly County Borough Library Service MTFP 2015/17 – Revised ‘tiering of delivery’ options for consideration	<p style="text-align: center;">Policy Development/ Consultation</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> Scrutiny Committee in consultation with Director will identify reports which require consultation </div>	Revised saving options for the Council’s Public Library Service, based on the outcome of an initial consultation with Education for Life Scrutiny Committee. Option 3, retention of the present network of service points but opening on a reduced core hour’s basis.	<ul style="list-style-type: none"> - Officers
e.g: Health Social Care & Wellbeing - Budget Monitoring Report	<p style="text-align: center;">Budget Monitoring</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> Scrutiny Committee in consultation with Director will identify reports for this area. </div>	Projected financial position for the Social Services Directorate for the 2015/16 as at month 3 (June 2015). The 2015/16 savings targets that have been achieved, and the progress that has been made towards delivering the targeted savings that have not yet been achieved.	<ul style="list-style-type: none"> - Officers

PROTOCOL FOR SCRUTINY COMMITTEE FORWARD WORK PROGRAMMES
Appendix 1

Subject – (The report title will be listed here - a maximum of 4 agenda items per meeting)	Purpose – (This explains the purpose of the report being considered by scrutiny committee – these are the main examples)	Key Issues – (This will list the key issues to be contained in the report – similar to the report summary)	Witnesses – (This will be the Officers, external witnesses or key stakeholders, identified by the Scrutiny Committee, who will be invited to attend and give evidence)
e.g: Regeneration & Environment - Improvement Objective No. 4 - Improve Awareness, Access, Variety and Use of Leisure, Community and Sporting Facilities	<p>Performance Management</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Explanation: Scrutiny Committee in consultation with Head of Performance & Property will identify reports for this area. Scrutiny to decide if it is for annual dedicated Performance Management Meeting.</p> </div>	<p>This “dashboard” of key performance indicators (PI’s) to monitor progress against targets. Includes national PI’s which are benchmarked and compared against other Local Authorities. Local PI’s are monitored to show trends in performance. The attached dashboard demonstrates where improvements have been made and where actions are in place to further improve areas where targets have not been achieved.</p>	<ul style="list-style-type: none"> - Officers
e.g: Policy & Resources - Use of Bed and Breakfast Accommodation to Prevent Homelessness	<p>Members/ Public Requests,</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Explanation: Scrutiny Committee will decide if a report will be added to the work programme</p> </div>	<p>Information in respect of the use of Bed and Breakfast accommodation within the county borough for households presenting to the Authority as homeless. Information relating to the Authority’s activities both before and after the implementation of the Housing (Wales) Act 2014, which has introduced major changes to the way in which homelessness clients must be assisted and housed.</p>	<ul style="list-style-type: none"> - Officers - Residents Group - Homelessness Charity

PROTOCOL FOR SCRUTINY COMMITTEE FORWARD WORK PROGRAMMES

Appendix 2

CABINET FORWARD WORK PROGRAMME		
30TH SEPTEMBER 2015	Key Issues	Cabinet Member
CCBC LDP up to 2021: 2015 Annual Monitoring Report	CIL introduced on 1st July 2014, no planning applications approved and on site after that date. No income was raised in the monitoring period and no schemes have been undertaken. The 2013 AMR findings remain the same for the 2015 AMR. The lack of a five-year supply of housing needs to be addressed.	Cllr. K. James
Annual Performance Report	The Performance Report is a statutory requirement under the Local Government (Wales) Measure 2009 and an important part of the Council's Performance Framework. The Councils' assessment of its own performance and provide the public with a balanced picture of that performance. How council performed against the Improvement Objectives it set itself for 2014/2015.	Cllr. D. Hardacre
Butetown Conservation Area Appraisal and Conservation Area Management Action Plan	Approval required to adopt supplementary planning guidance to the Caerphilly County Borough Local Development Plan up to 2021 (LDP).	Cllr. K. James
'Rural Development Plan (RDP) Funding 2014-2020'	Cabinet to endorse the commencement of the RDP Programme within Caerphilly and Blaenau Gwent County Boroughs.	Cllr. K. James
Proposed inspection programme for council properties	The consider introducing more formal arrangements for regular property and tenancy inspections for Caerphilly Homes.	Cllr. D. Poole

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PROTOCOL FOR REPORT REQUESTS

INTRODUCTION

This protocol provides guidance on how Scrutiny Committees consider report requests.

BACKGROUND

Requests for reports can be made by Scrutiny Committee Members, the public and stakeholders and this procedure seeks to clarify the process for determining how the requests will be dealt with.

The Local Government Act 2000 gave the Scrutiny Committee Members the right to request reports be added to agendas for scrutiny committees. Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee (including delegated powers decisions subject to scrutiny) to be included on the agenda for, and be discussed at, a meeting of the committee or sub-committee.

The Council's Constitution also states that:

1. Any ten members of the Council who are not members of the overview and scrutiny committee may give written notice to the proper officer that they wish an item to be included on the agenda of a named overview and scrutiny committee. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the relevant overview and scrutiny committee for consideration by the committee.
2. Any councillor not in any political group may request the chairman to include an item on the agenda of the next meeting.
3. The overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committee shall report their findings and any recommendations back to the Council and/or executive.

PROCEDURE

The prioritisation form (appendix 1) assists the committee to determine which report requests are added to the scrutiny committee work programme and when. The aim is to ensure that the scrutiny committee prioritises its agendas and reduces the number of items it discusses.

All scrutiny committee members have the right to request that items be added to agendas, and this procedure aims to assist those Members to identify the purpose and benefit of a report being submitted to the scrutiny committee and also explore other means to receive information. In addition it will assist scrutiny committees in understanding the purpose and their role in scrutinising all reports.

The procedure will be as follows:

Scrutiny Committee Member

- The Scrutiny Manager discusses with the Member the reason, content and outcome desired.
- The Scrutiny Manager in discussion with the relevant Director/Head of Service completes the prioritisation form.
- The Scrutiny Manager liaises with the Member on the outcome of the prioritisation to determine if they still wish to pursue their request or if an alternative means of resolving the issue or providing the information can be identified. For example: information provided on the Members Portal, Council Website, and email.
- The summary sheet listing all requests received in priority order will be submitted to the respective scrutiny committee along with the individual prioritisation forms at every meeting (appendix 2).
- Scrutiny Committee determines which requests are added to the work programme in consultation with Senior Officers at the Scrutiny meeting (with due regard to the statutory right of scrutiny committee members for items be added to an agenda).

Other Report Requests

The Scrutiny committee will also consider requests from Councillors who are not members of the scrutiny committee, members of the public and stakeholders. The following procedure is followed:

Councillor, Public and Stakeholders

- The Scrutiny Manager will determine the reason, content and what outcome is desired. The criteria for report requests will be applied (appendix 3)
- If the criteria are not met the Scrutiny Manager will contact the person/stakeholder to inform them of the outcome.
- If the criteria are met the Scrutiny Manager in discussion with the relevant Director/Head of Service will complete the prioritisation form.
- The summary sheet listing all requests received in priority order will be submitted to the respective scrutiny committee along with the individual prioritisation forms at every meeting.
- Scrutiny Committee will determine which requests are added to the work programme in consultation with Senior Officers at the Scrutiny meeting.
- Where it is determined that an item will not be added to the work programme the outcome will record if it is to be considered elsewhere, ie by a different committee or task and finish group or if it will be dealt with in a meeting with Officers.
- Where requests are not added to the work programme, the Scrutiny Manager will contact the person/stakeholder who made the request with the reasons for the refusal and the outcome.

Prioritisation of Report Requests for Scrutiny Committee Forward Work Programmes

Topic	Requested By	Date Requested	Scrutiny Committee
Selection Criteria		Yes/No	Score (yes=1 No= 0)
Issue of Strategic Importance			
Evidence of Poor Performance			
Significant Budget Issue			
Corporate Priority			
Service Improvement Plan – High Risk			
Corporate Risk Register			
Recommendation by Auditor, Regulator or Inspector			
Evidence of Public Dissatisfaction – (e.g. Public Satisfaction Survey)			
Scrutiny can make recommendations			
Change to Legislation or Guidance			
Total			
Mitigation, consider the following			
Is the issue within the terms of reference for the scrutiny committee?			
Issue will be affected by planned legislation or guidance due within 12 months			
Scrutiny has already dealt with this issue within last 12 months			
Scrutiny cannot make a recommendation – legal requirement			
Comments:			

Summary Sheet for Report Requests

Priority Order	Topic	Score (mitigation comments)	Outcome
1			
2			
3			
4			
5			

Criteria for Report Requests

Criteria – issues already on forward work programme

The following criteria will assist the Chair when determining if a request from a member of the public or stakeholder to give evidence at scrutiny committee can be accommodated:-

- The request refers to an issue already on a scrutiny committee forward work programme.
- The request is not deemed vexatious, discriminatory or there have been repeated similar requests.
- The request is not being made to highlight a specific complaint (complaints should be dealt with in accordance with Council's complaints procedure).
- The member of the public or stakeholder has given evidence on the same issue within the last 12 months.

Criteria – issues not on forward work programme

The scrutiny committee will consider the request based on the following criteria:-

- The issue is within the terms of reference of the scrutiny committee.
- The scrutiny committee has the responsibility to prioritise issues according to the time available to it and will use the attached prioritisation matrix to help it determine its priorities.
- The request is not deemed vexatious, discriminatory, or there have been repeated similar requests.
- The request is not being made to highlight a specific complaint (complaints should be dealt with in accordance with Council's complaints procedure).
- The scrutiny committee has not already considered the issue within the last 12 months.

Third Parties

If the request involves the attendance by a 3rd party organisation it should be noted that the Council could request but not compel that organisation to attend.

Outcome

Following representations from and discussions with members of the public or stakeholders, the scrutiny committee may decide on the following:-

- To alter, amend or make recommendations to a report.
- To undertake further scrutiny of the issue and commission a further report or undertake other activities.
- To call upon a 'Designated Person' to attend a future scrutiny committee.
- To set up a task and finish group to undertake a detailed review of an issue.

Explanatory Notes

Designated Person

The Local Government (Wales) Measure 2011 places a duty on local authority scrutiny committees to scrutinise other public service providers in its area. Section 61 of the Measure gave Welsh Ministers powers to “designate” individuals and organisations to be subject to scrutiny by local authority scrutiny committees. Welsh Government is in the process of consulting on which public service providers will be included in the first Ministerial Order.

Vexatious/Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Discriminatory

“Discrimination” can be described as when person (A) discriminates against person (B) on the grounds of real or perceived differences, background or individual circumstances, where A treats B less favourably than he treats others.

The Equality Act 2010 has extended the groups of people who have the right not be discriminated against. People who belong to these groups have what are called protected characteristics. The 2010 Act now also protects you if people in your life, such as family members, friends or co-workers have a protected characteristic and you are treated less favourably because of that.

Other groups are covered by various UN Conventions, EU, UK and Welsh Government legislation and regulations (e.g. on Human Rights and Welsh Language). The Council’s Strategic Equality Plan 2012 has greater detail on this.

If you are treated worse because someone thinks you belong to a group of people with protected characteristics, this is discrimination.

The characteristics that are protected by the Equality Act 2010 are:

- age
- disability
- gender identity and gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

If you have one or more of these protected characteristics, it is also now against the law to treat you the same as everyone else if this treatment will put you at a disadvantage.