



SCRUTINY MANAGEMENT PANEL

MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, TREDOMEN ON THURSDAY 1ST DECEMBER 2005 AT 5.00 PM

PRESENT:

Councillor K.V. Reynolds - Chairman

Councillors:

R.T. Davies, Mrs C. Forehead, K. James, Mrs R. Passmore, A.S. Williams and T.J. Williams

Together with:

T. Peppin (Head of Policy and Central Services), J. Jones (Scrutiny Co-ordinator) and S. Hopkins (Scrutiny Research Officer)

APOLOGIES

Apologies for absence were received from Councillors Ms E.E. Forehead, D.M. Gray and Ms A. Morgan.

1. APPROVAL OF MINUTES 12TH OCTOBER 2005 AND MATTERS ARISING

The Minutes were moved and approved as accurate. All outstanding actions had been completed:

- **ACTION – Scrutiny Support Unit to schedule a morning Supporting Improvement Session**
This has been completed
- **ACTION – Supporting Improvement Sessions to be promoted via all member letter, Scrutiny Spotlight, announcements at Scrutiny Committees etc**
This has been completed
- **ACTION – WAO to feedback their views to Scrutiny Management Panel upon the conclusion of the Supporting Improvement Sessions**
The sessions will be complete in mid 2006. Results will be fed back to the Scrutiny Management Panel accordingly
- **ACTION – Scrutiny Support Unit to provide a list of outstanding reports by Scrutiny Committee to the next Scrutiny Management Panel meeting**
This has been completed and is at Agenda Item No. 5

- **ACTION – Task and Finish Group recommendation progress tables to be presented to Scrutiny Committees as information items and to Scrutiny Management Panel on a twice yearly basis**
The information will be presented to Scrutiny Committees and Scrutiny Management Panel every six months
- **ACTION – Mrs Hopkins to redistribute confirmed and cancelled SMP dates to members**
This has been completed

2. WAO SUPPORTING IMPROVEMENT SESSIONS UPDATE – VERBAL REPORT

Mr Jones presented the Panel with a verbal update on the Supporting Improvement Sessions undertaken by the Wales Audit Office (WAO) to date. Members were reminded that as outlined in the last meeting of the Scrutiny Management Panel in October 2005, colleagues from the WAO had now commenced delivery of Supporting Improvement Session in CCBC.

The Panel was informed that to date the WAO had facilitated 3 of the 7 planned joint learning sessions for mixed groups of members and officers. The aim of these sessions is to enable members to challenge, question and listen more effectively. Additionally, they will assist officers to identify communication techniques to help scrutiny committees' discharge their roles and responsibilities effectively.

Mr Jones stated that feedback from attendees to date had been very positive, and informed the Panel that approximately fifty members had registered to attend the sessions.

Cllr Reynolds was pleased to note that the sessions were so well attended and commented that the agreed action to promote the sessions at Scrutiny Committees had proved beneficial.

Cllr Forehead informed that group that she had attended a session and thought it was very useful. She stated that the WAO and Scrutiny Support Unit were to be commended for their work in organising and facilitating the sessions.

Cllr Davies enquired as to the number of officers who had committed to attending the sessions. Mr Jones informed the Panel that approximately fifty officers from across all Directorates had registered to attend.

Mr Jones stated that he was delighted with the number off attendees and the quality of input at the sessions, and stated that this shows the commitment of members and officers to the improvement of the scrutiny function. In light of the increased interest among members with regard to what information should be presented to Scrutiny Committees, Mr Jones said that Mr Ian Medicott (Monitoring Officer) would like to attend the next meeting of the Scrutiny Management Panel. Members' views would be sought on the extent of consultation with Scrutiny Committees. The views of the Panel would then be fed into Corporate Management Team (CMT).

Members agreed this course of action, and Cllr Reynolds emphasised the importance of pre-decision scrutiny, and welcomed a further discussion on the subject with Mr Medicott in order to ensure that Scrutiny Committees are consulted on all key decisions.

- **ACTION – Mr Medicott to prepare a paper on consultation and present it to the Scrutiny Management Panel on 9th February 2006**

Dr Peppin updated the Panel as to the recent Management Network meeting, where attendees took part in a scrutiny exercise facilitated by the Scrutiny Support Unit. Dr Peppin believed that such exercises in addition to the Supporting Improvement Sessions help to drive

the message home to officers that scrutiny is an integral part of the decision-making process and is not an afterthought to Cabinet. Cllr Passmore asked whether the feedback from the Management Network in relation to the exercise had been positive. Dr Peppin confirmed that officers had responded positively to the session.

Cllr James emphasised the importance of forward work programming to the success of Scrutiny Committees, as it provides a clear steer for members and officers as to future workloads and forthcoming issues. The Scrutiny Management Panel agreed.

Finally, Mr Jones was pleased to inform the Panel that the Leader and some Cabinet members had attended or were due to attend the sessions. The Leader had expressed a full commitment to improving services via scrutiny, to the point of agreeing that there may be a possibility to develop a set of shared objectives for Cabinet and Scrutiny Committees in the future.

3. CO-OPTED MEMBERS OF SCRUTINY COMMITTEES

Mr Jones outlined the background to the report, and informed members that co-opted members played a pivotal role at scrutiny in providing first hand knowledge and experience of council service areas. Mr Jones emphasised that in order to maximise the impact and involvement of co-opted members, the following should be reviewed:

- The source and existing number of co-opted members
- Elections for statutory co-opted members
- Rules of procedure for exempt reports

The Panel was informed of the present co-opted membership of Scrutiny Committees in CCBC. Mr Jones stated that Health Social Care and Well-Being Scrutiny Committee has 5 non-statutory co-opted members, representing users and carers and the LHB. The Living Environment Scrutiny Committee has 3 non-statutory co-opted members, representing the Tenant's Participation Forum. Finally, the Education for Life Scrutiny Committee has 4 statutory co-opted members; 3 representing Parent Governors and 1 representing the Roman Catholic Church, and 8 non-statutory co-opted members; 6 representing various education unions and 2 representing Caerphilly Governors Association.

Mr Jones stated that there are currently 2 statutory co-opted member vacancies on the Education for Life Scrutiny Committee, and that a further vacancy on Health Social Care and Well-Being Scrutiny Committee was imminent with the forthcoming retirement of an existing co-opted member. Mr Jones informed the Panel that these vacancies presented an opportunity to review the situation with regard to co-opted members in its entirety.

Mr Jones outlined the proposed changes to co-option by Scrutiny Committee (subject to further discussion with CMT):

Health, Social Care and Well-Being Scrutiny Committee

The Panel was informed that at present the co-opted members represent users and carers and the Local Health Board (LHB). In order to ensure a more representative cross section of stakeholder representation, it was proposed that representatives from the voluntary sector and organisations representing children and vulnerable adults be co-opted onto the Scrutiny Committee.

Living Environment and Regeneration Scrutiny Committees

Due to the change in the Living Environment Scrutiny Committee's terms of reference, the narrow current representation from the Tenant's Participation Forum should now be revised.

Mr Jones stated that discussions with officers and members had revealed a desire to co-opt a senior member of the Gwent Police Force onto the Committee when discussing crime and disorder related issues. Feedback had also been received regarding the co-option of a traders representative, however the Panel was informed that there had been debate recently over whether town centres should be moved to fall under the remit of the Regeneration Scrutiny Committee, in which event a traders representative may be co-opted to that Scrutiny Committee.

Education for Life Scrutiny Committee

Mr Jones informed the group that at present this Committee is top heavy with co-optees who do not attend committee meetings on a regular basis. In particular, the statutory co-optees had not attended a Scrutiny Committee meeting for over two years, and as such Mr Jones proposed that the Panel consider replacing these members. The non-statutory co-optees consist of six trade union representatives and two Caerphilly Governors Association representatives. Mr Jones proposed that one trade union and one CGA representative would be sufficient, and would allow for the co-option of other stakeholders. Cllr Passmore, Chair of Education for Life, suggested the co-option of a representative from the Youth Forum. Cllr Passmore welcomed the proposal to slim down membership and to encourage more participative co-optees from other stakeholder groups, stating that co-optees who didn't attend or contribute to the scrutiny function resulted in a loss of valuable expertise.

Mr Jones stated that in order to maximise the impact of co-opted members, the provision of further training and support was essential. Cllr Reynolds queried the training arrangements for co-optees, and was informed that all Scrutiny training offered to elected members was also offered to co-opted members, although take up was poor. Cllr Reynolds suggested that in order to combat this problem training should be made a requirement for all co-opted members, and that the same rules with regard to attendance should apply to elected and co-opted members – non-attendance for more than 6 months should result in termination of Scrutiny Committee membership for co-opted members.

Policy and Resources Scrutiny Committee

Mr Jones stated that at present the terms of reference for this Committee did not present an opportunity for co-opting members.

Finally, Mr Jones addressed the Panel on the topic of rules of procedure for the presentation of exempt items at Scrutiny Committees. The Panel were informed that to date inconsistent advice had been given to Chairs of Scrutiny Committees with regard to the position of co-optees when discussing exempt items. Mr Jones proposed that statutory co-optees be required to sign the Code of Conduct for Members, to enable them to stay in Committee and take part in discussion relating to any exempt report that falls within the Committee's terms of reference. It was further proposed that non-statutory co-optees be required to sign a confidentiality agreement, to enable them to stay in Committee and take part in discussion relating only to exempt items that are relevant to the organisation they represent. Mr Jones invited the Panel's comments in relation to the proposals.

Cllr Reynolds stated that the Council's Constitution should be strengthened on the arrangements for co-opted member to reflect the proposals and discussion that had taken place. The Panel agreed that compulsory training, actions taken in the case of non-attendance and rules of procedure for exempt items were key in this area.

Cllr James stated that he welcomed co-optees on Scrutiny Committees, and was in favour of the introduction of a compulsory programme of training to provide co-opted members with the knowledge and skills they need to fully participate in Scrutiny Committee meetings. In relation to the co-option of traders representatives, Cllr James stated that as most traders don't live in the area in which they trade, they may not have a strategic interest in the wider issues

discussed at Scrutiny Committee meetings.

In response, Mr Jones stated that this issue had been raised at an officer level, and recognised that a representative with an interest in all town centres across the County Borough would be the ideal co-opted member. As a means to address the issue, Mr Jones suggested that using the authority's Town Centre Management Group as an advisory group on related issues may be a way forward.

Cllr Passmore raised the issue of training for co-opted members, stating that compulsory training may deter people from becoming co-opted members due to the time intensity issue, and as such training sessions needed to be accessible to all co-optees. Mrs Hopkins informed the group that as far as practicably possible, the Scrutiny Support Unit aimed to provide training sessions during the morning, afternoon and evening to accommodate all needs.

Cllr Reynolds suggested that it may be possible to co-opt a Trade Union representative onto the Policy and Resources Scrutiny Committee, pending further research into the issue.

Cllr T Williams expressed the view that, as mentioned previously, the issue of town centres should fall to the Regeneration Scrutiny Committee, and welcomed the co-opted members that this would bring to that Committee. However, Cllr Williams strongly felt that co-opted members should not be allowed to stay in the Committee or take part in the discussion of exempt items, despite signing the Code of Conduct or confidentiality agreement. He stated that co-optees aren't accountable to the Standards Committee as Councillors are, and as such there was no recourse for them if they breached the Code of Conduct or confidentiality agreement.

Mr Jones asked the group for a show of hands in relation to the issue of exempt information. Cllrs Davies and James proposed that the Monitoring Officer, Mr Ian Medicott, should attend to speak on the legal implications inherent in the issue. The Panel agreed this course of action.

- **ACTION – Mr Medicott to attend the Scrutiny Management Panel on 9th February 2006 to discuss the issue of rules of procedure for exempt items in relation to co-opted members**

4. FORWARD PROGRAMME/OUTSTANDING REPORT REQUESTS

Mr Jones informed the Panel that this report was presented following Council's decision in May 2005 to merge the Cabinet and Scrutiny forward programmes of work. He stated that the first joint programme had been published on 15th November, to ensure that the Cabinet and Scrutiny functions are seen to be part of the forward planning process in CCBC, and to enable Scrutiny Committee members to see what will be presented at Cabinet and Scrutiny for the next 12 weeks. Members were directed to the first appendix of the report, which was the joint forward programme from November 2005 to February 2006. Mr Jones explained that this was a first attempt, and that over time he hoped to include further detail in the forward programme including details of financial reports, Community Strategy update reports etc.

Mrs Hopkins distributed Appendix 2, tables of reports requested by members by Scrutiny Committee. The Panel was informed that the aim of these tables was to allow members to track the progress of report requests, and that the tables would appear with the forward programme as information items on all future Scrutiny Committee agendas.

Cllr Passmore advised the Panel that in the past she had made requests for reports to individual officers, not at meetings or via the Scrutiny Support Unit. Mrs Hopkins suggested that if members had done this they should email copies of report requests to the Scrutiny Support Unit in order for them to be tracked by the new system.

- **ACTION – Cllr Passmore to forward report requests to Mrs Hopkins for inclusion on the record tables**

Cllr T Williams stated that as Chairs and Vice-Chairs of Scrutiny Committees, the Panel should be aware of all report requests, and welcomed the proposed system as a means of monitoring outstanding report requests. Cllr Reynolds agreed, and recognised the need to centralise report requests at the Scrutiny Support Unit for presentation at every Scrutiny Committee meeting.

Cllr Davies suggested that all report requests should, in future, be directed to the Scrutiny Support Unit to be recorded. Cllr Reynolds suggested that the protocol for requesting reports should be standardised within the Council's Constitution. The Panel agreed that a standard approach would aid the process of recording and monitoring report requests.

- **ACTION – Scrutiny Support Unit to liaise with Ian Medicott regarding the current and future procedures for requesting reports**

Cllr A Williams emphasised the need for members to differentiate between requests for formal Scrutiny Committee reports and requests for information that could be provided informally.

Cllr Passmore stated that the recording and monitoring of reports requested by members would be key to the success of Scrutiny, and acknowledged the substantial additional work that would be generated for the Scrutiny Support Unit. The Panel agreed.

5. REVISED GUIDANCE ON THE OPERATION OF SCRUTINY

Mrs Hopkins informed the Panel that following the changes to the operation of scrutiny agreed by full council in May 2005, the Scrutiny Support Unit's "Guidance on the Operation of Scrutiny" had been revised. The Panel was reminded that the document contained an introduction to scrutiny, and outline of the processes and procedures involved in the function, the rules of procedure for Scrutiny Committee meetings, information on Task and Finish Groups and the terms of reference for each Scrutiny Committee.

Mrs Hopkins outlined the main changes to the Guidance as follows:

1. **Scrutiny Committee Portfolios** The Scrutiny Committees have been realigned with the themes of the Council's Community Strategy. This has resulted in a change to the Committees' terms of reference.
2. **Better Performance Management Monitoring** Each Scrutiny Committee now holds 2 performance management specific meetings each year.
3. **Improved Openness and Transparency** In line with the Cabinet Forward Work Programme, Scrutiny Committees will publish detailed forward programmes of work on a 12-weekly basis. In addition, Delegated executive decisions taken by the Chief Executive, Directors and heads of Service must be published on the intranet, and some may be subject to call in.
4. **Strategic Forward Work Programmes** Forward work programmes will concentrate on the strategic corporate agenda contained in the Community Strategy, the Corporate Improvement Plan and the Cabinet Forward Work Programme.
5. **Strengthened Consultation Arrangements** Cabinet will consult Scrutiny Committees on all 'key decisions' contained in the Cabinet Forward Work Programme
6. **New Roles for Cabinet Members** Cabinet members will actively participate in scrutiny, via a verbal statement at each meeting, followed by a question and answer session with Scrutiny Committee members
7. **Task and Finish Groups** Member Review Groups have been introduced to undertake 'light touch' reviews of a particular service area

8. **Scrutiny Committee Meetings** A new 'for information' item has been added to Scrutiny Committee agendas to ensure that fewer but more important items are discussed at meetings
9. **Changes to the Call-in Procedure** Certain delegated executive decisions taken by officers at Head of Service level and above and published on the intranet are now subject to call-in. The call-in period for officer decisions expires at the end of the third working day following the date the decision is published on the intranet. In addition, Cabinet decisions can now be called in via email. Physical signatures are no longer required. In addition, the deadline for calling in a decision is now 5pm on the Monday of the week following the Cabinet decision.

Mrs Hopkins proposed that the revised Guidance be circulated to elected and co-opted members, and be made available on the intranet and Internet. The Panel agreed this course of action.

- **ACTION – Mrs Hopkins to distribute the revised Guidance accordingly**

With regard to the terms of reference, Cllr T Williams reiterated his desire for the issue of town centres to fall under the terms of reference of the Regeneration Scrutiny Committee. Mr Jones stated that this change would need to be discussed with CMT and Cabinet as the Town and Village Centre Improvement beacon sat within the Living Environment section of the Community Strategy. He stated that altering terms of reference was an issue that the Scrutiny Management Panel would need to discuss in the coming months. In relation to the Community Strategy, Cllr Passmore stated that she felt she needed to know more about the Community Strategy and beacon projects. Dr Peppin advised her to contact him for any information she required.

6. ANY OTHER BUSINESS

Cllr Reynolds asked for feedback on the recent Viewpoint Panel Questionnaire and public meeting. Mr Jones explained that the results would feed into a new Modernisation Working Group, which will be established to review the modernisation of full Council. The Panel was pleased to note that the response rate to the questionnaire and turn out at the meeting was excellent.

Mrs Hopkins informed the Panel that a result of an enquiry from one chair, the Scrutiny Support Unit had contacted INLOGOV regarding the provision of training for Chairs and Vice-Chairs of Scrutiny Committees. In order to reduce costs, Mrs Hopkins suggested combining the training with Chairs and Vice-Chairs from another local authority. The Panel agreed this course of action, and supported the proposal for in-house training provision by INLOGOV.

- **ACTION – Mrs Hopkins to liaise with neighbouring authorities regarding the provision of shared training by INLOGOV**

7. DATE OF NEXT MEETING

The date of the next Scrutiny Management Panel is 9th February 2006, at 5.00 pm in Committee Room 4.

Mrs Hopkins circulated provisional Scrutiny Management Dates to the end of 2006 as follows:

9th February 2006
23rd March 2006
4th May 2006
15th June 2006

27th July 2006
28th September 2006
9th November 2006
14th December 2006

All meetings to be held at 5.00 pm in Committee Room 4, subject to the availability of members.