



SCRUTINY MANAGEMENT PANEL

MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, TREDOMEN
ON THURSDAY, 9TH FEBRUARY 2006 AT 5.00 PM

PRESENT:

Councillor K.V. Reynolds - Chairman

Councillors:

R.T. Davies, K. James, A.S. Williams and T.J. Williams

Together with:

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

APOLOGIES

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

1. APPROVAL OF MINUTES 1ST DECEMBER 2005 AND MATTERS ARISING

The Minutes were moved and approved as accurate. Updates on outstanding actions were given as follows:

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

Completed

- **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**

Completed

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

Pending

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

Completed

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

Awaiting response from Rhondda Cynon Taff County Borough Council

2. CONSULTATION REQUIREMENTS: SCRUTINY COMMITTEES – VERBAL REPORT

Mr Medicott circulated a brief paper outlining the existing consultation guidance for pre-decision scrutiny. The Panel was reminded that in May 2005, full Council agreed that Cabinet consult with Scrutiny Committees on all 'key' issues contained in the Cabinet Forward Work Programme.

By way of clarification, Mr Medicott proposed guidance for those involved in the Cabinet report drafting/agenda co-ordination process be agreed to ensure consultation with Scrutiny Committees on 'key' issues.

Mr Medicott proposed that 'key' issues that must be referred to scrutiny be defined as:

1. Issues that significantly affect policy or service delivery
2. Issues where there is significant public involvement, or where a Director considers an issue to be controversial
3. Issues where the Director considers there to be a significant element of risk, or where the proposal has significant financial implications for the authority

Mr Medicott emphasised that where key issues are deemed to be urgent, provision for them to bypass scrutiny was essential.

Finally, Mr Medicott proposed that the Corporate Management Team (CMT) make the final decision on whether issues should be subject to pre-decision scrutiny. Cabinet members and Chairs and Vice-Chairs of Scrutiny Committees would influence the CMT decision via their regular meetings with Directors.

Mr Jones stated that the introduction of the reference to Directors in the definition of 'key' issues helped to give a clear line of accountability in decision-making. Mr Jones felt that the proposals would help to improve the decision-making process by providing clarity and transparency in pre-decision scrutiny. Cllr Reynolds agreed, and stated that the proposals would help to achieve the Scrutiny Management Panel's aim of improving the scrutiny function.

Cllr Davies expressed concern about the prescriptive nature of the proposals preventing certain issues from being presented to Scrutiny Committees if they were not deemed to be 'key' decisions under the definition. Mr Medicott assured members that the intention of the proposals was to ensure key decisions are presented to Scrutiny Committees in addition to other important issues. Mr Jones emphasised the need to streamline Scrutiny Committee agendas to include only important issues, in order to give these decisions the proper level of debate.

Members were informed that a report on the wider issue of consultation would be presented to the Scrutiny Management Panel for comment prior to presentation at full Council. The Panel agreed this course of action.

- **ACTION – Mr Medicott to present the consultation report to the Scrutiny Management Panel.**

3. CO-OPTED MEMBERS OF SCRUTINY COMMITTEES – VERBAL REPORT

Mr Medicott explained that this verbal report was a follow on from the report presented by Mr Jones at the last meeting of the Panel. Mr Medicott reminded the Panel that co-opted members played a pivotal role at scrutiny committees in providing first hand knowledge and experience of council service areas. The Panel was reminded that Mr Jones had previously suggested 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

Mr Medicott circulated a brief paper on the rules on co-opted members. The Panel was informed that to some extent the Authority could make it's own rules with regard to co-opted members in order to recognise the validity of their contributions to debates on exempt items in a controlled way.

The Panel was informed that in relation to co-optees with voting rights (statutory co-optees), it was proposed that the current arrangements remain – that they be subject to the Code of Conduct and entitled to stay in Committee for all exempt information items. With regard to co-optees without voting rights (non-statutory), the Panel was reminded that the current position is that they aren't subject to the Code of Conduct and there is inconsistent attendance at exempt items.

Mr Medicott proposed that co-optees without voting rights be required to sign a confidentiality agreement with regard to exempt information items; that they be allowed to stay for exempt information discussions relevant to their co-option, but excluded from others; that they be removed from membership of the committee if they fail to attend for more than six months and that training for co-opted members be made compulsory. The Panel decided that compulsory training was too prescriptive and that co-optees should instead be strongly encouraged to attend training session.

Mr Medicott invited comments from members on the proposals outlined. Cllr James stated that the proposal to remove membership in the case of non-attendance for more than six months needed a provision for the case of long-term illness. Cllr A Williams agreed with the proposal that there should dispensation in the case of illness. Cllr Reynolds suggested that an option for a deputy from the same organisation to attend would remedy this problem. The Panel agreed that the routine of substitution should be built into the proposals.

Cllr Davies stated that with the dispensation for illness accounted for, the limit of six months non-attendance before expulsion was reasonable. He suggested that a continual relay of apologies for non-attendance was unacceptable, and that reasons for absence should be valid. In response to a query from Cllr Reynolds, Mr Medicott confirmed that extension of the six month absence period would be at the discretion of the relevant Scrutiny Committee.

Mr Medicott circulated a second paper outlining the current and proposed membership of co-opted members on Scrutiny Committees:

Health, Social Care and Well-Being

At present there are five non-statutory representatives on this Committee – four user/carer representatives and one Local Health Board representative. Mr Medicott proposed that in addition to these, representatives from the voluntary sector and organisations for children and vulnerable adults should be co-opted onto the Committee.

Cllr James, Chair of Health, Social Care and Well-Being Scrutiny Committee, stated that the

proposal for additional co-optees from organisations for children and vulnerable adults could result in too many members on the Committee. Mr Jones assured Cllr James that he was liaising with the Director of Social Services with regard to the exact number and sources of co-optees and that they would not become onerous.

With regard to representation from the voluntary sector, Cllr A Williams suggested that Mrs Sian Wolfe-Williams of GAVO should be approached for co-option. Mr Jones informed the Panel that he has already discussed this issue with Mrs Wolf-Williams and that there would be future discussions and consideration around the possibility.

Living Environment

There are currently three non-statutory representatives on the Living Environment Scrutiny Committee, from the Tenants' Participation Forum. Mr Medicott proposed the addition of police representation during the discussion of issues relating to community safety. In the event of town centres remaining in the terms of reference of the Living Environment Scrutiny Committee it was also proposed that traders be represented on the Committee.

Regeneration

At present there are no co-opted members on the Regeneration Scrutiny Committee. Mr Medicott proposed that the status quo remain unless responsibility for town centres is moved into the Committee's terms of reference, in which case it was proposed that traders be represented on the Committee.

Education for Life

There are currently four statutory co-optees on this Committee – three Parent Governors and one Roman Catholic Church representative. In addition there are two Caerphilly Governors representatives and six Trade Union Representatives. Mr Medicott proposed that the future co-opted membership should consist of four statutory co-optees – three Parent Governors and one Roman Catholic Church representative, one Caerphilly Governors representative, one Trade Union representative and one Youth Forum representative. In addition, other interested parties could be invited to meetings as required.

Cllr Davies, Vice-Chair of Education for Life Scrutiny Committee, expressed concern about the practicalities of reducing the number of Trade Union representatives from six to one. Mr Jones assured the Panel that this could be workable with the advent of joined up working by trade unions, with one representative who could feed back to the other unions. Cllr Reynolds queried how many Trade Union representatives actually attended the Scrutiny Committee. Mr Jones stated that two representatives attended regularly whilst others varied. Cllr Reynolds suggested slimming the Trade Union Representatives down incrementally. Cllr Davies agreed with the proposal.

Cllr Davies queried whether a Welsh education representative should be co-opted onto the Committee. Mr Jones assured him that the issue would be raised in discussions with the Director of Education and Leisure.

With regard to the proposal for three Parent Governor representatives, Cllr A Williams suggested that this be slimmed to two – one secondary and one primary school representative. The Panel agreed that this proposal was a sensible way forward.

Policy and Resources

At present there are no co-opted members on the Policy and Resources Scrutiny Committee. Mr Medicott proposed that the status quo remain. Members agreed this with the provision that Trade Union representatives could be co-opted if the need were to arise in the future.

Cllr T Williams expressed concern regarding the proposals for exempt information in relation to co-opted members. He stated that as there was not a similar line of accountability as for elected members, co-opted members should be excluded from exempt items. Mr Medicott stated that even if co-optees sign the code of conduct they still aren't subject to the sanctions that elected members are. He informed the Panel that there is a need to balance the risk of disclosure by co-optees with the specialist knowledge they can provide in a debate. The Scrutiny Management Panel agreed to accept the proposals on this balance, and that the input of co-optees was more important than the risk of disclosure.

Cllr Reynolds asked Messrs Medicott and Jones to further explore the proposals for co-opted members and the rules governing them, and to consult with Scrutiny Management Panel prior to Council. The Panel agreed that any decision made with regard to co-optees must be right first time.

- **ACTION – Mr Jones and Mt Medicott to consult with SMP on co-optees prior to a decision being sought from full council**

4. IMPROVING THE MANAGEMENT OF SCRUTINY COMMITTEES' WORK PROGRAMMES

Mr Jones outlined the background to the report, and informed members that he was now systematically refreshing work programmes after each Scrutiny Committee to ensure report requests etc were kept up to date, and that there are always three meeting cycles covered by the forward programme. Mr Jones stated that this was a move towards building an officer culture of planning Cabinet and Scrutiny Committee reports in advance.

Mr Jones informed members that at present there is no formal method for requesting reports to Scrutiny Committees, as the Constitution is not strict on the issue. The result of this is that requests are made outside meetings directly to officers and as such the Scrutiny Unit has no record of report requests to chase up on forward work programmes.

The Scrutiny Management Panel agreed that the system of report requests should be formalised in order have documented records of the time lapse between reports being requested and their presentation to Committee.

Mr Jones proposed 3 options for the future of report requests:

1. To retain the status quo – members agreed that this option was not feasible due to the lack of clarity in the system;
2. To restrict member requests to be made only during Scrutiny Committees – The Panel agreed that this was too narrow;
3. To allow members to make requests either at Committee or in writing to the Scrutiny Support Unit – Members agreed that this was a more flexible approach that still provided as audit trail of report requests.

The Scrutiny Management Panel agreed that option 3 was their preferred way forward. Cllr Reynolds suggested that by way of clarification, an addition to option 3 should reflect that any report requested outside of a Scrutiny Committee meeting will be presented to the next available Committee. If the Chair or Vice-Chair believes the report to be urgent, it will be presented to the next scheduled Scrutiny Committee.

Cllr T Williams requested that all Chairs and Vice-Chairs be kept updated on report requests for their respective Committees. Mr Jones agreed, and informed the group that the distribution of updated work programmes would satisfy this request.

- **ACTION – Mr Jones to send electronic updated work programmes to Scrutiny Management Panel members after each meeting**

The Scrutiny Management Panel agreed that option 3 (as amended by Cllr Reynolds) should be implemented by the Scrutiny Support Unit. Mr Jones reminded the Panel that full council would need to agree the implementation, and suggested that option 3 be recommended in the 2005-2006 Scrutiny Annual Report. Members agreed this course of action.

- **ACTION – Option 3 to be proposed as recommendation in 2005-2006 Scrutiny Annual Report to Council.**

5. VIEWPOINT PANEL SURVEY – DEMOCRACY AND ENGAGEMENT

Mr Jones informed the Panel that he had worked on the 2005 Viewpoint Panel Survey to canvass public awareness of the work of the Council. The Panel were pleased to note that the best response rate to date had been achieved with the questionnaire, and that the resulting Viewpoint Panel meeting also achieved the best attendance figures to date.

Mr Jones outlined the main messages of the survey as follows:

- The vast majority of respondents want to be engaged in the Council's decision-making process on important and local issues, and want the Council to engage with them more often
- A result of great concern was that the majority of respondents do not understand the roles of leading councillors, and do not understand the decision making process. The Panel were heartened to note, however, that 96% of respondent want to improve their knowledge in these areas.
- 39% think that the Council listens to the views of residents
- 19% know about the timing of local important decisions
- 96% want their views to be heard by the Council prior to important decision being taken
- 95% want to be involved in the decision making process
- 38% think that important decisions should be communicated via the internet – the Panel acknowledged that advance in information technology would probably result in the increase of this figure
- The majority of respondents were unaware of their ability to access meeting papers and agendas
- 94% think it's important that the public are encouraged to attend council meetings
- The preferred methods of engagement were equally via meeting attendance, in writing or through ward members
- Only half of respondents know who their local ward member is. The Panel suggested that councillor contact details should be publicised to contact this. Cllr A Williams suggested that members could publicise their contact details and details of their ward surgeries in partnership newsletters, and on Community Council notice boards. Cllr Davies suggested that 'Newslines' be utilised to publicise ward member details.

Mr Jones informed the Panel that although the report was presented as an information item, the issue needs to be taken forward. The Panel's views on taking this subject forward were invited.

Cllr T Williams suggested that a questionnaire be distributed to all members to canvass opinions for taking this issue forward. In addition, Cllr T Williams suggested that the Wales Audit Office method of streamlining questions in Scrutiny Committees could be utilised for meetings of full council to maximise the timing and impact of meetings.

Mr Jones invited Panel members to think on the issue and to feed back any ideas to the Scrutiny Support Unit. He assured the Panel that the issue would be revisited in the future.

6. ANY OTHER BUSINESS

Mrs Hopkins informed the Panel that the second Phase of the Wales Audit Office questioning listening and challenging skills for members and officers was now underway. Cllr Reynolds requested that feedback on the sessions, including final attendance figures, be presented to a future meeting of Scrutiny Management Panel.

- **ACTION – Scrutiny Support Unit to report to future Scrutiny Management Panel with feedback on WAO Phase 2**

Mr Jones informed the Panel that the effectiveness of this training would be gauged via Phase 3 in Autumn 2006, whereby members will undertake internal peer reviews of Scrutiny Committees.

7. DATE OF NEXT MEETING

The date of the next Scrutiny Management Panel is Thursday 23rd March 2006 in Committee Room 4, Tredomen. Mrs Hopkins informed the group that a special meeting of council was to be held on that date. Mrs Hopkins suggested that the Panel meet one week earlier on Thursday 16th March 2006 in Committee Room 4, Tredomen. Members agreed.

CHAIRMAN