



SCRUTINY MANAGEMENT PANEL

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK,
ON WEDNESDAY, 27TH JANUARY 2010 AT 5.00 PM**

PRESENT:

Councillor J Taylor – Chairman

Councillors:

D Cullen, D Bolter, L Binding, M Sargent, V Jenkins and K Lloyd

Together with:

Jonathan Jones (Scrutiny and Members Services Manager) and Catherine Forbes-Thompson (Scrutiny Research Officer)

1. APOLOGIES

Councillors L Hughes, M James, M Prew and Colin Jones (Head of Performance and Policy).

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. WLGA DRAFT WALES SCRUTINY MEMBER DEVELOPMENT PROGRAMME

Cath Forbes-Thompson outlined the draft programme for training, which has been circulated for comments by the WLGA for comments. The main issues discussed by Members were:

- The duration of course over two-days, Members agreed that it is useful when covering a large amount of information to have training over a two day period, it also gives the opportunity to meet Members from other local authorities.
- There was discussion on the need to ensure that the focus is on Welsh Scrutiny and that trainers are fully aware of the differences with England.

Overall Members agreed that this is a good opportunity for developing skills and knowledge however the timing of the training should take account of the probable election in May 2010.

Jonathan Jones informed the group that there has been a successful bid to the Welsh Assembly Governments Scrutiny Development Fund. This was made in co-operation with Blaenau Gwent, Torfaen and Merthyr Tydfil Councils. The bid is for member development training and the first training course has been arranged on charring skills at a cost of £300 per authority for 18 training places, which is substantially less than the usual cost for such training.

4. WAG CONSULTATION ON SCRUTINY AND POLITICAL STRUCTURES

Jonathan Jones explained that WAG is consulting on its proposed changes to scrutiny following receipt of new powers. The proposals were discussed as follows:

Joint Scrutiny Committees

Jonathan Jones explained that the intention is for a number of local authorities that have a similar interest to have the power to set up joint scrutiny committees. This would formalise the scrutiny of public sector bodies operating within the boundaries of the local authorities, similar to the informal scrutiny committee for Proseict Gwyrdd.

Members queried data protection where the subject relates to a private individual. Jonathan Jones explained that all information discussed would be generalised in terms of overall service, for example performance information.

Members enquired about scrutiny of the health service and Mr Jones explained that WAG are at present excluding the NHS from this but are encouraging voluntary local arrangements which will be evaluated by WAG.

Members raised concerns about the capacity to scrutinise public sector bodies. It was agreed that committees would need to be more selective in planning their workload. Some joint scrutiny committees could also be on a single topic and last for a specific period of time.

Co-option

Jonathan Jones explained that WAG has 3 main proposals:

- Allowing Councils to give voting rights to all co-opted members.
- WAG to have power to direct Councils to appoint Co-opted members with voting rights.
- Co-opted members to be subject to code of conduct with same rights as elected members.

Members were concerned that co-opted members having the right to vote would affect the political balance of scrutiny committees. There is also no guarantee that there would be no political bias by those appointed.

Scrutiny of Public Sector Bodies

This proposal gives councils a new duty to scrutinise the delivery of certain devolved public sector services within their area. The main concern raised by members was the capacity of scrutiny committees to carry out this role and the need for further training. Members agreed that the forward work programme would need to be more focussed.

Health Scrutiny

Health organisations are to be excluded from the new proposals but WAG are encouraging the new health boards and community health councils to develop voluntary scrutiny arrangements, which WAG will evaluate.

Members agreed that they would want health scrutiny to be included in future.

Whipping

WAG is proposing that political groups are prevented from imposing whipping arrangements on a member of a scrutiny committee.

Members agreed with the principle but thought that this proposal would be very difficult to prove.

Allocation of Scrutiny Chairs

The main proposals are that:

- Scrutiny chairs should be allocated according to political balance.
- In the event that a political group refuses their allocation it should be offered to other political groups.
- WAG proposes that the above requirement could be avoided by a unanimous vote in full council.
- Scrutiny committee vice chairs to be appointed by scrutiny committee and not full council.

Members agreed that the provision to allow avoidance through a unanimous vote in full council should be removed. They also agreed that the appointment of vice chairs should remain with full council.

Forward Work Programme

Scrutiny Committees will be required to develop work programmes with regard to the Cabinet forward work programme, local delivery agreements and outcome agreements.

Members agreed that publishing the Forward Work Programme 3 months ahead would be sufficient.

Officer Support for Scrutiny

Local authorities will have a statutory requirement to provide 'adequate' independent officer support for scrutiny.

Members discussed the inclusion of the word adequate and agreed that this should be deleted as it is difficult to define.

Call-in of Executive Decisions

This proposal follows on from a recommendation from the Health Wellbeing and Local Government Committee to give a strong predisposition towards allowing call-ins in all circumstances.

Members agreed that there must be a balanced call-in criteria which allows legitimate challenge but does not extend the decision making process significantly.

Options for Political Structures

WAG intends to;

- Remove the alternative arrangements model.

- Relax some rules on governing area committees.
- Remove the Mayor and Council Manager executive model.

Members had no comments on these proposals.

Functions and Responsibilities

WAG proposes to allow greater flexibility to councils to determine activities not suitable for executive responsibility.

Members welcomed this proposal.

Delegation of Functions

WAG proposes to allow councils to delegate executive decision making powers to cabinet members representing the authority on LSB's or other partnerships.

Members were concerned that accountability and transparency would no longer be included in the decision making process. At present scrutiny works well and would not wish to see this implemented.

Forward Work Programme (Cabinet)

WAG proposes that Cabinet will be required to develop and publish its forward work programme (FWP) 6 months ahead.

Members agreed that this was too long and there is not enough flexibility, it was suggested that a 4-month FWP would be sufficient and would allow scrutiny committees to plan and develop its own FWP.

Audit Committees

WAG proposes that the chair of Audit Committee and a third of its membership should be lay people.

Members felt this is unacceptable.

Welsh Ministers Powers of Intervention

WAG suggests that there should be greater powers of intervention should a local authority have an actual or perceived threat to the effective discharge of its functions.

Members agreed that there are already powers to stop councils setting unaffordable budget. They were concerned that there is a difference between an actual threat and a perceived threat, there would need to be evidence of a threat and criteria attached to define where the threshold would be before intervention.

Duty to Consult

Scrutiny Committees will be required to give the public an opportunity to contribute to policy reviews.

The Council already consults in relation to task and finish reviews, Members had no comment on this issue.

Councillor/Community Calls for Action (CCfA)

This is an extension to the crime and disorder CCfA and will allow Councillors to raise other community issues. The Councils would also be able to delegate budgets and functions to local councillors for use within their local communities.

Members felt that there is already a means for local members to raise issues at scrutiny through requests for reports and we need to learn from the crime & disorder CCfA before extending this further. It was agreed that the delegation of budgets and powers would be difficult to administer and agree on when there is more than one Member per ward.

Promotion of Democracy and Petitions

This would be a new duty upon councils to promote:

- Their functions, democratic arrangements and public participation.
- Functions of other public sector bodies that operate within councils' area and how public can take part.
- Electronic petitioning.

Members agreed that electronic petitioning would need proper control. There was concern that the trigger figure for these petitions to have an automatic hearing at full council does not give sufficient control. Members suggested that WAG should examine how this has operated in England before it is implemented in Wales. It was suggested that a similar system to that used in the Welsh Assembly would be more appropriate.

Next Step

Jonathan Jones informed the group that he would now compile a report for full Council to reflect Members views.

5. DATE OF NEXT MEETING

18th March 2010

CHAIRMAN