



## **SCRUTINY MANAGEMENT PANEL**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH, ON WEDNESDAY, 22ND JULY AT 5.00 PM**

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#### **PRESENT:**

Councillor J. Taylor – Chairman

#### **Councillors:**

D. Bolter, L. Hughes, L. Binding, M. Prew, M. Sargent and V. Jenkins

#### **Together with:**

Jonathan Jones (Scrutiny and Members' Services Manager), Stuart Rosser (Chief Executive) and Catherine Forbes-Thompson (Scrutiny Research Officer)

#### **1. APOLOGIES**

Councillors D Cullen, M James, K Lloyd, and Colin Jones (Head of Performance and Policy).

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **3. APPROVE MINUTES OF MEETING HELD ON 26 MAY 2010**

The minutes were approved as an accurate record.

#### **4. TASK AND FINISH REVIEWS**

Cath Forbes -Thompson reminded the group that at the last meeting they had discussed future task and finish reviews and had agreed to meet with Directors to discuss possible subjects. Subsequently Stuart Rosser had asked to discuss the issue with SMP before members met with Directors. The Chief Executive explained that CMT are concerned about the availability of staff to support at a time when budgets are being cut and services re-shaped.

Stuart Rosser said that the decision to establish task and finish groups is a matter for scrutiny committees and if there are burning issues that they wish to investigate they have the right to do that. He asked, however, that Members refrain from creating a review just for the sake of it. He suggested that perhaps scrutiny committees could consider carrying out reviews that link into the Council budget pressures and medium term financial plan.

Members felt that task and finish reviews can address important issues and also help to get cross-party support and understanding for possible changes. Review groups can aid the change process.

Stuart Rosser asked if the reviews could be specific, outcome focussed and timely. Jonathan Jones said that in the past subjects for reviews had involved Directors and subjects have been identified from Service Improvement Plans.

Jonathan Jones stated that in order for scrutiny committees to engage with the 'big' topics, there is a need to prioritise and consider limiting agendas to one or two items. Members agreed that this would allow a more detailed debate on significant issues. Stuart Rosser endorsed this suggestion and stated that scrutiny committees need to consider the size of their agendas when Members request reports.

**Action: Cath Forbes-Thompson to arrange meetings with Directors.**

## **5. PROPOSED LOCAL GOVERNMENT (WALES) MEASURE**

Jonathan Jones explained that WAG had recently commenced consultation on the proposed local government measure. This has wide ranging implications for local government and goes further than initially thought. WAG has asked for responses by October 2010, which unfortunately doesn't give much quality time for a full consultation with Members.

Jonathan Jones summarised the main proposals:

### **Promoting and Supporting Membership of Local Authorities**

Local authorities will have a new duty to undertake a survey of successful and unsuccessful candidates following each local election to county and community councils.

Members stated that their main concern regarding this proposal is the timing of when the survey will be carried out. Jonathan Jones agreed that getting responses from candidates after an election would be problematic, it would be easier at close of nominations.

### **Remote Attendance at Meetings**

Jonathan Jones explained that this proposal would allow members to take part in meetings of full council and committees remotely by using video conferencing technology.

Stuart Rosser raised some concerns over the practicality of implementing such a system and said that in his experience it is difficult to engage in a meeting remotely. Members stated that this might be useful for rural areas where members have to travel for over an hour to attend council meetings. However, it may be better if WAG did not place a duty on councils but allowed them to do this.

### **Annual Reports by Members**

All members will be required to write an annual report detailing their activities as a councillor. Cabinet Members will be required to write an additional report detailing their activities as an executive member. The Council will be required to publish members' annual reports.

Jonathan Jones stated that on a practical basis he could set up a standard report template and provide details of attendance at meetings etc., and Members could then add further detail on their work. Members were concerned that some content could be political which the Council would then publish.

## **Training and Development**

This proposal says that the Council must provide reasonable training and development for members and offer an annual review to each member's to discuss training needs. Jonathan Jones stated that the Council already complies with this and has the WLGA Charter on Member Development.

## **Democratic Services**

Each local authority must create a new statutory post known as 'Head of Democratic Services' responsible for providing support and advice to Members and Scrutiny Committees. The Council must also establish a politically balanced 'Democratic Services Committee'.

Stuart Rosser stated that there are very few statutory posts within local government and the creation of this post would mean that Councils might feel they have to re-designate an existing post rather than create a new one. However, the proposals exclude the Head of the Authority's paid service, Monitoring Officer or the Chief Finance officer from holding this post.

Jonathan Jones stated that there are some radical ideas coming from the Councillor Commission Expert Panel report, which suggested splitting democratic services away from the rest of the local authority. In response to this proposal Members felt that WAG were being prescriptive.

## **Family Absence**

This is a new right to family absence (maternity, newborn, adoption and parental leave), which allows Members to be absent from Council meetings. Jonathan Jones explained that this is an equality issue and would avoid problems for Members who need to be absent and risk falling under the 6-month rule for non-attendance at meetings.

## **Governance Arrangements**

The Measure will abolish the elected 'Mayor and Council Manager' and 'Alternative Arrangements' governance options. Jonathan Jones stated that this does not affect CCBC.

However the second part of this proposal suggests providing for a non executive member to exercise executive functions or any other function of the authority within their electoral ward or as a member of an outside body (other than a local authority) appointed by the Council.

Jonathan Jones will seek clarification on the 'electoral ward' statement. It was agreed that the ability to appoint to an outside body is useful.

## **Scrutiny**

There are a number of significant changes to the operation of scrutiny, as follows:-

- The provision for the WAG to make regulations to allow 2 or more local authorities to establish joint scrutiny committees – Jonathan Jones stated that this is joining up legislation, to fit in with guidance on joint working already in place from WAG.
- Councils will be enabled to scrutinise certain external organisations (to be prescribed) that provide public services wholly or partly funded by public money – Jonathan Jones explained that the WAG will provide detail of what organisations later, however, it is expected that Health Boards will be excluded in the first instance.
- Councils must put in place systems to ensure the public can make their views known on any matter being considered by a scrutiny committee. Scrutiny committees must take into

account any views expressed by the public when exercising its functions - Jonathan Jones stated that CCBC already does this, they consult the public during scrutiny reviews and publish a forward work programme for scrutiny committees.

- Scrutiny committee chairs will be subject to political balance. – Jonathan Jones explained that WAG have developed a complicated formula which allows chairs to be passed to other political groups should one group decide not to take up their allocation of committee chairs.
- Co-opted members serving on a scrutiny committee must not exceed one third of the total committee membership.
- Councils may allow co-opted scrutiny committee members to vote at meetings.
- There is provision for WAG to make regulations to require Councils to publish forward work programmes for its scrutiny committees and sub committees.
- Party whipping on issues to be considered by a scrutiny committee is prohibited. Any party whipping must be declared and members must not vote on any issues subject to a party whip – Jonathan Jones explained that this would be difficult to enforce.

### **Audit Committees**

Local Authorities will be required to have an Audit Committee with lay members making up at least one third of the committee membership.

Jonathan Jones explained that CCBC has an Audit Committee but at present this is not a statutory requirement. Stuart Rosser stated that it is important to define the role of Audit and Scrutiny, as they can become blurred.

### **Councillors Allowances**

The role of the Independent Remuneration Panel for Wales is to be strengthened. With increased powers relating to the provision of pensions for Members and the publication of payments made to Members. Jonathan Jones stated that payments by outside bodies could be included at the same time.

### **Community Councils**

Jonathan Jones explained there are a number of changes to the governance of Community Councils that we were not previously made aware of, including:

- Subject to certain requirements being met, local electors can call a meeting of a community council and demand a community poll (a vote taken of members of the public present at the meeting) on an issue raised at the meeting. The issue can relate to the functions of the community council, county council or both. The Monitoring Officer will be responsible for determining responsibility for the poll and the relevant council is required to consider the matter and publish its response. Jonathan Jones explained that this already exists.
- A community poll can be used to establish Community Councils, expand a Community Council area, separate Community Councils or dissolve Community Councils. Members felt that it was important that residents in the existing community council area are consulted on possible expansion into another area as well as residents in the suggested expansion area.

- A new requirement to publish a vacancy in community council membership, which is to be filled by co-option.
- A power to allow community councils to appoint a maximum of 2 Community Youth Representatives to champion the interests of young people under the age of 26 that live, work or receive education or training in the local area. Community Youth Representatives must be aged between 15 and 25. Members felt this was a good idea.
- A requirement for County Councils (which can be delegated to the Local Government Boundary Commission by mutual agreement) to report every 15 years on actions taken to keep community areas and electoral arrangements for communities under review.
- The power for WAG to make regulations setting out Charter agreements between Community Councils and County Councils.
- The introduction of a quality accreditation in recognition of prescribed best practice initiatives in community government.

Members asked if the proposal from the Remuneration Panel for Wales that community councillors are paid will be taken forward by WAG. Jonathan Jones agreed to seek clarification.

Jonathan Jones stated that this report will be discussed at Full Council on the 27 July 2010 and there will be further consultation with Members and Community Councils. It is proposed that the Member Support and Development group will be responsible for looking at the proposals in detail and a further report will be presented to Full Council before final conclusions are fed back to WAG.

Members asked when the proposals will be implemented. Jonathan Jones stated that they are expected to be brought into force gradually, beginning by the end of the year.

**Action: Jonathan Jones to clarify if remuneration proposals for community councillors are to be implemented.**