



STANDARDS COMMITTEE – 18TH JUNE 2015

SUBJECT: AMENDMENT TO THE PROTOCOL FOR REFERRAL OF REPORTS FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES FROM THE STANDARDS COMMITTEE TO THE RELEVANT SUBJECT SCRUTINY COMMITTEE

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek Members approval to amend that part of the terms of reference of the Standards Committee which established a Protocol for referral of Reports from the Public Services Ombudsman for Wales from the Standards Committee to the relevant subject scrutiny. The amendment proposed will allow the Standards Committee to refer such a report to either the subject Scrutiny Committee and/or the Audit Committee

2. SUMMARY

- 2.1 Members are asked to consider amending the Protocol referred to in paragraph 1.1 above to include the option for the Standards Committee to refer Reports from the Public Services Ombudsman for Wales to the relevant subject scrutiny committee and/or Audit Committee.

3. LINKS TO STRATEGY

- 3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation.
- 3.2 A function of the Audit Committee is to ensure that the Authority has a sound system of internal control, which facilitates the effective exercise of functions.

4. THE REPORT

- 4.1 On 8th October 2013 Council made a decision to seek the approval of the Standards Committee to the Protocol for the referral of a Report of the Public Services Ombudsman for Wales from the Standards Committee to the relevant subject Scrutiny Committee. The Protocol was duly approved at the meeting of the Standards Committee on 26th February 2014.

As a result the terms of reference of the Standards Committee were amended as follows:

“To consider referring a report from the Public Services Ombudsman for Wales to the appropriate Scrutiny Committee, where in the opinion of the Standards Committee there has been a serious failure in service delivery that would benefit from further consideration by the appropriate Scrutiny Committee. A report setting out the reason for referral will be presented to the relevant Scrutiny Committee along with the report from the Ombudsman. The Chair of Standard Committee (or a nominee) will be invited to attend the respective Scrutiny Committee when the report is presented”.

- 4.2 Members will recall that the Standards Committee considered a report from the Public Services Ombudsman for Wales on 24th November 2014, and referred the matter under this Protocol to the Policy and Resources Scrutiny Committee, which considered the report on 3rd March 2015.
- 4.3 It was suggested by the Policy and Resources Scrutiny Committee that the report should be referred to the Audit Committee in order that the implementation of the recommendations can be monitored and, if required, recommendations be brought back to the Scrutiny Committee. The Scrutiny Committee noted that the Protocol would require amendment in order to reflect a permanent change, however in the meantime it was agreed that the report under consideration would be referred to the Audit Committee. As a result the Audit Committee will consider the report on 10th June 2015.
- 4.4 Members are therefore asked to consider the amendment to the terms of reference of the Standards Committee to include the ability to make a referral to the subject Scrutiny Committee and or Audit Committee.
- 4.5 If Members are minded to approve the amendment to the Protocol then a report will be presented to Council at its meeting in July seeking approval to amend the Committees Terms of Reference in the Council's Constitution.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no equality implications arising from this report

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from this report.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications arising from this report.

8. CONSULTATIONS

- 8.1 The report reflects the views of the consultees.

9. RECOMMENDATIONS

- 9.1 It is recommended that the Standards Committee amend the Protocol referred to in its Terms of Reference so that the referral of reports from the Public Services Ombudsman for Wales may be referred to the subject Scrutiny Committee and or the Audit Committee.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To allow members of the appropriate Committee to understand the nature of complaints upheld against the Council and give members an opportunity to examine any underlying circumstances with a view to improving the Council's services.

11. STATUTORY POWER

- 11.1 Local Government Act 2000.

Author: Gail Williams
Consultees: Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Director of Corporate Services
Cllr. C. Forehead, Cabinet Member HR & Governance/Business Manager

Background Papers:

Standards Committee 26th February 2014 – Protocol for Referral of Reports from the Public Services Ombudsman for Wales from the Standards Committee to the Relevant Subject Scrutiny Committee.