

# SCRUTINY PROGRAMME BOARD

Wednesday, 4 November 2009

Present:

Councillor D Mitchell (Chair)

|             |           |             |
|-------------|-----------|-------------|
| Councillors | C Meaden  | AER Jones   |
|             | S Clarke  | A Bridson   |
|             | J Keeley  | P Southwood |
|             | D Knowles |             |

Deputies:

Councillors L Rowlands (In place of J Hale)

## 21 MEMBERS CODE OF CONDUCT - DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Councillor Jones declared his personal interest in agenda item 5 (Work Programmes of Overview and Scrutiny Committees) (see minute 25 post) insofar as it referred to Allotment Development and to Dog Control on Beaches, both included within the Work Programme of the Sustainable Communities Overview and Scrutiny Committee.

## 22 MINUTES

The Director of Law, HR and Asset Management presented the minutes of the meetings held on 14 September and 15 October 2009.

Members referred to minute 14 (14 September 2009) (Terms of Reference), which recommended to the Council an amendment to paragraph (iv) of the Committee's Terms of Reference in relation to the allocation of call-in notices. The Cabinet had considered the proposed amendment (minute 163 (15 October 2009) refers) and had recommended to the Council that the terms of reference remain unchanged. An objection to the Cabinet minute was not approved by the Council on 2 November 2009.

### Resolved –

- (1) That the minutes of the meetings held on 14 September and 15 October 2009 be approved.**
- (2) That the Director of Law, HR and Asset Management be requested to present a report to the next meeting of the Committee to clarify the terms of reference in relation to the allocation of call-in notices.**

## 23 COUNCILLOR CALL FOR ACTION PROTOCOL

The Director of Law, HR and Asset Management reported that the Local Government and Public Involvement in Health Act 2007 included new powers that enabled all Councillors to ask for discussions at Overview and Scrutiny Committees on issues where local problems had arisen and other methods of resolution had been exhausted. This had become known as the 'Councillor's Call for Action' (CCfA) and it came into force on 1 April 2009.

He presented a draft Protocol for initial consideration by the Board, which had been drawn up to help Councillors understand what CCfA meant to them and which included a proposed procedure for dealing with CCfA's in Wirral. If agreed by the Council, it would form an addendum to the Constitution and any future amendments to it would need the approval of the Council. The CCfA differed from a more general request for scrutiny as its focus was on neighbourhood or locality issues and specifically the quality of public service provision at a ward level, based on local Councillors' judgements. It was not intended to deal with individual complaints or to deal with 'quasi-judicial' decisions, such as planning or licensing matters. It was very important to note that a CCfA was intended to be a measure of "last resort" and could not be used until all other avenues had been exhausted.

To assist Members, the Director proposed to draw up and to append to the Protocol a checklist and evidence trail, in order for Members to demonstrate that all other steps had been taken before the CCfA was raised.

### **Resolved –**

- (1) That the Protocol be sent to all Members of the Council for their comments, within a strict timescale of two weeks, before it is presented to the Cabinet/Council for adoption or otherwise.**
- (2) That the offer of the Director of Law, HR and Asset Management to draw up a Member checklist to be appended to the Protocol be accepted and it be presented for comment/amendment to the next meeting of the Board.**

## 24 SCRUTINY PROGRAMME BOARD - REVIEW OF WORK PROGRAMME

The Chair presented an updated monitoring report on the Committee's work programme, in order to give Members the opportunity to review it and to ask for new items to be added. Members noted that a review of the implementation of the Wirral Alcohol Strategy was being undertaken by a Panel and this scrutiny review would be scoped at a meeting on 6 November 2009.

**Resolved – That the reports be noted.**

## 25 WORK PROGRAMMES OF OVERVIEW AND SCRUTINY COMMITTEES

Members received reports outlining the work programmes of the following overview and scrutiny committees, which included an indication of the way in which each scrutiny topic would be dealt with and a relative timescale for the work to be completed:

- (a) Children and Young People
- (b) Council Excellence
- (c) Economy and Regeneration
- (d) Health and Well Being
- (e) Sustainable Communities

Members expressed their concern over the financial position of the Wirral Music Service, which had been included as a scrutiny topic within the Children and Young People Work Programme. The service was the subject of an annual review and a report would be presented to the overview and scrutiny committee on its completion.

**Resolved –**

- (1) That the reports be noted.**
- (2) That the concern of this Committee in relation to the funding of the Wirral Music Service be drawn to the attention of the Children and Young People Overview and Scrutiny Committee.**

26 **SCRUTINY TRAINING**

Further to minute 15 (5) (14 September 2009), the Director of Law, HR and Asset Management reported upon the need identified by Members for improved overview and scrutiny training opportunities and to identify and learn from good practice adopted by overview and scrutiny committees in other local authorities. He commented that a number of Council's had produced overview and scrutiny newsletters, which illustrated best practice and provided examples of the way the scrutiny function was operating elsewhere.

Members indicated that more specific training was needed, particularly in relation to scoping. However, Members informed that initial scrutiny training from an external provider had fallen far short of the standard expected and that training on other topics provided by Council officers had been, in comparison, more beneficial and cost effective. Views were also expressed that some Members of the Council appeared reluctant to become actively involved in the overview and scrutiny function and had refused to take up training and development opportunities that had been provided. Specifically mentioned was the Elumos Equality and Diversity package.

Members referred to the work undertaken by the Members' Training Steering Group and noted that at present, one political group was not participating in it. It was noted that the Council had been accredited with the Member Development Charter at level one, three years ago. It was now time to apply for re-accreditation at level one or level two (exemplar status) but unfortunately, without all party support this could not happen. Concerns were also raised around the budgetary and funding arrangements for Members Training and Development. Members also questioned whether decisions in relation to Members training should be devolved to Overview and Scrutiny Committees.

**Resolved –**

- (1) That examples of overview and scrutiny newsletters published by other Councils be provided for Members consideration.**
- (2) That a report be presented to the next meeting of the Board upon the delivery of successful scrutiny training for Members, taking account of best practice in other local authorities.**
- (3) That the Cabinet be recommended to –**
  - a. review the governance arrangements for Members' training and development taking account of best practice in neighbouring Councils and consider whether the MTSG is the most appropriate vehicle to ensure that Members are equipped with the skills to fulfil their new and changing roles as community leaders;**
  - b. review the management of the budget and funding arrangements currently in place to support Member training and development.**
  - c. consider whether more “in-house” training by the Council’s own officers should be provided instead of using external providers.**

**27 REVIEW OF THE FORWARD PLAN**

The Director of Law, HR and Asset Management reported that the Forward Plan for the period 1 November 2009 to 28 February 2010 had been published on the Council’s intranet/website. Having regard to the Committee’s work programme, Members views were sought on whether scrutiny should take place of any items contained within the Plan and, if so, how it could be done within relevant timescales and resources.

**Resolved –**

- (1) That the content of the Forward Plan be noted.**
  - (2) That the Director of Law, HR and Asset Management be requested to attend the next meeting to provide an overview of the operation of the Forward Plan.**
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