

# Public Document Pack

## SCRUTINY PROGRAMME BOARD

Thursday, 9 June 2011

<u>Present:</u>	Councillor	A Hodson (Chair)	
	Councillors	A Bridson P Glasman C Blakeley S Mountney	A Sykes RL Abbey P Hackett
<u>Deputies:</u>	Councillors	B Mooney (In place of KJ Williams) J Crabtree (In place of T Smith)	

### 1 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.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

No such declarations were made.

### 2 MINUTES

**Resolved – That the minutes of the meeting held on 2 March 2011, be approved.**

### 3 APPOINTMENT OF VICE-CHAIR

On a motion by Councillor Blakeley, seconded by Councillor Sykes, it was –

**Resolved – That Councillor S Mountney be appointed Vice-Chair, for the ensuing municipal year.**

### 4 TERMS OF REFERENCE

In order to assist the Board and, in particular, those newly elected Members, the Chair referred to and recited the Terms of Reference for the Scrutiny Programme Board, which were contained within Part 2, Article 6 of the Council's Constitution, viz:

- (i) To approve and co-ordinate the work programme for the five themed overview and scrutiny committees including resolving any conflict between such committees.

- (ii) To allocate work to (or remove work from) any of the five overview and scrutiny Committees.
- (iii) To review or scrutinise decisions made or other actions taken in relation to any executive functions, particularly (but not exclusively) in relation to crosscutting issues or matters not within the terms of reference of any of the five themed overview and scrutiny committees.
- (iv) To consider any call-in notices in relation to any executive functions and determine such notices or allocate them to one or more of the five themed overview and scrutiny committees as it considers most appropriate.
- (v) To be responsible for the development and monitoring of an annual scrutiny work programme.
- (vi) To undertake scrutiny in its own right with regard to cross-cutting or strategic issues not covered by other overview and scrutiny committees.
- (vii) To identify and share good scrutiny practice across all overview and scrutiny committees

Whilst having noted that any proposed change to the terms of reference would require the approval of the Council, Members expressed the view that it would not be appropriate for the Scrutiny Programme Board to dictate to other Overview and Scrutiny Committees what they should or should not do in relation to scrutiny, or veto their agreed work programmes.

Members commented also upon the requirement for all call-in notices to be referred for consideration to the Scrutiny Programme Board, either for determination or to be allocated to one or more of the five themed overview and scrutiny committees as it considered most appropriate. Members considered how best to deal with call-in notices in the future and sought comments from officers in relation to the use of email, particularly in those instances there would appear to be a clear and logical referral to a particular Overview and Scrutiny Committee.

The Head of Legal and Member Services indicated that although it was open to the Board to consider how best to streamline the procedure, the call-in process was prescribed by the Council's Constitution and any proposed amendments to it would need to be agreed by the Council. The Board had previously highlighted the difficulty in dealing with call-in notices within the prescribed 15 working days from receipt and had on an earlier occasion asked the Council to consider a revision to its terms of reference (minute 14 (14 September 2009) refers). However, that request was not supported by the Cabinet (minute 163 (15 October 2009) refers) and was not accepted by the Council.

**Resolved –**

- (1) That the Terms of Reference be noted and a copy of the appropriate part of the Constitution be circulated to Members.**

- (2) That, although the power to allocate work to, and remove work from the other Overview and Scrutiny Committees remains within the terms of reference of the Scrutiny Programme Board, the view expressed that this power should not be exercised, be agreed.
- (3) That the Director of Law, HR and Asset Management be requested to present a report to the next meeting upon possible options available on how best to streamline the call-in process, including the use of any available electronic processes.

## 5 CONSIDERATION OF POLICY BRIEFING NOTES

The Director of Law, HR and Asset Management presented two Policy Briefing documents, produced by the Centre for Public Scrutiny, in relation to matters contained within the Localism Bill. Consideration of the Briefing documents had been deferred to a future meeting by the Board at its meeting held on 10 February 2011 (minute 53 refers).

Members referred to and requested an update with regard to the decision of the Council held on 14 Feb 2011 in relation to Democratic Reform and Localism (minute 89 refers). The Council had agreed, inter alia –

7. *Therefore, in anticipation of the Localism Bill being given Royal Assent, Council instructs the Director of Law HR and Asset Management to immediately begin holding and facilitating discussions between the three party leaders to develop a new governance model for Wirral, within existing resources, to be ready to come into operation at the earliest opportunity within the 2011/12 municipal year once the relevant legislation is in place.*

Members noted however, that the outcome of discussions in relation to the development of a new governance model would initially be a matter for the Cabinet to consider, prior to determination by the Council.

**Resolved –**

- (1) That the Policy Briefing Notes produced by the Centre for Public Scrutiny (CfPS) be noted.
- (2) That the Director of Law, HR and Asset Management be requested to liaise with the Chair and group spokespersons to provide a brief update upon the progress of discussions with the three party leaders to develop a new governance model for Wirral.

## 6 DISCUSSION BRIEF - POWERS OF OVERVIEW AND SCRUTINY

The Head of Legal and Member Services presented a briefing document entitled "Powers of Overview and Scrutiny", which set out the main provisions of the Local Government Act 2000 in relation to the scrutiny process and highlighted the important role of engagement with the public and partner organisations

**Resolved –**

- (1) That the report be noted.**
- (2) That the background and source materials used in the preparation of the document be circulated to Members.**

## **7 FORWARD PLAN**

The Director of Law, HR and Asset Management reported that the Forward Plan for the period June to September 2011 had been published on the Council's intranet/website. Members had been invited to review the Plan prior to the meeting in order for the Scrutiny Programme Board to consider, having regard to its work programme, 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.

He reported that at its meeting held on 2 March 2011 (minute 58 refers), the Board had requested that Chief Officers should consider reducing the number of items contained within the Forward Plan and should provide more detailed information in future, in respect of Plan key decisions.

**Resolved – That the Forward Plan be noted.**

## **8 WORK PROGRAMME**

The Scrutiny Programme Board was requested to consider, having regard to its terms of reference, what issues should form the basis its work programme for the ensuing municipal year.

A Member proposed that a detailed Scrutiny Review should be undertaken of the processes and systems for dealing with Standards Complaints, having regard to how improvement could be achieved to the often protracted timescales from complaints being lodged to being finally resolved, and how financial savings could be achieved by a reduction in the use of external solicitors.

The Head of Legal and Member Services commented upon the Government's proposal to abolish the Standards Board regime and for alternative local measures to be put in place. He referred also to the role of the Standards Committee and to the need for the Board to ensure that whatever it did as part of a Review, did not conflict with the Standards Committee's terms of reference.

Members anticipated that the Scrutiny Review would consider co-operation with neighbouring local authorities and commented also that the Review should involve the participation of independent Members of the Standards Committee.

**Resolved –**

- (1) That the Scrutiny Review of Standards Complaints be incorporated into the Scrutiny Programme Board Work Programme for the ensuing municipal year.**

- (2) That a report be presented to the next meeting to include anonymised details, both of complaints currently held within the system, and those dating back to the implementation of the current Standards regime; the report to include the timescales from the complaints being made to them being resolved.

9 **TIMES OF FUTURE MEETINGS**

**Resolved – That, unless stated otherwise, meetings of the Scrutiny Programme Board shall in future commence at 6.00pm**

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