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SCRUTINY PROGRAMME BOARD

Thursday, 8 September 2011

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

10 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.

11 MINUTES

Resolved – That the minutes of the meeting held on 9 June 2011, be approved.

12 OPTIONS FOR STREAMLINING SCRUTINY CALL-IN PROCESS

Further to minute 4(3) (9 June 2011), the Director of Law, HR and Asset Management referred to the requirements of the Local Government Act 2000 in relation to a call-in mechanism and to the Call-in Guidelines and Committee Terms of Reference contained within the Council's constitution. In order to attempt to make the Scrutiny Call-In process more efficient and to ensure scrutiny call-ins were considered as quickly as possible, the Director had considered a number of options for consideration, having examined the practice adopted by each Merseyside and Cheshire Local Authority, which he submitted for information. The options for consideration included –

- the establishment of a Call-in Committee with Terms of Reference to consider all Call-ins received;
- amendment of the Scrutiny Programme Board's Terms of Reference so that it could deal with all call-in notices without referring them to any of the Overview and Scrutiny Committees, with Members of the relevant Committee(s) being able to make representations;
- delegating authority to the Chief Executive (or the Director of Law, HR and Asset Management on his behalf) in consultation with the Chair of the Scrutiny

Programme Board to allocate the call-in notice to the appropriate Overview and Scrutiny Committee or to the Board itself, for consideration.

On a motion by Councillor Hodson and seconded by Councillor Mountney, it was –

Resolved –

- (1) That the Scrutiny Programme Board notes the bureaucratic and cumbersome way current Call-In requests are allocated, with the associated costs in officers time.**
- (2) Therefore, the Scrutiny Programme Board recommends that the Council's Constitution and processes be amended to allow the Chief Executive or the Director of Law, HR and Asset Management, in consultation with the Chair and spokespersons of the Scrutiny Programme Board to allocate the Call-In notice to the appropriate Overview and Scrutiny Committee, or to the Board, for consideration.**
- (3) That, if it is not possible for agreement to be reached by the group spokespersons, the Call-In notice be referred to the Scrutiny Programme Board for a decision on allocation.**

13 **SUMMARY OF COMPLAINTS MADE UNDER THE MEMBERS' CODE OF CONDUCT**

The Director of Law, HR and Asset Management presented a summary of all the complaints made against Wirral Members that had alleged that the Council's Members' Code of Conduct had been breached. He outlined key changes that had been made to the ethical framework, under which local authorities were required to operate in relation to Standards Committees, which resulted in changes to the Council's Constitution, namely amendments to the Standards Committee's Terms of Reference being approved by the Council (minute 43 (14 July 2008) refers).

The Director provided a chronological summary of each complaint received since the new ethical framework came into force. He commented that an issue with the current regime was that if a complaint was overplayed, it was more likely to be referred for investigation and that would have associated cost and timescale implications. Nevertheless, there were excessive delays in relation to some cases and he apologised with regard to one in particular, where he had made a personal error, which led to an unacceptable delay. In response to questions from Members, the Director agreed to provide more detailed information on outcomes and costs by way of email. He commented also upon the progress of the Localism Bill, presently going through the House of Lords, which was likely to result in a local regime being put in place. However, the existing regime would be retained until it was abolished and he proposed to present a further report with regard to transitional arrangements once more information was made available.

The Chair circulated a proposed motion for Members consideration in relation to the time taken for Standards complaints to be determined and, which also suggested a new approach to handling Standards complaints. The Director of Law, HR and Asset Management commented briefly on the suggested motion and advised the Committee that, in the circumstances, it would be appropriate for him to leave the room for the ensuing debate.

On a motion by Councillor A Hodson and seconded by Councillor S Mountney, it was –

Resolved –

- (1) That the Scrutiny Programme Board is alarmed and disappointed to note the amount of time it is taking to determine Standards complaints, with some complaints taking almost two years to complete, and believes that this is unfair to both complainants and to those complained against.**
- (2) That the Scrutiny Programme Board is also concerned about the amount of time being taken from the registration of a complaint to allocating to an Initial Assessment Panel and notes that, in one reported case this was in excess of 16 weeks.**
- (3) That the Scrutiny Programme Board is aware that individual Members of the Council as well as the Standards Committee have made repeated representations to the Director of Law, HR and Asset Management and his Department about their concerns because of delays and have asked for the process to be speeded up.**
- (4) That the Scrutiny Programme Board notes that despite repeated requests to the Director of Law, HR and Asset Management, no apparent improvements have been made to the way in which Standards complaints are being handled and unacceptable delays are still being allowed to occur.**
- (5) That the summary of complaints received by the Council, set out in the appendix to the report now submitted, in relation to alleged breaches of the Council's Members' Code of Conduct, be noted.**
- (6) That the Standards Committee be recommended to put in place proper timescales and a monitoring regime for dealing with complaints.**

14 NEW REPORT TEMPLATE

The Director of Law, HR and Asset Management reported that changes to the report template had been considered in response to views previously expressed by the Board. He now proposed to discuss the proposed amendments with the Leader of the Council.

Resolved – That the report be noted.

15 NEW GOVERNANCE MODEL - UPDATE ON DISCUSSIONS WITH PARTY LEADERS

The Director of Law, HR and Asset Management reported upon general informal discussions in relation to governance that had taken place with the Group Leaders prior to the local elections in May 2011. He indicated that it was fair to say, there had not been a unanimous view expressed. However, further discussions would take place once the final form of the Localism Bill was known.

Resolved – That the report be noted.

16 CFPS BRIEFING NOTE 11 - DATA, TRANSPARENCY AND OPENNESS

The Director of Law, HR and Asset Management presented for Members' consideration the Centre for Public Scrutiny (CfPS) Policy Briefing 11 – Data,

Transparency and Openness, which provided information in relation to the Government's approach to data transparency, Freedom of Information and about being more innovative about the presentation and use of data.

Resolved – That the Briefing Note be noted.

17 **FORWARD PLAN**

The Director of Law, HR and Asset Management reported that the Forward Plan for the period September to December 2011 was published on the Council's intranet/website and 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.

Resolved – That the Forward Plan be noted.

18 **WORK PROGRAMMES OF OVERVIEW AND SCRUTINY COMMITTEES**

The Director of Law, HR and Asset Management presented for the Board's consideration the Work Programmes of the Council Excellence, Children and Young People, Economy and Regeneration and Sustainable Communities Overview and Scrutiny Committees. The Health and Well Being Work Programme was not available in time for the meeting and he proposed that it be circulated to Members by email upon receipt.

In response to a question from a Member in relation to Scrutiny Reviews, the Director indicated that they were submitted to the Cabinet for consideration and would not normally be presented to the Scrutiny Programme Board, unless there were specific recommendations to it.

Resolved –

(1) That the Scrutiny Work Programmes now submitted, be noted.

(2) That the Work Programme for the Health and Well Being Overview and Scrutiny Committee be circulated to Members when it is available.

19 **REVIEW OF SCRUTINY PROGRAMME BOARD WORK PROGRAMME**

The Scrutiny Programme Board was requested to consider its Work Programme for the ensuing municipal year and, having regard to its terms of reference and available timescales, to determine whether any changes should be made to it.

Resolved – That the Work Programme be noted.
