

POLICY AND PERFORMANCE CO-ORDINATING COMMITTEE

Wednesday, 3 July 2013

Present: Councillor S Whittingham (Chair)

Councillors S Foulkes D Roberts
A Hodson J Stapleton
A Brighouse D Elderton
P Doughty L Fraser
P Glasman A Sykes
M McLaughlin S Williams
B Mooney R Gregson

6 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ron Abbey.

7 CODE OF CONDUCT - DECLARATIONS OF INTEREST RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012, INCLUDING PARTY WHIP DECLARATIONS

No declarations of interest were received.

8 MINUTES

A Member made the following comments on the Minutes of the Special meeting of the Committee convened to consider a call-in of a delegated decision – Local Government Association Annual Conference and Exhibition (Minute No. 5 refers):

Evidence from Call-in Witnesses

Melissa Holt (Organisational Development Manager)

The Minutes stated that “She had become aware of an invoice for the LGA Conference on 29 May”

The Member considered that this statement was not accurate as Melissa had only become aware that places had been booked for this Conference when she received the invoice for them.

The Minutes also stated that “she confirmed that the Council was contractually bound to pay it, as the date for cancellation had passed.”

The Member had no recollection of Melissa making this statement.

Graham Burgess (Chief Executive)

The Minutes stated that he “had issued the instruction for places to be booked for Members on the same basis as previous years.”

The Member had no recollection of Graham making this statement.

Summary of the Lead Call-in Signatory

The Member drew attention to the second bullet point as follows:

- That the Council’s procedures had not been adhered to and the Chief Executive should ensure that the procedures are reviewed to ensure future compliance.

The Member informed that what the Lead Call-in Signatory had said was that the Chief Executive had not followed Council protocol.

RESOLVED:

That subject to the above comments on the accuracy of Minutes of the Special meeting of the Committee held on 24 June 2013 they be signed.

9 **MINUTES OF SCRUTINY PROGRAMME BOARD**

RESOLVED:

That the accuracy of Minutes of the last meeting of the Scrutiny Programme Board held on 19 February 2013 be approved.

10 **TERMS OF REFERENCE AND AREAS OF RESPONSIBILITY FOR THE POLICY AND PERFORMANCE CO-ORDINATING COMMITTEE AND MEETING PROCEDURE RULES**

The Committee considered two reports by the Director of Public Health/Head of Policy and Performance (Fiona Johnstone) and agreed to discuss the details of both at the same time.

The first report informed Members of the Committee’s Terms of Reference as detailed in Article 6 of the Council’s Constitution. This was set out in Appendix 1 to the report. The Constitution had recently been revised and updated in response to the need to improve the Council’s corporate governance and decision making processes.

The Committee noted that the main changes to the Constitution involved:

- The creation of four Policy and Performance Committees to undertake overview and scrutiny

- The creation of four new Constituency Committees to devolve decision-making in line with the Localism Act
- A revised Scheme of Delegation
- Changes to the format of Council meetings

Members also noted the functions and powers of all four Policy and Performance Committees, including responsibilities in relation to health scrutiny. The terms of reference also highlighted the additional responsibilities of the Co-ordinating Committee.

In the second report the Director of Public Health/Head of Policy and Performance proposed the Meeting Procedure Rules under which formal meetings of the Policy and Performance Committees could be undertaken. They were detailed in Appendix 1 to the report. Members were requested to consider these Rules, suggest any amendments required and give their approval in order that updated Rules could be published within the relevant section of Part 4 of the Council's Constitution.

The Director of Public Health/Head of Policy and Performance also made a presentation to the Committee on the key principles which covered the aims and approach to scrutiny, pre decision and post decision scrutiny, the Committee Structure and how it would fit in with the new Constitutional arrangements.

Members noted that within the Policy and Performance Committee Procedure Rules it was proposed that the membership of the Committee should include the Chairs and Vice Chairs of the Council's other three Policy and Performance Committees. However, it was also noted that the Chair of the Policy and Performance Families and Wellbeing Committee, Councillor Wendy Clements, was not a member of the Co-ordinating Committee. Some Members queried this and asked if it was an oversight. The Director of Public Health/Head of Policy and Performance reported that such a membership arrangement was regarded as good practice but it was not a mandatory requirement.

The Head of Legal and Member Services (Surjit Tour) informed that this membership issue could be kept under review and if the Chair of the Policy and Performance Families and Wellbeing Committee not being a member hampered the Co-ordinating Committee's role at some stage, appropriate action could be agreed.

A Member drew attention to paragraph 16(g) of the Appendix to the Meeting Procedure Rules report regarding Call-in which read as follows:

'If the Co-ordinating Committee agrees with the decision the relevant Senior Officer may implement it. In the event of any political group not agreeing with the majority decision of the Co-ordinating Committee, it may

prepare a written minority report for consideration by Council when the minutes of the Co-ordinating Committee are considered. Any such report must be handed to the Head of Legal and Member Services in accordance with Standing Order 7(2). The Leader of the relevant group or his/her representative will have an opportunity to explain the minority report to the Council and Council may discuss and vote for/or against such a report without prejudice to any decision already implemented.'

The Member informed that he did not understand what was meant by this. The Head of Legal and Member Services informed that the taking of a decision did not preclude discussion or debate on it and did not fetter the Council's discretion. He informed that he would circulate an easily understandable form of words in plain English on this matter to all Members of the Committee.

A Member referred to the traditional Committee lay out of the room where Members sat next to Members of their own Political Groups. He proposed that they be mixed up and sit with Members of other Political Groups at future meetings. He considered that this revised style would be less confrontational and combative. The Member also proposed that enquiries be made on best practice with regard to seating arrangements adopted in other Councils and whether it was considered productive.

A Member referred to the first meeting of the Council held on 24 June 2013, a Special meeting arranged to consider a called-in decision regarding the 2013 Local Government Association Conference. He was confused as two of the Members who had signed the call-in notice had agreed to Members being allowed to go to the Conference. Another Member raised the issue that Members who had signed the call-in notice had sat on the Committee that scrutinised the decision and asked if this could not be interpreted as predetermination.

A Member drew attention to the last sentence in paragraph 16(g) as follows:

'The Chair may accept written documentary evidence where appropriate.'

The Member considered that if witnesses were unable to attend a call-in meeting they should not be allowed to provide written submissions because the Committee would be unable to clarify points with them.

Another Member considered that it should be a matter for the Committee whether it wished to receive written submissions from witnesses who were unable to attend call-in meetings. He felt that if a written submission was likely to prove valuable and assist the Committee, then perhaps they should be allowed and Members could attach what weight they wanted to it. Others considered that the Chair should exercise his judgement and decide whether any written correspondence received should be put before the Committee.

They also believed that Members should attend call-in meetings with an open mind.

The Member also referred to the language used at the call-in meeting and informed that other local authorities did not operate their meetings with aggression they saw them as a means of receiving important information.

A Member queried the connection between the scrutiny function and the four new Constituency Committees. The Director of Public Health/Head of Policy and Performance informed that the remits of Constituency Committees were still evolving and their functions would be determined at the local level. Decisions made by these committees would be subject to scrutiny. If an issue arose relating to a particular area it could be possible to ask the relevant Constituency Committee to carry out an investigation and report back to the relevant policy and Performance Committee. However, Constituency Committees were unable to scrutinise their own decisions. They could be used as consultative bodies, informing of local opinion on specific matters raised.

RESOLVED: That

- (1) the terms of reference of the four Policy and Performance Committees be noted as detailed in Article 6 of the Council's Constitution;**
- (2) the Meeting Procedure Rules as set out in Appendix 1 to the report be approved and the Constitution be updated accordingly; and**
- (3) if the Chair of the of the Policy and Performance Families and Wellbeing Committee is not a member of the Co-ordinating Committee then the Vice Chair will be requested to represent it at Co-ordinating Committee meetings.**

11 CORPORATE PLAN PERFORMANCE MANAGEMENT REPORT

A report by the Director of Public Health/Head of Policy and Performance outlined the proposed performance management report to support the delivery of the Corporate Plan for 2013/14. She apologised that the report had been produced in black and white. In future similar reports would be colour co-ordinated and include a key to make them easier to understand.

The report detailed the priorities set out in the Council's Corporate Plan into a coherent set of performance outcome measures and targets. The Committee was informed that these would be used to evaluate the achievement of strategic priorities over the next year of the Plan. The report included

proposed indicators and it was noted that the Council would make the ultimate decision on them.

The Director of Public Health/Head of Policy and Performance reported that she anticipated that the development of the Corporate Plan would be an iterative process during 2013/14 based on the feedback and requirements of Members and portfolio leads. It would run in parallel to the wider development of the underpinning business planning and performance management infrastructure within the Council (e.g. Performance Management Framework Policy, electronic provision of performance information to Elected Members, transition from targets to outcomes).

The Director of Public Health/Head of Policy and Performance informed Members that it was useful to acknowledge the dash board as part of the performance management she wanted to introduce into the Council.

The Head of Commissioning, Performance and Business Intelligence (Tony Kinsella) was in attendance at the meeting and took Members through the detail of the report which translated the key priorities from the Corporate Plan to a high level set of targets which the Committee could scrutinise. He informed that the reporting process would be developed over time and he was happy to receive Members' feedback on the content and style of this type of report.

The Head of Commissioning, Performance and Business Intelligence informed the Committee that the model and approach being taken with regard to performance management was very much based on an exception model. Officers were accountable for their performance and must produce exception reports and plans for delivery to turn round performance. He explained the technical specification sheets and informed that in some cases data was only available on a quarterly basis and fields could only be populated once the first quarter had passed.

A Member commented that the descriptions used could be better and that they needed to relate to the Council's targets. The Head of Commissioning, Performance and Business Intelligence informed that a technical user guide would be produced. The indicators presented had been led by the Directors in line with their corporate priorities.

The Director of Public Health/Head of Policy and Performance told the Committee that she would provide it with information on the connection between outcomes and why particular indicators had been chosen.

A Member drew attention to Appendix 2 to the report and informed that she did not understand a figure in relation to the indicator on permanent admissions of older people (aged 65 and over) to residential and nursing care homes, per 100,000 population. Another Member informed that Members

required some training if this new reporting arrangement was to be a useful tool for Members. The Member also asked how up to date the figures were and was told that information was included as soon as it became available. Usually the information was a month out of date but Officers were now trying to accelerate the processes involved with data collection.

The Director of Public Health/Head of Policy and Performance welcomed the constructive comments and confirmed that the manner in which performance information was reported would evolve and improve over time and feedback from Members was important in this process.

RESOLVED: That

- (1) the information contained within this report be used to inform the Committee's future Work Programme; and**
- (2) appropriate training sessions be arranged for Members so that they can assess the information contained in this standing report to the Committee.**

12 **COMMITTEE WORK PROGRAMME**

A report by the Director of Public Health/Head of Policy and Performance informed that the Committee would draw up a Work Programme for the ensuing Municipal Year. The Director advised Members of the criteria that would be suitable to inform the Work Programme and requested that they propose items for inclusion. She also asked the Committee if it was in agreement to ask the other three Policy and Performance Committees to consider their Work Programmes, assign their priorities and consider a report setting them out at its next meeting.

The Director of Public Health/Head of Policy and Performance informed the Committee that Officers had reviewed the work programmes/minutes from the former Overview and Scrutiny Committee meetings and had identified those areas where Members had previously requested further work to take place. Those items were listed in a table for Members information. As part of developing the work programme of the new Policy and Performance Committees, Members were asked to identify any items from the list that were required for the new work programme. It was noted that it would be beneficial to carry forward only those most significant items.

Members considered the detail of the report and made suggestions on what information they would like to receive and on what could be included in the work programme as follows:

- there should be a standing item on all Co-ordinating Committee agendas to monitor the Council's performance against its budget;

- this year's budget be monitored along with the implications on future years' savings and link all this to performance;
- the regular Capital and Revenue Monitoring Reports that are prepared for the Cabinet's consideration be also presented to this Committee as a standing item;
- the information that the Head of Financial Services (Tom Sault) used to prepare on one sheet of paper for the former Council Excellence Overview and Scrutiny Committee, using the traffic light approach, be presented to this Committee on a regular basis;
- establish, as soon as possible, a Task and Finish Group on the implementation of the budget, looking at options for next year
- consider a list of the members of the Wirral Public Services Board and details of other bodies they sit on;
- agendas for the former Overview and Scrutiny Committees were too long, this mistake must not be repeated;
- the Committee must prioritise two or three topics to scrutinise and complete this work within the Municipal Year;
- the Committee should scrutinise Freedom of Information (FOI) requests received, the processes involved with them and the Information Manager be invited to make a presentation to a future meeting of the Committee;
- consider how other local authorities and other organisations e.g. the Police deal with FOI requests;
- Shared Services (This was within the remit of the Policy and Performance Transformation and Resources Committee); and
- consideration be given to the Risk Register.

RESOLVED: That

- (1) **the Chair, Vice-Chair and Spokespersons be given delegated authority to meet and agree what to include in the Committee's Work Programme, prior to its next meeting; and**
- (2) **the Chair, Vice-Chair and Spokespersons be requested to agree to the commencement of any specific parts of the Work Programme, prior to the next Committee meeting.**

13 SCRUTINY: BRIEFING

The Committee considered a Scrutiny Briefing document prepared by the scrutiny support team that contained the following information:

1. The purpose of overview and scrutiny
2. Service areas relevant to this committee
3. Dates of meetings
4. Committee Membership
5. Outstanding items from previous scrutiny committees

6. Key Internal Plan & Strategies
7. Key local and national policy drivers
8. The role of the Chair
9. Officer support arrangements
10. Key contacts

A Member queried the Committee's support arrangements. The Director of Public Health/Head of Policy and Performance informed that she and the Programme Manager (Michele Duerden) would be supporting the Committee for the time being. Currently there was only one Scrutiny Support Officer (Alan Veitch) in the employment of the Council. He was supporting the Policy and Performance Families and Wellbeing Committee. There were two vacant posts and a recruitment exercise was under way.

In the meantime, Members were advised to channel any requests for support through the Director of Public Health/Head of Policy and Performance and the Programme Manager and they would provide the name of a link person who would be allocated to the piece of work required. Their aim was to create a flexible scrutiny support arrangement.

RESOLVED:

That the content of the Scrutiny Briefing document be noted.