

POLICY AND PERFORMANCE - CO-ORDINATING COMMITTEE

Wednesday, 15 June 2016

Present:

Councillor M McLaughlin (Chair)

Councillors	C Blakeley	P Hayes
	P Brightmore	B Kenny
	D Burgess-Joyce	W Smith
	W Clements	M Sullivan
	A Davies	A Sykes
	P Doughty	I Williams
	P Gilchrist	KJ Williams

In attendance:

Mr M Harrison

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Anderson and C Muspratt and from Mr D Cunningham.

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

No declarations of interest were received.

3 MINUTES

RESOLVED:

That the Minutes of the meeting of the Committee held on 23 March 2016 be confirmed as a correct record.

4 REVIEW OF SCRUTINY ARRANGEMENTS

The Team Leader – Performance and Scrutiny introduced his report which informed that the Cabinet at its meeting held on 6 June 2016 had considered a report setting out proposed new arrangements for the Council's Overview and Scrutiny function. The proposals sought to amend the Council's overview and scrutiny arrangements in order to better align them with and support and challenge the effective delivery of the Wirral Plan. The Cabinet had been informed

that this would ensure that the scrutiny function added value in support of better outcomes for Wirral residents. The Cabinet Report and its five appendices were appended to the report.

The Cabinet had noted that the proposed changes would involve replacing the four Policy and Performance Committees with three Overview and Scrutiny Committees based around the Wirral Plan themes of People, Business and Environment. If implemented it would mean that this Committee would no longer exist.

The Committee was informed that the subsequent resolution of the Cabinet supported the proposals referring the report for consideration to this Committee in advance of it being referred to the Council for approval. Subject to approval, consideration would need to be given to how existing items in the scrutiny work programme would be transferred and a proposal for this was included as Appendix 1 to the Cabinet report. The changes would also require a number of amendments to the Council's Constitution and the required revisions were included in Appendix 2 – 5 of the Cabinet report.

The proposals approved by the Cabinet were as follows:

'RESOLVED: That

- (1) the proposed changes to the Council's scrutiny arrangements set out in the report and its appendices be approved;**
- (2) the proposed changes detailed in the report and its appendices be referred for consideration to the Policy and Performance Co-ordinating Committee for consideration at its meeting scheduled for 15 June 2016; and**
- (3) the proposed changes to the Council's scrutiny arrangements detailed in the report (including Appendices) and the views of the Co-ordinating Committee as confirmed at its meeting on 15 June be referred to an extraordinary meeting of Council to be held on 27 June 2016 for consideration and approval.'**

Councillor M McLaughlin informed the Committee that she intended to take questions and comments on whether it was considered the right approach to match the proposed new Overview and Scrutiny Committees to the themes of the Wirral Plan. Members proceeded to provide their opinions on and debate what was being proposed to improve the Council's scrutiny function. Points put forward included the following:

- This was a positive step as scrutiny would be more focussed around the Wirral Plan. Pre-scrutiny was welcomed but the arrangements for it must be right. It was considered that the direction the Council was going in with scrutiny would work if there was cross party co-operation.
- How the Council's performance would be monitored was queried. A new performance management framework had been developed around the Wirral Plan and its twenty Pledges and these reports would come through scrutiny. Training would be provided on this for Members in advance of the first round of reporting in September 2016.
- The following quote from Councillor Andy Hull a Labour Councillor and Islington's Scrutineer of the Year 2012 was noted:

“At its worst, local government scrutiny can be a way to tie backbench councillors up and keep them busy while executive councillors get on with the real business of running the council. At its best, it is a vital component of good governance and improves council’ decision-making, service provision and cost-effectiveness.”

Some Members considered this to be ‘spot on’. However, the point was made that for some reason Members were being asked to scrutinise the twenty Pledges contained in the Wirral Plan instead of the Cabinet's decisions. The Council's Partners would make some of the decisions and it was queried whether they had engaged with this proposed new overview and scrutiny model and whether they understood scrutiny.

- It was noted, from the report that, key to the success of the proposed new model would be the development of new arrangements for establishing a single, integrated overview and scrutiny work programme. This would promote a more focused approach to ensure only topics of significance were included as a means for overview and scrutiny to add value to delivering the Wirral Plan. Members queried who decided what was significant and made the point that this was their decision to make and not anyone else's. It was considered that it depended on how the overview and scrutiny work programme was developed, the data contained in regular performance reports and the topics considered important. Good strong robust input was required from all partners.
- The logistics of being able to get all of the current Chairs and Spokespersons together for a meeting was raised as an issue. It was considered that in order to avoid this problem from reoccurring and ensure Members' attendance, similar meetings that were required if the new structure was agreed would need to be included in the Committee Calendar at the beginning of each new Municipal Year. Members' and Officers' availability – scrutiny support all would need to be explored.
- The scrutiny review had been carried out by Officers who had looked at the scrutiny arrangements in place in other councils and noted that these tended to be focussed around their corporate plans or

organisational structures. Officers had not consulted the Centre for Public Scrutiny on the proposed arrangements but they did engage and have ongoing dialogue with this organisation. Some Members informed that Officers dictating what the new scrutiny model should look like did not sit comfortably with them.

- Paragraph 3.3 set out the widely recognised roles of the overview and scrutiny function and it was noted that there were no plans to change them.
- It was noted that healthy scrutiny engages with the executive and the Centre for Public Scrutiny promoted this approach.
- It was noted that it was not the intention for the Cabinet to direct what the proposed new Overview and Scrutiny Committees would include in their work programme.
- It was unclear how call-ins in respect of cross-cutting issues would be dealt with when the three Chairpersons were to meet informally behind closed doors.
- There were concerns over how the Council's resources would be scrutinised. There were particular concerns over corporate finance.
- It was noted that the intention was for the majority of overview and scrutiny work to be conducted through designated standing panels and task and finish groups organised around the delivery of the twenty pledges and the Council's transformation agenda. It seemed that all overview and scrutiny would be conducted behind closed doors in meetings that members of the public were not invited to attend.
- It was also noted that a lot of successful overview and scrutiny had been carried out under the current arrangements via task and finish groups. This involved evidence gathering which was considered to be the best way to get information and it was noted that some of the witnesses called may not want to appear in public. Therefore, in terms of task and finish groups some Members wished to maintain the status quo.
- If the new Overview and Scrutiny Committees wanted certain panels to be open to the press and public then that could be arranged. A range of options could be provided and the Committee(s) could choose the most effective way to undertake a piece of overview and scrutiny work. This provided a flexible framework.
- It was noted that it was intended that the Children Sub-Committee and the Health and Care Performance Panel would continue under the new overview and scrutiny arrangements. The Health and Care Performance Panel's minutes had been and would continue to be presented to the relevant Committee. The Panel had met six times in the previous Municipal Year. It had been established to scrutinise the ongoing performance of health and care providers in the Borough. Some Members agreed that this approach could be seen to be both open and transparent.
- It was noted that panels could be established, under the proposed new arrangements, to obtain a longer term view on any matter. They would

be Member led and could be cross-cutting with Membership taken from each of the three committees. The intended aim was to create a fit for purpose overview and scrutiny model that would best achieve the Council's objectives.

- It was noted that the proposals were intended to avoid duplication and ensure cross-cutting themes and Member capacity were effectively managed. Joint planning sessions would be convened between the Chairpersons and the Spokespersons for the proposed three new Overview and Scrutiny Committees. This would effectively lead to a single overview and scrutiny work programme that would support the Wirral Plan. Members questioned whether this approach was very similar to reconvening the Scrutiny Programme Board, a forum that had been included in previous overview and scrutiny arrangements in place prior to those currently in existence. The proposed new model included meetings between Chairpersons and Spokespersons in order that they could agree overview and scrutiny priorities for the work programme and it was intended that it would be very much Member led.
- Reference was made to the 'cut and thrust' of the old Committee System and to the new proposed overview and scrutiny model being a 'fashion' and that too much was being tidied away. There was no point in holding meetings for meetings sake. A Member expressed his extreme scepticism in respect of the proposed new overview and scrutiny arrangements.
- It was considered extremely encouraging that the proposed new arrangements were focussing on positive outcomes.
- A proposal to listen to the voice of the public as part of the scrutiny review process was welcomed.
- The question was asked - Could really good scrutiny be undertaken by a small People Overview and Scrutiny Committee that had been given an extremely large remit? Members were aware that over time the workload of Overview and Scrutiny Committees had got bigger and bigger.

Councillor M McLaughlin summed up the discussion and moved the following Motion that was seconded by Councillor P Brightmore:

'That

- (1) the Committee supports the principles contained within the Cabinet report that the Council's Overview and Scrutiny Committee should be realigned to match the themes of People, Business and Environment contained within the Wirral Plan;
- (2) the Committee believes that in doing this the ability to rigorously scrutinise progress on achieving the twenty pledges will be strengthened; and

- (3) the Committee therefore supports the proposal outlined in the report to bring about the realignment and refers this view to the Extraordinary Council meeting scheduled for 27 June 2016 and looks forward to progress being made on the working arrangements.'

Councillor C Blakeley moved the following Amendment which was seconded by Councillor A Sykes:

'That:

- (1) this Committee is concerned about the lack of thought that has been given to protect the democratic process in the apparent haste that these proposals are being driven through and at the lack of consultation or expert help that has been sought to draw up those proposal;
- (2) this Committee notes that the Leader of the Council and his Cabinet have not implemented the recommendations from the Local Government Review Peer Review undertaken in November 2015, namely that the role of scrutiny may be enhanced in the longer term by offering opposition Members a leadership role on the Overview and Scrutiny Committees; and
- (3) this Committee, therefore, recommends to the Cabinet that, before putting these proposals to the Council, it commissions an independent, expert view from the Centre for Public Scrutiny, via the Local Government Association of the review of the scrutiny arrangements put before this Committee.

The Head of Legal and Member Services informed that what Councillor C Blakeley had proposed was not in fact an amendment because it negated the Motion proposed by Councillor M McLaughlin. What was now being proposed was another Motion.

Councillor P Gilchrist indicated that he wished to move an Amendment to Councillor M McLaughlin's Motion. He proceeded to move the following Amendment which was seconded by Councillor P Hayes:

'That meetings of Panels shall be advertised and open to the press and public unless a decision is taken to exclude them having regard to the sensitivity of the evidence which will be under discussion.'

Councillor M McLaughlin's Motion was put to the vote and **carried** and at the request of Councillor C Blakeley Members' votes were recorded as follow:

(9:6) (Councillors A Davies, P Doughty, P Brightmore, B Kenny, M McLaughlin, W Smith, M Sullivan, I Williams and J Williams voted in favour and Councillors C Blakeley, D Burgess-Joyce, W Clements, P Gilchrist, P Hayes and A Sykes voted against)

Councillor P Gilchrist's Amendment was put to the vote and **lost** and at the request of Councillor C Blakeley Members' votes were recorded as follows:

(6:9) (Councillors C Blakeley, D Burgess-Joyce, W Clements, P Gilchrist, P Hayes and A Sykes voted in favour and Councillors A Davies, P Doughty, P Brightmore, B Kenny, M McLaughlin, W Smith, M Sullivan, I Williams and J Williams voted against)

Councillor C Blakeley's Motion was then put to the vote and **lost** and at his request Members' votes were recorded as follows:

(6:9) (Councillors C Blakeley, D Burgess-Joyce, W Clements, P Gilchrist, P Hayes and A Sykes voted in favour and Councillors A Davies, P Doughty, P Brightmore, B Kenny, M McLaughlin, W Smith, M Sullivan, I Williams and J Williams voted against)

RESOLVED: That

- (1) the resolutions of this Committee be referred to the Extraordinary Council meeting scheduled for 27 June 2016 the Committee supports the principles contained within the Cabinet report that the Council's Overview and Scrutiny Committee should be realigned to match the themes of People, Business and Environment contained within the Wirral Plan;**
- (2) the Committee believes that in doing this the ability to rigorously scrutinise progress on achieving the twenty pledges will be strengthened; and**
- (3) the Committee therefore supports the proposal outlined in the report to bring about the realignment and refers this view to the Extraordinary Council meeting scheduled for 27 June 2016 and looks forward to progress being made on the working arrangements.**