

**TELFORD & WREKIN COUNCIL**

**SCRUTINY MANAGEMENT BOARD– 14<sup>th</sup> MAY 2012**

**ENGAGEMENT OF TOWN & PARISH COUNCILS WITH SCRUTINY**

**REPORT OF SCRUTINY GROUP SPECIALIST**

**1.0 PURPOSE**

- 1.1 To enable the Scrutiny Management Board to consider the feedback to the consultation on the involvement of Town & Parish Councils (TPCs) in Scrutiny, and to agree the preferred option for engaging Town & Parish Councils.

**2.0 RECOMMENDATIONS**

- 2.1 That the Scrutiny Management Board considers and agrees the preferred option for the engagement of Town & Parish Councils with the Scrutiny Committees.
- 2.2 That the Scrutiny Management Board considers whether an allowance equivalent to that paid to existing Scrutiny Co-optees should be paid to Town & Parish Council representatives elected to the Scrutiny Committees.
- 2.3 That the Scrutiny Management Board notes the terms relating to the election of Town & Parish Council representatives as set out in section 6.2.

**3.0 PREVIOUS MINUTES**

- 3.1 Scrutiny Management Board, 5<sup>th</sup> March 2012

**4.0 SUMMARY**

- 4.1 On 5<sup>th</sup> March 2012, the Scrutiny Management Board agreed proposals to elect Town & Parish Council representatives to the Scrutiny Committees. The aim was to encourage closer involvement and co-operation between Scrutiny and the Town & Parish Councils.

- 4.2 The proposal was to elect a Town & Parish Council representative to each of the Scrutiny Committees at a Parish Forum meeting, with a number of conditions applying. The proposals are set out in Appendix 1 of this report.
- 4.3 The proposals were sent to Scrutiny Assembly members and Town & Parish Council Clerks and Chairmen for consultation, allowing enough time for a cycle of Town and Parish Council meetings to take place.

## **5.0 FEEDBACK FROM THE CONSULTATION**

- 5.1 At the time of writing this report, there have been eight responses to the consultation which are shown in Appendix 2. Any further responses received from Town & Parish Councils up to the meeting on 14<sup>th</sup> May will be tabled for consideration at the meeting.
- 5.2 All responses except one which was ambiguous were in favour of the greater involvement of Town & Parish Councils with Scrutiny, although there were different views on how this should be achieved.
- 5.3 Six of the respondents agreed with the principle of having an elected Town & Parish Council (TPC) representative on the Scrutiny Committees, but disagreed about how the representatives should be elected.
- 5.4 Of the six agreeing with elected representatives: 2 supported an election at the Parish Forum; 1 supported an election at the Wrekin Area Committee; 2 supported an election managed by the Council. One did not express a preference.
- 5.5 Three responses felt that the Parish Forum was not the best way of holding an election as the Forum was currently under review due to poor attendance. Consultation on the future of the Parish Forum was due to close on 2<sup>nd</sup> May, and the results were to be discussed at the Parish Charter Monitoring Group on 10<sup>th</sup> May.
- 5.6 Concerns were expressed about the difficulty of one representative being able to reflect the differing views of 26 TPCs encompassing rural and urban areas.
- 5.7 The lack of an allowance was raised as an inequality issue and as a potential barrier to participation.
- 5.8 There were concerns about how the representatives would communicate with other TPCs to:
- Provide effective feedback
  - To gather views from other TPCs to feed into a scrutiny review within a reasonable timescale for the review.

## 6.0 OPTIONS FOR ENGAGING TOWN & PARISH COUNCILS

6.1 Based on the result of the consultation, four options have been put forward for the Scrutiny Management Board to consider, and to agree the preferred option for engagement with TPCs. As the majority of the responses were in agreement with the view of the Scrutiny Management Board that the TPCs should be more closely involved with scrutiny work, the options are all based on this premise.

	<b>Considerations</b>
<p><b>Option 1</b> TPC representatives are not elected to the Scrutiny Committees but:</p> <ul style="list-style-type: none"> <li>• TPCs are notified of about meetings and agenda items</li> <li>• Scrutiny pro-actively involves TPCs in scrutiny reviews where relevant</li> <li>• TPCs receive progress reports as provided to the Scrutiny Management Board.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported by one respondent</li> <li>• Gets around the issue of one TPC representative reflecting views of 26 TPCs</li> <li>• Tests level of interest before moving ahead with elected representatives</li> <li>• Risk of less engagement with less formal structure</li> </ul>
<p><b>Option 2</b> TPC representative elected to Scrutiny Committees at Parish Forum.</p>	<ul style="list-style-type: none"> <li>• The Parish Forum is currently under review</li> <li>• Proposed by Scrutiny Management Board and supported by 2 TPCs</li> </ul>
<p><b>Option 3</b> TPC representatives elected to Scrutiny at Wrekin Area Committee.</p>	<ul style="list-style-type: none"> <li>• Not all TPCs are members of the Wrekin Area Committee</li> <li>• Supported by one member</li> </ul>
<p><b>Option 4</b> TPC representatives elected to Scrutiny Committees as follows:</p> <ul style="list-style-type: none"> <li>• Scrutiny seeks nominations from all TPCs requesting short statement of experience, knowledge and interest from nominees</li> <li>• Nominee details posted on website</li> <li>• If fewer than 5 nominees, no election will be held and nominees will be allocated to Scrutiny Committees by Scrutiny Management Board.</li> <li>• If more than 5 nominees, each TPC will be asked to vote for their preferred nominee by e-mail. Results will be published. Top scoring 5 will be appointed to the Scrutiny Committees and allocated places by the Scrutiny Management Board.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensures all TPCs have an opportunity to make nominations and consider candidates before electing representatives</li> <li>• Selection based on some criteria</li> <li>• Better element of matching experience and skills to Committees</li> <li>• Supported by one TPC Clerk and one TPC</li> </ul>

6.2 The following terms will apply to all options involving the election of TPC representatives:

- Representatives must be elected Councillors, but not borough ward Members.
- There will be one representative for each Scrutiny Committee, except the Scrutiny Management Board.
- Representatives must represent the general interests of Town & Parish Councils and not the individual interests of their own town or parish. However, issues may legitimately be raised where the issue is common to other towns and parishes in the borough.
- The representatives should have an interest in, or knowledge of, the services within the remit of the Scrutiny Committee on which they sit to complement the skills and experience of the borough ward members and other co-optees on the Committee.
- The representatives may take a full part in scrutiny meetings, but will not have voting rights.
- Representatives will be responsible for consulting with and feeding back to other Town & Parish Councils through any methods they choose.
- All Town & Parish Councils will receive notices about scrutiny meetings and agenda items, and progress reports on delivery of the scrutiny work programme. TPCs will be invited to make suggestions for scrutiny in the usual way.
- Where no representative is elected by the Town & Parish Councils, the position on the Scrutiny Committee will remain vacant until such time as a representative is elected.
- Representatives would be required to sign and abide by the Council Members' Code of Conduct.

6.3 Details of any election process agreed will be worked out by the Scrutiny and Democratic Services team in consultation with the Scrutiny Chairman.

6.4 The effectiveness of any new arrangements may be reviewed and amended by the Scrutiny Management Board after a period of 12 months.

## 7. **ALLOWANCES**

- 7.1 As no budget had been identified for additional scrutiny co-optees, it was proposed that no allowances would be payable to the TPCs, recognising that they may claim expenses from their Town or Parish Council.
- 7.2 Existing Scrutiny Co-optees receive an annual taxable allowance of £260 for serving on a Scrutiny Committee.

## **9. EQUAL OPPORTUNITIES**

Any election process arising from recommendations will be held in an open and transparent way with all Town & Parish Councillors having equality of opportunity.

There is an equality issue with the potential for a two-tier allowance system.

## **10. ENVIRONMENTAL IMPACT**

There are no environmental impacts arising from this report.

## **11. LEGAL COMMENT**

The Terms of Reference of the Scrutiny Management Board include the following provision in relation to the decisions which are for consideration in this report –

“The Scrutiny Management Board may periodically review and make changes to the Policy for Co-opting Scrutiny Members.”

Section 21(10) of the Local Government Act 2000 provides that a Scrutiny Committee can include members who are not elected Members of the Authority. Such members cannot vote unless a scheme is made in accordance with Schedule 1 Paragraph 12 to the Act. The Local Authorities (Members' Allowances) (England) Regulations 2003 provide that allowances can be paid to co-optees.

## **12. LINKS WITH CORPORATE PRIORITIES**

The proposal relates to the Council's scrutiny function.

## **13. OPPORTUNITIES AND RISKS**

The recommendations present an opportunity for greater involvement of Town & Parish Councils with Scrutiny.

**14. FINANCIAL IMPLICATIONS**

There are no direct costs associated with the proposed Scrutiny Committee structure. As set out in the Council's constitution, a special responsibility allowance of £7,139 p.a. is paid to the Chairs of Scrutiny Committees and co-optees receive £260 p.a. The payment of allowances to 5 Town & Parish Council representatives would cost an additional £1,300 p.a. which could be accommodated within the current revenue budget for member allowances.

**15. WARD IMPLICATIONS**

There are no ward specific implications arising from this report.

**16. BACKGROUND PAPERS**

None

Report prepared by Stephanie Jones, Scrutiny Group Specialist 01952 383114

## **Proposal for the election of Town & Parish Council representatives to the Scrutiny Committees**

The Scrutiny Management Board has expressed a desire to develop closer links between scrutiny and the Town & Parish Councils. This is consistent with the Co-operative Council priority to give local people greater involvement in planning and running Council services, accepting that scrutiny is an influencing but not a decision making body.

Currently, Town & Parish Councils are invited annually to make suggestions for the Scrutiny Work Programme, and Town & Parish Councillors may attend scrutiny meetings along with other members of the public to observe the debates. However, there are no formal links between scrutiny and the Town & Parish Councils which limits the engagement of Town & Parish Councils in scrutiny work.

To address this, the Scrutiny Management Board is proposing that the Town & Parish Councils are invited to elect representatives to sit on each Scrutiny Committee, excluding the Scrutiny Management Board.

The following terms would apply to the representatives:

- Representatives will be elected by the Town & Parish Councils. This could be done at a meeting of the Parish Forum, or at another suitable meeting, or at a meeting specifically for electing the representatives.
- Representatives must be elected Councillors, but not borough ward Members.
- There will be one representative for each Scrutiny Committee, except the Scrutiny Management Board.
- Representatives must represent the general interests of Town & Parish Councils and not the individual interests of their own parish. However, issues may legitimately be raised where the issue being discussed is common to other parishes in the borough.
- The representatives should ideally have an interest in, or knowledge of, the services within the remit of the Scrutiny Committee on which they sit so that they add value to the skills and experience of the borough ward members and other co-optees on the Committee.
- Representatives may bring suggestions to scrutiny, although decisions about the work programme will remain with the Scrutiny Management Board and relevant Scrutiny Committee. Provision for making suggestions already exists, but it is felt that a more formal working relationship is likely

to enhance opportunities for the Town & Parish Councils to influence the work programme and contribute to outcomes.

- The representatives may take a full part in scrutiny meetings, but will not have voting rights.
- Representatives will be responsible for providing feedback to other Town & Parish Councils through any methods they choose and including reports to the Parish Councils, possibly through the Parishes Forum. Town & Parish Councils would receive weekly e-mail notices about forthcoming scrutiny meeting dates and agenda items in the same way as Scrutiny Assembly members.
- There is currently no identified budget for paying allowances to Town & Parish Council representatives on the Scrutiny Committees. It should be pointed out that members of the public currently Co-opted onto scrutiny receive a small annual allowance to cover travel expenses, which had already been budgeted.
- Where no representative is elected by the Town & Parish Council, the position on the Scrutiny Committee will remain vacant until such time as a representative is elected.
- There will be no set term of service, and it will be up to Town & Parish Councils to monitor the arrangements and make replacements as they see fit.
- In line with Co-optees serving on the Scrutiny Committees, representatives would be required to sign and abide by the Council Members' Code of Conduct.

The proposal will not affect the position of existing Co-optees who are Town or Parish Councillors and who have been co-opted onto scrutiny for their specific skills or expertise.

**Feedback from consultation on the proposals to involved Town & Parish Councils with the Scrutiny Committees.**

1	Scrutiny Member	<p>I am not supportive of the proposal to have Town &amp; Parish Council representatives. I believe this will be fraught with difficulties. I think a Town or Parish Council representative will find it difficult to reflect the views of all Town &amp; Parish Councils and will, most likely, resort to reflecting the view, as they see it, of their own Council. I also think representatives will find it difficult to provide effective feedback to all other Town &amp; Parish Councils and either they will not do it or it will fall back on the Borough to provide them with the wherewithal. With no vote and no allowances, I would be surprised if there is much enthusiasm. I think a first step might be to notify Town &amp; Parish Councils of meetings and agenda items, as suggested, invite them to attend as members of the public, if they wish, and then send them copies of recommendations and see if that sparks further interest.</p>
2	Scrutiny Member	<p>The proposal to include members of parish councils onto these committees one I would fully endorse, but not through the Parish Forum. The Forum is weak and not led as it should be by the parish/town councils as it was intended, therefore I would suggest that if we wish to be totally impartial the authority or scrutiny management chair utilises the Wrekin area committee as a mechanism to obtain suitable representation from our partner minor authorities.</p>
3	TPC Clerk (personal view)	<p>I support the idea of a Parish / Town Councillor joining each Scrutiny Board but have to say that this will only bring about the possible benefits if that 'elected' person liaises with all Parish &amp; Town Councils on a regular basis, otherwise that one person will not be in a position to represent PTC on the Scrutiny Board. With regards to the allocation of time for a scrutiny review, this could end up extended as I see the process below as the only way it could work:-</p> <ul style="list-style-type: none"> <li>• Scrutiny meet to identify piece of work.</li> <li>• PT rep liaises with ALL PTC to gather views</li> <li>• Scrutiny meets to bring together the PTC views with other views collected</li> <li>• Scrutiny make recommendations</li> <li>• PT rep takes recommendations back to ALL PTC and asks for views</li> <li>• Scrutiny meets to confirm</li> </ul> <p>Regarding the process to 'elect' a representative of PTC</p>

		<p>on a Scrutiny Board, I don't think the Forum is the correct meeting at this time. The Charter Review Monitoring Group is to send out a questionnaire in the near future to enquire of PTC their views regarding the Forum. Presently it is not well attended and not representative of ALL PTC.</p> <p>May I suggest that you ask PTCs to nominate someone (if they want to) and for that nominated person to write a short paragraph about why they want to do the role, what experience they have and how they can enhance the work of the Board, their availability for meetings etc. Then the list of ALL interested nominations be agreed by Scrutiny and the list sent out to all PTCs for them to vote for the one they believe could best represent ALL PTC.</p> <p>I agree that the elected PT Councillors should not be Ward Members and should have the general interests of the entire Borough in mind. Every effort should be taken to ensure they do not have conflicting interests.</p> <p>I agreed that the weekly notices are an excellent idea, but you should advertise the fact that these are open meetings. I think the PT Councillor should be entitled to claim mileage but not necessary have an allowance. Having said this, if they are the nominated person from their Parish, they can claim mileage from their own Parish Council. They will already be signed up to the Code of Conduct as an elected Member, albeit of a Parish or Town Council.</p> <p>I would also ask, please, that you remain mindful of the Parish Charter which has just been updated in line with the Co-operative Council guidance.</p>
4	Town/Parish Council	<p>The Committee answer "yes" to both of the following questions as a response to Telford &amp; Wrekin Council:</p> <ul style="list-style-type: none"> <li>• Appoint elected representatives is the best way of involving Town &amp; Parish Councils in Scrutiny?</li> <li>• That an election should be held at a Parish Forum meeting?</li> </ul>
5	Town/Parish Council	<p>The election of a Town or Parish Council rep for each Scrutiny Committee.</p> <p>This was supported by the Parish Council but questions were asked as to how this one person would be able to represent the views of 26 PTCs.</p> <p>The inclusion of PTCs in the Scrutiny process is an excellent idea (the meetings regarding the community centres recently being a good example) and encourages a greater degree of co-operation between the two tiers of local government.</p>

		<p>The Parish Forum would not be the best way of holding an election to appoint the representatives as it is recognised that the Forum is under review due to poor attendance. Members believed that each Parish / Town Council should be asked if they have a Councillor willing to be nominated. The Management Board should ask all those nominated to write a short statement detailing their experience and knowledge and these should be included in a voting system allowing each PTC to vote for a representative. The Board could use the information to determine which Scrutiny Commission would be best for each of the successful applicants.</p> <p>It is very important that the elected people can represent all the PTCs across the Borough and not attend to put forward their own views, although it is recognised that they will have personal views on the subject. They also need to be available to attend your meetings, which I believe are sometimes held in the daytime.</p>
6	Town/Parish Council	<p>On the election of a Town and Parish Council representative for each Scrutiny Committee, the Council, felt that appointing elected representatives is the best way forward to ensure those Councils are involved in the scrutiny process. They have also agreed that the appointment of representatives should be held at Parish Forum meetings.</p>
7	Town/Parish Councillor	<p>I'm not sure I'm understanding properly, is it proposed that Town and Parish Councillors sit and work alongside Borough councillors, on Scrutiny committee?. But Borough councillors are paid - really handsomely paid - and Parish councillors are not, they are volunteers. Surely this cannot be 'serious'?</p> <p>Since the Parish councillors can't be paid, it would change the nature of their representation, then are Borough councillors on Scrutiny proposing to forgo their rations?</p>
8	Town/Parish Council Chairman	<p>Whilst I think the idea is good in principle, there are many pitfalls in it as well.</p> <p>One representative on each Committee to deliver the <u>consensus</u> view of 26 Parish &amp; Town Councils is a big ask, and I think an unenviable one.</p> <p>Town Councils are not the same as Parish Councils (as I am sure everyone at T&amp;W knows) and even within these two levels, there are the two extremes of strongly political minor authority councillors and those whose political views never enter into anything they do.</p> <p>We also have rural and urban to contend with, again with differing requirements and views, and importantly there would also need to be a process by which the scrutiny representative consulted with all 26 Parish and</p>

		<p>&amp; Town Councils on any particular issue (and did not merely represent their own views), and then, time allowed for responses to be made known to the scrutiny representative. The delays this could potentially cause could be lengthy.</p>
--	--	--