

SCRUTINY MANAGEMENT BOARD

Minutes of the meeting of the Scrutiny Management Board held on Monday, 14th May 2012 at 2.30pm in the Scrutiny Meeting Room, Civic Offices, Telford

PRESENT: Councillors D. White (Chairman), V. Fletcher, G. Green, A. McClements, R. Sloan, C. Turley.

IN ATTENDANCE: Jas Bedesha, Cohesion Service Delivery Manager; Stephanie Jones, Scrutiny Group Specialist; Tracy Clarke, Scrutiny Officer.

SMB-42 MINUTES OF THE LAST MEETING

RESOLVED – that the minutes of the meeting of the Scrutiny Management Board held on the 18th April 2012 be confirmed and signed by the Chairman.

SMB-43 APOLOGIES FOR ABSENCE

Cllr. Miles Hosken. Cllr. Hosken apologised that he had been unable to attend the Scrutiny Management Board meetings this year due to the fact that they had been held at times when he was not able to attend because of work commitments.

SMB-44 DECLARATIONS OF INTEREST

None.

SMB-45 ENGAGEMENT OF TOWN & PARISH COUNCILS WITH SCRUTINY

Members considered the report of the Scrutiny Group Specialist on the Engagement of Town & Parish Councils (TPCs) with Scrutiny which had been circulated with the agenda. Members were recommended to:

- Consider and agree the preferred option for the engagement of Town & Parish Councils with the Scrutiny Committees.
- To consider whether an allowance equivalent to that paid to existing Scrutiny Co-optees should be paid to Town & Parish Council representatives if elected to the Scrutiny Committees.
- To note the terms relating to the election of Town & Parish Council representatives as set out in section 6.2 of the report.

The report set out the feedback from Scrutiny Members and Town & Parish

Councils on the proposal to elect a Town & Parish Council representative to each of the Scrutiny Committees. This showed that 2 Scrutiny Members, 3 Town & Parish Councils, 1 Town & Parish Council Chairman, 1 Town & Parish Councillor and 1 Town & Parish Clerk had responded. The responses had been collated and four options were set out for consideration:

1. That TPC representatives are not elected to the Scrutiny Committees but:
 - TPCs are notified of about meetings and agenda items
 - Scrutiny pro-actively involves TPCs in scrutiny reviews where relevant
 - TPCs receive progress reports as provided to the Scrutiny Management Board.
2. That one TPC representative is elected to each Scrutiny Committees at the Parish Forum.
3. That one TPC representative is elected to each Scrutiny Committee at the Wrekin Area Committee.
4. That one TPC representative is elected to each Scrutiny Committees as follows:
 - Scrutiny seeks nominations from all TPCs requesting short statement of experience, knowledge and interest from nominees
 - Nominee details posted on website
 - If fewer than 5 nominees, no election will be held and nominees will be allocated to Scrutiny Committees by Scrutiny Management Board.
 - 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.

Four further responses were then tabled. These were from a Scrutiny Member, 2 Town & Parish Councils and the Scrutiny Chairman. The comments had been received subsequent to the report for the meeting being published but before the deadline for responses. The feedback tabled led to 3 further options being considered:

5. That two TPC representatives should be elected to each Scrutiny Committee.
6. That the election process should be facilitated by the Shropshire Association of Local Councils.
7. That all Town & Parish Councils select 2 Councillors to put forward as representatives. Supporting background information for each nominee is provided, including their experience, and which Scrutiny Committee they are interested in. The Scrutiny Management Board meet to consider all the candidates and select up to 2 representatives for each Committee based on experience, skills and interest. This meeting would be overseen by an independent representative of the Association of Local Councils.

Candidates will be informed about whether they have been selected or not.

There was then a discussion about the feedback and the recommended options during which the following points were made:

- It was noted that only seven Town & Parish Councils had responded in any way to the consultation which was about a quarter of the total number. Members felt this could reflect the lack of understanding or disinterest of some Town & Parish Councils in scrutiny, and felt that this was something that scrutiny should work to overcome. However, the willingness to engage of TPCs who had responded positively was warmly welcomed. Cllr. Sloan felt that the approach for scrutiny should be to focus on building relationships with local Councillors who wanted to get involved, and if shown to be effective, this may then stimulate wider interest and engagement.
- Cllr. Green drew Members' attention to Option 1 in the report which was not to elect TPC representatives to the Scrutiny Committees, but for TPCs to be more involved as part of scrutiny reviews. The Chairman disagreed with this option as he felt it may mean that TPCs were not fully involved in all scrutiny work.
- Members discussed feedback on the idea that one representative should reflect the views of all Town & Parish Councils, and agreed there was a difficulty with this given the diverse interests of the Councils, and that it was unreasonable to expect one person to feedback to all other Councils. It was noted that details of scrutiny meetings and agenda items were already sent to Town & Parish Councils, and that in future they would also receive progress reports brought to the Scrutiny Management Board.
- This stimulated a wider discussion about the role of the representatives on the Committees. In the light of the previous discussion, Cllr. Sloan suggested that it would benefit scrutiny for the role of the TPC representatives to focus less on representing the views of all TPCs as this was difficult, and more on bringing the talent and skills that reside in the Town & Parish Councils to add value to scrutiny. This would bring the role more in-line with the existing scrutiny co-optees who had been recruited for their specialist knowledge and experience to supplement that of the elected members, and to bring an external voice to scrutiny. Cllr. Fletcher noted that some of the existing Scrutiny Co-optees were also Town or Parish Councillors, and that this should be taken into consideration in any arrangements agreed. Cllr. Sloan further suggested that a "pool" of Town & Parish Councillors should be identified with whom scrutiny could work.
- There was a discussion about how TPC representatives might be elected. It was agreed that the Wrekin Area Committee was not the right forum because not all Councils were members, and this discounted Option 3. The Chairman reported that he had spoken to Wendy Tonge in the Priority Action Team to find out what had happened as a result of the recent consultation on the Parish Forum. Feedback had shown that the majority

of councils responding had felt that the Forum was poorly attended and not effective. The Parish Charter Monitoring Group had considered the feedback on 10th May and it had been concluded that a further look at the Forum was required to decide how it could function more effectively in future. In the light of this uncertainty, Members agreed that the Parish Forum was not the right forum to hold an election, and Option 2 was discounted.

- There was a discussion about how many TPC representatives should be appointed to the scrutiny committees. The proposal had been to elect one per Committee, but a suggestion had been put forward to elect two. Members were of the view that allowing up to 2 representatives per Committee would help widen the pool of talent available to scrutiny, and increase opportunities for TPCs to get involved.

Drawing the discussion to a conclusion and taking all points into consideration, the Chairman proposed an option which he felt would fulfil the requirements discussed. This was that:

- Each Town & Parish Council would be invited to nominate up to 2 councillors for appointment to the Scrutiny Committees;
- All nominees would supply a statement to scrutiny highlighting their skills, experience, interests and what they feel they could contribute to scrutiny.
- The Scrutiny Management Board would consider all nominations and select up to 2 Councillors to be appointed to each Scrutiny Committee based on where the skills, experience and interests presented could add value to the expertise already on the Scrutiny Committees;
- That the selection process would be overseen by an independent observer from the Shropshire Association of Local Councils, and that Karen Roper should be invited to do this;
- That the Scrutiny Management Board would notify all nominees whether they had been selected or not;
- That Scrutiny Co-optees who are also Town or Parish Councillors would be included within the number of representatives selected.

This process was agreed by other members of the Board.

The issue of the payment of an allowance to TPC representatives was then considered. The proposal consulted on was that the TPC representatives would not attract an allowance on the basis that a budget had not been identified and because expenses could be claimed back from the Town or Parish Council. There was further discussion on this matter, and it was noted that there had been some feedback that the lack of an allowance could be a barrier to participation. Furthermore, there was an issue with equality as the existing Co-optees were paid a taxable allowance of £260 per year to cover expenses, and not paying the TPC representatives would create a two tier system which would be unfair and could create problems in future.

Cllrs. White and McClements reported that they had had further discussions regarding the payment of allowances, and confirmed that funding could be allocated from the Members' Allowances budget to pay the appointed Town & Parish Council representatives an allowance equivalent to that paid to the

serving Scrutiny Co-optees. The Chairman sought views on the payment of an allowance, and Members confirmed they were in agreement with paying the allowance.

The Scrutiny Group Specialist drew Members' attention to the terms relating to the election of the TPC representatives in section 6.2 of the report. Members were in agreement with the principles of the terms and conditions but noted that they would need to be amended to reflect the process agreed at this meeting.

RESOLVED

- **That the Scrutiny Management Board appoint up to two Town & Parish Councillors to each Scrutiny Committee according to the process agreed at the meeting**
- **That Town & Parish Councillors appointed to a Scrutiny Committee would be eligible for an allowance equivalent to that paid to serving Scrutiny Co-optees**
- **That the terms and conditions for the Town & Parish Council representatives set out in section 6.2 be noted but would be amended to reflect the agreed process.**

SMB-46 POLICE REFORM AND SOCIAL RESPONSIBILITY ACT

Jas Bedesha, Cohesion Service Delivery Manager, presented the report on Police & Crime Commissioners and the West Mercia Police & Crime Panel which had been reported to Cabinet on 26th April.

The report summarised the key changes brought about by the Police Reform and Social Responsibility Act with regard to the role and responsibilities of Police & Crime Commissioners and Police & Crime Panels, and the implications of the changes for the Council.

The following points were highlighted:

- Police & Crime Commissioners (PCCs) would replace Police Authorities.
- The PPC is an elected position, responsible for the allocation of budgets and appointment and dismissal of the Chief Constable. Elections would be held on 15th November.
- PCPs would be responsible for holding to account and scrutinising the actions and decisions of the PCC, but would not be responsible for scrutinising the performance of the police force.
- The PCP would be made up of elected councillors and lay members. Telford & Wrekin was in the West Mercia area which included Shropshire, Herefordshire and Worcestershire County Councils and 6 Worcestershire District Councils. The model agreed for the West Mercia PCP was 15 elected members and 2 lay co-opted members. The number of places allocated to each authority had been based on the population, and political balance would be required across the force area. All authorities had agreed to the proposed model as follows:
 - Herefordshire – 2 Elected Members
 - Shropshire – 4 Elected Members

- Telford and Wrekin – 2 Elected Members
- Worcestershire County Council – 1 Elected Member
- Worcestershire Districts – 6 Elected Members (one per district)
- 2 Co-opted non-elected members, one North (Shropshire and Telford & Wrekin, one South (Herefordshire and Worcestershire).

Delegated powers have been given to Jonathan Eatough by Cabinet to the two Telford & Wrekin positions, as the guidance requires a political balance across West Mercia before the PCP goes into shadow form in June/July.

- Worcestershire had been appointed as the lead authority for the day to day running of the PCP, and a cross-authority officer working group had been set up to support the PCP and look at how it would work with the PCC. The Democratic Services Manager represented Telford & Wrekin on this group.
- A key issue for the Council was the impact of the changes on funding. The Community Safety Grant, and potentially Drugs Intervention Programme grant, was likely to be passed from the Council to the PCC from April 2013. Potentially this would mean the West Mercia authorities would be bidding competitively to provide services on a commissioned basis. The authorities had therefore been working together to identify the priorities which each authority would support to try to minimise competition for resources, although this may be difficult to avoid. Anti-Social Behaviour (ASB) had been identified as the priority for Telford & Wrekin because it was a key issue for the borough and because of the good work that had been done such as the ASB Hotline and the Multi-Agency Risk Assessment Committee (MARAC) process. A shared Action Plan would be developed to ensure money was passported back to Telford & Wrekin to deal with ASB.

Following the presentation, members raised a number of issues and concerns:

- Members wanted to know whether the elected Members on the PCP would be scrutiny or Executive members given that the PCP has a scrutiny role. It was explained that nominations had been sought from group leaders and would be approved by Cabinet.
- Members asked how the elections for the PCC would be funded, and what the term of office was, and were informed that the authority had received no additional funding for the election, and the term of office was four years. Members were concerned that the authority may be expected to pay for the election, especially if the timing did not coincide with other elections whereby costs could be saved, and sought further clarity on this.
- Members were told that PCP members would receive annual expenses of £992, far less than was paid to Police Authority representatives. A rolling programme of meetings around West Mercia was being looked at.
- Great concern was expressed about the potential impact on funding. Members were informed that there had been discussions at officer level

about how to minimise the risk of competition through a shared action plan based around the priorities for each authority, and about how to make the case for localised funding. However, there was a risk of competing demands for resources with issues that were a priority for all authorities such as the Independent Domestic and Sexual Violence Advisors. Substance misuse funding would also be centralised with the PCC. Cllr. Fletcher was concerned that links would need to be made with Public Health in this respect. Cllr. Sloan expressed a concern that with the reduction to police budgets, the Community Safety grants could be used to offset cuts unless the funding was ring-fenced.

- There was concern that Worcestershire was disproportionately represented on the PCP due to the fact that there were 6 district councils as well as the county council. The regulations set out in the Act were that panels must include at least one elected representative from each local authority in the force area, including unitaries, counties and districts. This meant that Worcestershire had a statutory minimum of 7 representatives overall. The West Mercia model had been based on population size, balanced for political proportionality and would need to be agreed by all the member authorities.
- There was a discussion about the role of scrutiny in the new arrangements. The Scrutiny Group Specialist reminded members that the statutory powers of scrutiny in relation to the Safer Stronger Communities Partnership remained in place, although this would need to be considered as new funding and/or commissioning arrangements became clear. The relationship with scrutiny and the PCP would also need to be considered as the PCP would be responsible for scrutinising the PCC who was in turn responsible for allocating budgets to the community safety partnerships. It was agreed that the Scrutiny Group Specialist would contact scrutiny officers in the other authorities to find out how this was being looked at, and that a report would be brought back to a future meeting.

RESOLVED

That a report be brought back to a future meeting.

SMB-47 2012/13 SCRUTINY WORK PROGRAMME

The Scrutiny Group Specialist tabled a briefing note showing the proposed timetable for setting the 2012/13 Scrutiny Work programme which was agreed. As part of the process, Assistant Directors would be asked to identify the key work streams for the next municipal year and to identify particular pieces of work where scrutiny could make a useful contribution to policy development. This was to help inform scrutiny members' decisions about the work programme, and to assist with the internal planning of resources to support scrutiny work. Members firmly emphasised that decisions about the work programme would remain with scrutiny members.

The Scrutiny Management Board had requested an up to date list of partners on the Local Strategic Partnership which was provided. It was agreed that all

partners would be invited to make suggestions for the work programme.

RESOLVED

- **That the indicative timetable for setting the work programme be noted.**
- **That partners on the Local Strategic Partnership be invited to make suggestions for the work programme.**

Before the Chairman brought the meeting to a close, the Board wished to express their great sadness at the news that former Member and friend Rosemary Chaplin had passed away and to acknowledge the great contribution she had made to scrutiny over many years.

The meeting ended at 4.15pm.

Chairman:

Date: