



To: Chair and Members of the
Democratic Services Committee

Date: 5 December 2012

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Dear Councillor

You are invited to attend a meeting of the **DEMOCRATIC SERVICES COMMITTEE** to be held at **10.00 am** on **THURSDAY, 13 DECEMBER 2012** in **CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 APPOINTMENT OF VICE CHAIR

To appoint a Vice Chair of the Democratic Services Committee for the ensuing year.

3 DECLARATIONS OF INTEREST

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

4 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

5 DESIGNATION OF HEAD OF DEMOCRATIC SERVICES (Pages 3 - 6)

To consider a report by the Head of Legal and Democratic Services (copy attached) to designate the Council's 'head of democratic services' for the purposes of the Local Government (Wales) Measure 2011.

6 CONSULTATION ON JOINT SCRUTINY COMMITTEES AND ANNUAL REPORTS BY MEMBERS (Pages 7 - 30)

To consider a report by the Democratic Services Manager (copy attached) on Joint Scrutiny Committees and Annual Reports.

7 FORWARD WORK PROGRAMME (Pages 31 - 32)

To consider a report by the Democratic Services Manager (copy attached) on the future work of the Committee.

MEMBERSHIP

Councillors

Bill Cowie
Stuart Davies
Martyn Holland
Gwyneth Kensler
Barry Mellor
Win Mullen-James

Bob Murray
Peter Owen
Merfyn Parry
Arwel Roberts
Gareth Sandilands

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Report To:	Democratic Service Committee
Date of Meeting:	13 December 2012
Lead Member / Officer:	Gary Williams, Head of Legal and Democratic Services
Report Author:	Gary Williams
Title:	Designation of Head of Democratic Services

1. What is the report about?

The Local Government (Wales) Measure 2011 requires a local authority to designate one of its officers to discharge a range of democratic services functions. The designated officer is to be known as the 'head of democratic services'.

2. What is the reason for making this report?

To comply with the requirements of the Local Government (Wales) Measure 2011 and the accompanying Statutory Guidance with regard to designating an officer to undertake the new statutory role of Head of Democratic Services (HDS).

3. What are the Recommendations?

The Corporate Executive Team (CET) recommends to the Committee that the Council's Democratic Services Manager be designated as the Council's 'head of democratic services' for the purposes of the Local Government (Wales) Measure 2011.

4. Report details.

4.1 At the Annual Meeting on the 15 May 2012 Council decided that the membership of the new Democratic Services Committee (required under the Local Government Measure) would be 11 councillors (politically balanced) which would not include a Cabinet member. One of the duties of the committee is to designate the HDS.

4.2 The HDS designation is a statutory, politically restricted post whose role is to undertake the functions set out section 9 of the Measure. These functions include:

- Providing support and advice (particularly in relation to the functions of Scrutiny Committees and the Democratic Services Committee)
- To the Authority in relation to its meetings

- To committees of the Authority and members of committees
- To any joint committee which the local authority is responsible for organising and to the members of that committee
- In relation to the functions of Scrutiny Committees, to all Members / Officers
- To each member of the Authority carrying out the role of member
- Promoting the role of the Council's Scrutiny Committees
- Preparing reports and recommendations in respect of resources required to discharge Democratic Services functions.

4.3 The Council may not designate any of the following as the HDS (section 8 (4)):

- Head of Paid Service
- Monitoring Officer
- Chief Finance Officer

4.4 Paragraph 3.18 of the Statutory Guidance for the 2011 Measure states that *'in many cases, there will be an obvious person who already fulfils much of the HDS function. One would expect the Head of Paid Service to make a recommendation to the DSC (Democratic Services Committee) as to who would be a suitable candidate'*.

4.5 Many local authorities have already designated their HDS. In the known cases they have chosen the officer directly responsible for managing democratic / committee services in line with the Statutory Guidance in the known cases. This avoids duplication and potential conflict between the service provision and statutory roles which are essentially the same. In addition any risk of duplication of roles, advice and lines of management of the service will be avoided. Although the Monitoring Officer cannot be the HDS there is no restriction on having the HDS report directly to the Monitoring Officer.

4.6 CET have considered which officer should be designated as the HDS and have recommended that this be the Democratic Services Manager.

5. How does the decision contribute to the Corporate Priorities?

N/A – this report is in respect of a statutory obligation.

6. What will it cost and how will it affect other services?

There are no financial implications arising from this report or the recommendation.

7. What consultations have been carried out and has an Equality Impact Assessment Screening been undertaken?

In accordance with the Statutory Guidance for the 2011 Measure, the Head of Paid Service and other members of CET have been consulted.

8. Chief Finance Officer Statement

The proposed designation fulfils the requirements under the Local Government Measure without creating an additional cost.

9. What risks are there and is there anything we can do to reduce them?

Advising the Democratic Services Committee on the designation of the head of democratic services will assist the committee in fulfilling their statutory obligation and the recommendation intends to avoid potential risks arising from duplication of similar roles, sources of advice and line management of provision.

10. Power to make the Decision

Local Government (Wales) Measure 2011

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Report To:	Democratic Services Committee
Date of Meeting:	13 December 2012
Lead Member / Officer:	Gary Williams, Head of Legal and Democratic Services
Report Author:	Steve Price, Democratic Services Manager
Title:	Consultation on Joint Scrutiny Committees and Annual Reports by Members

1. What is the report about?

Sections 58 of the Local Government Measure 2011 empowers the Welsh Ministers to make regulations to permit two or more local authorities to appoint a joint overview and scrutiny committee and to issue statutory guidance to which joint overview and scrutiny committees must have regard when exercising its functions.

Section 5 empowers the Welsh Ministers to issue statutory guidance to which local authorities must have regard when making arrangements for the production of annual reports under section 5.

2. What is the reason for making this report?

The Welsh Government is currently conducting a consultation exercise for views on the Joint Scrutiny Committees (appendix 1) and the production of Annual Reports by Members (appendix 2). Any views the Committee may have can be relayed to the Welsh Government.

A version of this report will also be taken to the Scrutiny Chairs and Vice Chairs Group today (13 December) for comments on the joint Scrutiny arrangements.

3. What are the Recommendations?

That the Democratic Services Committee considers and comments on:

- (a) the draft Statutory Guidance for Joint Overview and Scrutiny Committees (appendix 1),
- (b) the draft Statutory Guidance for Annual Reports by Members of a Local Authority (appendix 2); and
- (c) the process for preparing, submitting and publishing Annual Reports of Members.

4. Report details.

Joint Scrutiny Committees

4.1 The Measure gives two or more local authorities the power to form joint scrutiny committees in order to strengthen scrutiny arrangements through the promotion of collaboration and sharing of scrutiny expertise. Joint committees would also make it easier to scrutinise services or issues that cut across geographical boundaries.

4.2 The draft Guidance gives examples of instances where a joint committee might be appropriate:

- On-going monitoring of a joint service delivery mechanism;
- Investigating a topic that may require a regional response (for example, waste management or sustainable development);
- Sharing scrutiny resources to investigate a similar topic of high interest or high importance to more than one authority (although not necessarily requiring a joint / multi-authority response).

4.3 It must be noted that matters which could be considered by the 'Crime and Disorder Committee' (the Partnerships Scrutiny Committee) under the Police and Justice Act 2006 cannot be covered by a joint scrutiny committee. These include the work of the Community Safety Partnership and local crime and disorder matters such as forms of crime and disorder that involve anti-social behaviour adversely affecting the local environment in the area represented by a particular member, or the misuse of drugs, alcohol and other substances in that area.

4.4 Because of the added complexity in establishing and running a joint scrutiny committee the Guidance recommends outline scoping to help determine whether or not to establish a joint committee; and to decide whether an ad-hoc or standing committee was required. A project management approach is strongly recommended to ensure that objectives are met.

Annual Reports

4.5 The Measure requires each local authority to have arrangements for every member to make an annual report on their activities in their role as councillor and to publish all those reports; with publishing arrangements applying equally to all Members. Denbighshire's website would be adapted to include information about the annual reports and where they can be accessed.

4.6 The draft Statutory Guidance allows local authorities to place restrictions on the contents of the reports which should be factual and likely to be centred on meetings, events, conferences, training and development. A template for use in completing annual reports should assist Members in completing their report with

appropriate information. Based on the Guidance the following areas could be used as the main headings of a template:

- Role and responsibilities – to include details of membership of committees and outside bodies, attendance records for these and full council.
- Local activity – details of surgeries held, representations made on behalf of electors and the results of these
- Major projects – involvement in local, county or regional initiatives or projects.
- Learning and development – details of training and development events attended or undertaken, conferences and seminars attended.

4.6 A template could have standard information on the Council's corporate priorities included for each member's report.

4.7 As there are certain limitations to what can be included in an annual report, there will need to be a review or editing stage before publication, to ensure that the contents conform to Statutory Guidance and any restrictions placed by the Council. The Committee's views on the process for completing and submitting annual reports, e.g. whether or not group leaders have a role for members of their groups, is requested.

5. How does the decision contribute to the Corporate Priorities?

The issues covered in this report are statutory requirements but the intentions behind them would be appropriate for the Council's priority area *Modernising The Council To Deliver Efficiencies And Improve Services For Our Customers*.

6. What will it cost and how will it affect other services?

Supporting joint Scrutiny committees and the production and publication of annual reports by members will result in additional work for supporting officers. This may be managed by largely process-driven support for annual reports but the impact of joint Scrutiny committees will depend on the scale and scope of the activities.

7. What consultations have been carried out with Scrutiny and others, and has an Equality Impact Assessment Screening been undertaken?

A report on joint Scrutiny committees will be considered by the Scrutiny Chairs and Vice Chairs Group in December. The Leader of the Council, Lead Member for Modernising and Performance and the Corporate Executive Team have been consulted on the contents of this report.

8. Chief Finance Officer Statement

The potential resource implications of establishing and supporting joint scrutiny committees must be considered as part of the council's assessment process. Supporting the annual reports process and approving content for publication will undoubtedly involve additional officer time, particularly in the first year. The cost of this should be contained within existing resources but should be reviewed as the process develops.

9. What risks are there and is there anything we can do to reduce them?

These are statutory provisions and the minimum requirements will be met. There is a risk that additional demands that may result from these activities will result in fewer resources being available elsewhere (particularly in respect of the scrutiny provisions).

10. Power to make the Decision

The Local Government (Wales) Measure 2011.

Joint Overview & Scrutiny Committees

Draft Statutory Guidance issued under Section 58 Local Government (Wales) Measure 2011

Introduction

Background to the Local Government (Wales) Measure 2011

The Local Government (Wales) Measure 2011 makes changes intended to strengthen the structures and workings of local government in Wales at all levels and will help ensure local councils to reach out to and engage with all sectors of the communities they serve.

This draft guidance document supports Part 6 of the Measure which is concerned with overview & scrutiny committees, and in particular the provision to enable two or more local authorities to form joint overview & scrutiny committees (JOSC).

Policy Intent

Whilst there have been some innovative examples of joint scrutiny having taken place in Wales until now this has not been supported by existing legislation.

This means that it has not been possible to subject services or issues which cross county or sectoral boundaries to robust scrutiny, at a time when local authorities and public bodies are increasingly working together.

The aim of section 58 is to strengthen scrutiny arrangements through the promotion of collaboration and the sharing of scrutiny expertise.

Enabling local authorities to establish JOSCs is intended to make it easier to scrutinise the delivery of providers whose services cover more than one county, or to examine issues which cut across geographical boundaries. The provision for joint scrutiny expands the options currently available to councils in undertaking wider public service scrutiny, and provides for a more flexible way of working to secure improved outcomes.

In addition, where joint scrutiny exercises have been undertaken (as detailed in the case studies featured in appendix A), they have facilitated opportunities to share learning and scrutiny capacity across local authorities. The harnessing of 'collective intelligence' through JOSCs is intended to lead to more effective forms of governance, and higher standards of democratic accountability.

This document is designed to provide advice and guidance in relation to the establishment and operation of JOSCs. This is statutory guidance under section 58(4) of the Measure, and a local authority and a joint overview & scrutiny committee must have regard to this guidance in exercising or deciding any function conferred upon it.

Why establish a Joint Overview & Scrutiny Committee?

Circumstances in which Joint Overview & Scrutiny may be effective

What are the benefits of Joint Scrutiny?

For Scrutineers

Where joint scrutiny exercises have taken place in Wales, participants have reported a number of benefits in having gained insight into, and knowledge from, other councils' scrutiny arrangements.

For example, it was found that councillors have been able to view issues from a wider perspective, leading to a more thorough exploration of the topics under consideration.

Furthermore, the presence of different scrutiny chairs and support from alternative scrutiny officers has provided opportunities for cross-transference of learning and exchanges of good practice. Experiences of joint scrutiny have been found to stimulate members and officers to critically review and enhance their 'home' council's internal methods and ways of working, ultimately leading to a higher standard of scrutiny.

A series of case studies are provided in Appendix A which provides additional detail on the positive outcomes arising from joint scrutiny activity.

Benefits for Partners

From a partnership perspective, the benefits of a joint scrutiny approach are in bringing a fresh eye to developments at all stages of the decision-making process. JOSCs have the ability to bring forward new sources of information that decision-makers may not have considered in the development of plans, policies and strategies.

Non-executive members have a wealth of local intelligence and are well-placed to evaluate whether partnership priorities and methods of delivery are meaningful to local communities. Many councillors are linked in to a range of social networks and community groups and are able to feed views into decision making processes.

Furthermore, JOSCs can help reduce duplication of accountability and reporting mechanisms by adopting a co-ordinated approach to the issue under enquiry.

Selecting the right issue for Joint Overview & Scrutiny

The effectiveness of a JOSC will be dependent on the reasons underpinning its establishment and the issue it intends to address. To secure the commitment and sustained interest of the principal councils involved, it follows that the topic chosen as the focus of a JOSC should be of relevance to all participants.

As was the case in the joint scrutiny of partnerships in waste management (detailed in case study 1, Appendix A), each of the four authorities had previously engaged in

a review of local waste management arrangements. This had led to recognition that a collective approach would be stronger than individual inquiries.

The identification of a suitable topic for joint scrutiny will be dependent on effective forward work programme planning that seeks to consider issues of wider public interest, as well as those topics specific to a particular geographical area. Members and officers will need to be pro-active in exploring opportunities for joint scrutiny, checking to see whether there is compatibility in the forward work programmes of neighbouring or relevant authorities. Networking via regional and national scrutiny events, and the publication of forward work programmes will allow scrutiny practitioners to be more informed in this respect.

Some instances where a joint committee might be appropriate include:

- *On-going monitoring of a joint service delivery mechanism;*
- *Investigating a topic that may require a regional response (for example, waste management or sustainable development);*
- *Sharing scrutiny resources to investigate a similar topic of high interest or high importance to more than one authority (although not necessarily requiring a joint/multi-authority response).*

Criteria for establishing a JOSOC

In deciding whether or not to establish a JOSOC, overview and scrutiny committees may wish to give thought to the following questions:

- 1. Does the topic involve the work of a strategic partner or partnership body whose services cover more than one local authority area?** For example, a JOSOC may wish to focus upon the work of a transport provider, Third sector organisation or a relevant Social Enterprise whose services cross authority boundaries.
- 2. Does the issue or service affect residents across more than one county area or concern a particular population's needs?** A JOSOC may wish to consider thematic topics such as climate change, fuel poverty, grass-fires or road safety; or it may wish to consider services connected to particular groups of interest such as young adults with physical disabilities, teenage mothers or vulnerable older people.
- 3. What form of JOSOC could reasonably be resourced?** Undertaking effective joint scrutiny is dependent on participating councils engaging in the building of relationships, and putting in place systems of working and administration. In order that JOSOCs can provide significant added value, care must be taken to ensure that its objectives are proportionate to its resources.

The importance of scoping and project management

Outline scoping should be undertaken to help determine whether or not to establish a JOSOC. In identifying which partnership projects to progress and determining an appropriate methodology, practitioners should think carefully about whether examining a topic will result in added value or enhancement for each participant.

In order to determine the likely success of joint work, it is strongly recommended that a project management approach be adopted to help ensure the objectives of joint scrutiny activity are delivered.

An informal feasibility study should be undertaken by likely participants in order that members and officers more specifically define areas of mutual interest, the type of scrutiny role intended to be undertaken, and the level of resource that could reasonably be dedicated to support a JOSC's effective functioning. Preliminary work should also identify the likely risks associated with the scrutiny topic, and how it is intended that these be effectively managed

Case study 2, detailing joint scrutiny of a Local Health Board by Newport and Caerphilly Councils, provides additional detail regarding the significance of ensuring shared aims characterise collaborative scrutiny activity.

Roles for Joint Overview & Scrutiny Committees

Local authorities can use JOSCs in a flexible way to suit their needs. For example, councils have the option to establish JOSCs on an ad hoc basis which may be more appropriate for forms of pre-decision scrutiny or consultation exercises; or councils may decide to establish 'standing' JOSCs which may be more useful in monitoring services or decisions over the medium to long term.

Section 2: What can Joint Overview & Scrutiny Committees do?

Powers of Joint Overview & Scrutiny Committees

The Local Government (Wales) Measure 2011 enables Welsh Ministers to make regulations which will provide for JOSCs to have equivalent powers to other overview and scrutiny committees, as set out in existing legislation, and this would include reviewing and scrutinising decisions of the Council's executive which have not yet been implemented ('call-in').

JOSCs may make reports and recommendations about any matter, other than crime and disorder matters which are covered by separate legislation and guidance under sections 19 and 20 of the Police and Justice Act 2006.

This does not preclude councils from working together on crime and disorder issues. As encouraged by the Guidance for the Scrutiny of Crime and Disorder Matters (Wales), councils should make efforts to co-ordinate their forward work programmes to avoid duplication and help ensure scrutiny activities are complementary where appropriate.

A JOSC is only able to exercise functions in relation to matters which are identified by the appointing authorities. It is therefore important that the local authorities participating in the joint committee are clear from the outset about its roles, responsibilities and terms of reference.

Under section 58(3)(b) JOSCs also have the option of establishing sub-committees in the same way as single authority overview & scrutiny committees. It is important to

note that any sub-committee would discharge only those functions conferred on them by the JOSC.

This provision will enable JOSCs to operate in a more streamlined and flexible manner in achieving the aims and objectives of the 'parent' JOSC.

Wider Public Scrutiny – Who can be scrutinised?

Sections 59, 60 and 61 of the Measure amend the Local Government Act 2000 to place a requirement on councils to ensure their overview and scrutiny arrangements scrutinise the services of public service providers in their area. This requirement extends to JOSCs.

In carrying out wider public scrutiny, JOSCs can require designated persons, or their representatives, to provide them with information relevant to issues under consideration and to attend committee meetings on request.

In addition, should a JOSC or sub-committee make a report or recommendation to any of the designated persons, the committee may send a copy of the report or recommendations to a designated person and request the designated person to have regard to the report or recommendations.

It is important to emphasise that any reports or recommendations will be made on behalf of the JOSC, not the local authority, and therefore there is no requirement for the executive or full council to endorse the report. However, the Welsh Government considers that it would be appropriate to share copies of reports with executives and councils in the interests of effective communication and good governance.

In practice, the reporting arrangements for JOSCs will be informed by the reasons underpinning the committee's establishment and the outcomes intended to be achieved. For example, in the joint scrutiny waste management project referred to in case study 1, Appendix A, a report detailing the findings and recommendations of the joint scrutiny panel was sent to all four executives of the participating councils.

With regard to joint scrutiny activity relating to the performance of strategic partnerships such as Local Service Boards, it may be appropriate for the JOSC to decide to send just one report to the decision making body of the partnership in question.

An important factor for JOSCs to consider when determining reporting arrangements is the need to develop constructive working relationships with the executive groups of service providers who are subject to scrutiny. Consequently, it is suggested that the chairs of JOSCs should meet regularly with an appropriate executive representative to discuss priorities, approaches and planned areas of work.

Defining “designated persons”

A forthcoming Order will designate those organisations and individuals which will be subject to scrutiny. Section 61 of the Measure details the conditions that define which individuals and organisations may be regarded as a “designated person” or “category of persons” by scrutiny committees in exercising their powers under Section 59.

Section 61 stipulates that those individuals or bodies that by Order may be regarded as a “designated person” or “category of persons” must provide the public, or a section of the public, with services, goods or facilities of any description (whether on payment or not). In doing so, the individual or organisation must be exercising functions of a public nature, or be wholly or partly funded by public money.

Joint Overview & Scrutiny Committees and Call-In

The Measure enables Welsh Ministers to make regulations which will provide for JOSCs to exercise any of the functions of making reports and recommendations of other overview and scrutiny committees which have powers of ‘call-in’.

With regard to call-in, it is intended that JOSCs should be able to recommend that an executive decision of one of the participating councils made but not yet implemented, be reconsidered by the person(s) that made it or arrange for that decision to be exercised by the Council.

However, in order to safeguard against potential abuse, councils should consider developing procedures where an executive decision of one of the participating councils of a JOSC may only be called-in by the JOSC if it is supported by an equal proportion of the participating Councils.

Whilst the above approach has been suggested to help ensure the integrity of the call-in function as it relates to JOSCs, this is ultimately a matter for local authorities to determine as part of their constitutional arrangements. In support of the development of such arrangements it is suggested that the number of Members required to initiate a Call-In should, as a minimum, be set at half the total membership of the JOSC.

To illustrate, a worked example is set out in the following fictional scenario.

Councils A, B and C wish to work together to jointly commission services. A Joint Committee is subsequently established which is comprised of the executive members of each Council. A JOSC is also established to provide governance arrangements. The membership of the JOSC is comprised of non-executive Members from the three Councils.

A decision is subsequently made but not implemented by the executives of councils A, B and C. However, non-executive members from Council A consider that the decision made by the three executives may disadvantage Council A’s local communities. Council A therefore wishes to call-in the decisions made by the three respective Councils.

In this instance, the JOSC could not call-in a decision made by the executive of Councils B or C unless the call-in procedure was supported by an equal number of members from Councils A, B and C.

The number of members able to call-in an executive decision of one of the participating Councils should be half of the JOSC’s entire membership. That half must include equal numbers from each participating council. In the above example, should the total membership of the JOSC be twelve (four members from each

Authority) then a call-in could only be made by two members from each Authority which would give six.

In the event that a JOSC would wish to call-in an executive decision made by Councils B and C, then it is advisable that each participating council undertake each call-in separately. That is not to say that two call-in processes could not run in parallel, only to recognise that any re-examination of an executive decision would have to take place on an individual basis within each participating council.

Section 3 – How will it work? Realising the benefit of joint scrutiny

Appointing a Joint Committee

In establishing a JOSC which is additional to a council's existing scrutiny committee(s), a report setting out its role, responsibilities, terms of reference and intended outcomes to be generated by the joint exercise should be considered by each of the participating authorities appropriate scrutiny committees (or sub-committees) before being endorsed by full council.

The appropriate scrutiny committees (or sub-committees) would be those whose terms of reference are most closely aligned to the issue intended to be considered by means of a JOSC. This would help to ensure that the non-executive members of each local authority are able to participate in the decision to establish a joint committee and to ensure that a JOSC would add value and would not duplicate existing work programmes.

With regard to the remit of JOSCs it should be remembered that existing legislation relating to sections 19 and 20 of the Police and Justice Act 2006, excludes any matter which could be considered by a Crime and Disorder Committee from the work programmes of all other scrutiny committees, sub-committees and JOSCs.

Who should sit on a Joint Overview & Scrutiny Committee?

Local authorities will need to give careful consideration to who they appoint to sit on JOSCs. It might be helpful in some instances to appoint members who already sit on the scrutiny committee whose terms of reference most closely match the issue to be scrutinised or the terms of reference for the proposed JOSC. However, in wishing to draw on the expertise and knowledge base of a wider pool of non-executive members this might not be the most appropriate course of action, and it will be for local authorities to decide which members should be appointed to which committee.

In order to ensure JOSCs represent fairly the interests of each local authority, it is recommended that an equal number of committee seats be allocated to each of the participating councils. Although that would mean larger authorities agreeing to have the same membership as smaller ones, this would appear to be in the best interests of effective partnership.

Councils will need to make attempts to ensure that member representation on JOSCs reflects the political balance represented in the relevant scrutiny committee

so far as possible. The representation from an authority may include co-opted members from that authority who are either statutory or who have been accorded voting rights under the Crime and Disorder (Overview & Scrutiny) Regulations 2009.

The JOSCs may also decide to co-opt members who would be in addition to the allocations from each council.

With regard to the size of JOSCs, good practice suggests that the maximum number of seats should be set at no more than 16 for effective functioning. However, this is ultimately a matter for local authorities to decide as it is dependent on the issue intended to be considered.

Chairing a Joint Overview & Scrutiny Committee

The chair of a JOSC must be elected from the membership of the JOSC, and the election of the chair should take place at the first meeting of the Committee. JOSCs that are established on a long-term basis may decide to rotate chairs annually, or at some other interval, in order for each participating authority to have equal status, and to ensure that opportunities for member development are provided.

Where joint scrutiny exercises have taken place in Wales, it was found helpful to alternate the chairs amongst the participating local authorities. As such, councils may wish to give thought to allocating vice-chairs (if thought appropriate) to the members of those authorities who are next scheduled to hold the position of chair. This would allow for a measure of continuity within joint arrangements and broaden the experience of participating members.

Officer Support for JOSCs

Where a JOSC is established, it is suggested participating authorities should share the costs associated with the undertaking of joint scrutiny exercises. This should cover arrangements for officer support and research, as well as administrative support and provision of meeting venues.

Each principal council may wish to offer different types of scrutiny officer support in respect of resourcing JOSCs. For example, some councils may wish to offer administrative support, and others research and advisory expertise. Consideration should be given to how the JOSC could most effectively achieve its scrutiny objectives and how the standard of scrutiny could be raised including through the collective learning of each authority.

In recognition that officer support for scrutiny varies across local authorities, it is likely that the scrutiny support officers of participating councils will need to liaise regularly to co-ordinate and project manage the work of JOSCs, and consider how to make best use of available resources. When deciding joint support arrangements, factors to consider include the scrutiny capacity available and how well the expertise and skill sets of officers' link to the topic(s) identified for joint scrutiny.

Regular meetings may help to overcome any difficulties in aligning different cultures, methodologies and supporting mechanisms for scrutiny and will help facilitate transfer of skills and learning. Participating scrutiny officers and chairs should

nominate a JOSC Officer Co-ordinator from amongst themselves to ensure a clear point of contact available for those engaged in joint activity.

It is recommended that those supporting JOSCs put in place opportunities for reflection at key stages (for example, at mid-term points) within the life cycle of scrutiny reviews. This would help ensure that participating authorities are satisfied with the support arrangements and are finding them of benefit in meeting the objectives of the JOSC.

Scrutiny support arrangements may include rotating meeting venues of JOSCs among the local authorities represented on the joint committee. However, it may also be the case that the committee chooses to meet at the authority which is geographically most central to minimise travel times for those involved.

Forward Planning

In order to function effectively, JOSCs should formulate a forward plan to identify what issues the JOSC intends to focus upon during the course of the year or duration for which it is established.

The forward plan should provide a clear rationale as to the purpose of considering a particular topic, and to the methods by which it will be investigated. Attempts should be made to develop an outcome-focused forward plan rather than one which is process-orientated.

As JOSCs may be either ad hoc or standing, care will need to be taken to ensure that its forward plan corresponds with the committee's original purpose. For example, in the instance where several authorities may wish to form a JOSC to investigate a cross-cutting issue such as substance misuse, its forward plan should serve to act as the investigation's project plan since the investigation should have a clearly-defined start and finish.

Where a JOSC may have been formed to consider the work of a strategic partnership, its forward plan should be driven by evidence of community need and a sound understanding of the partnership's priorities, risks and financial pressures. In addition, the forward plans of JOSCs should be agreed in consultation with partners where possible.

JOSCs must have regard to guidance relating to section 62 of the Measure which places a requirement on local authorities to engage with the public. The guidance provides practical advice on how JOSCs can comply with their obligations under section 62 by taking into account the National Principles for Public Engagement in Wales endorsed by Welsh Government and making sure that its forward plan is published as soon as is reasonably possible in order that interested groups and individuals will be able to provide comment and offer their views.

Appointing a sub-committee of a JOSC

Upon commencement of the Regulations made under Section 58(3) (b), JOSCs will be able to appoint sub-committees. This provision extends the range of options available to a JOSC in being able to effectively investigate and make

recommendations for improvement as they relate to issues of public interest or concern.

As is the case with sub-committees appointed by single authority scrutiny committees, sub-committees of a JOSC can only exercise the functions conferred upon it by the 'parent' JOSC. In the interests of fairness and effective working, a sub-committee of a JOSC should, where possible, consist of equal numbers of representatives from each participating authority.

Ways of Working

Please note that the following section is not statutory guidance but has been included as a way of working which JOSCs may wish to consider

Task and Finish Groups

Where elected members have been involved in task and finish groups of single authority scrutiny committees, they have reported a number of benefits from working in smaller, more structured teams. For example, members with differing levels of scrutiny experience and subject knowledge are able to gain confidence and motivation by working collaboratively with more experienced councillors and co-opted members. Similarly, task and finish group working can develop positive peer relations as a result of a members working collectively towards a common goal.

In the event that a JOSC may wish to establish a task and finish group to consider a particular issue in more depth, it is suggested that JOSCs limit the membership of a task and finish group to include any co-opted members the JOSC may wish to appoint.

Depending on the nature of issue under consideration, JOSC task and finish group investigations can either be 'light-touch' where recommendations can be identified at a relatively early stage and strictly time-limited, or a very intensive investigation involving a range of 'Expert Witnesses', site visits and the commissioning of supporting research as is currently the practice for the majority of overview and scrutiny committees.

It is often the case that task and finish groups have significant resource implications and for this reason it is suggested that a JOSC think carefully about the number of task and finish groups that can effectively be run and supported at any one time.

As a means of ensuring that a task and finish group of a JOSC fulfils its objectives, it is recommended that a project management approach be adopted. This should include developing a project brief for the task and finish group's work, a project plan and the production of highlight reports to the parent JOSC to ensure it is kept informed of the investigation's progress.

Maximising benefits, minimising waste

Case Study 1: Joint Scrutiny of Partnerships in Waste Management

In being awarded the Centre for Public Scrutiny's 2008 award for its joint scrutiny of partnerships in waste management, the participating four authorities (Cardiff, Monmouthshire, Newport and the Vale of Glamorgan) were successful in supporting elected members work together to address a complex and common issue.

The purpose of the inquiry was to consider the benefits and challenges of joint service delivery of residual waste activities within a regional setting.

Whilst being sensitive to each participant's varying experiences of scrutiny and different organisational and political cultures, Members and Officers maximised the collective benefit of individual strengths through carefully thought out methods and ways of working. In this instance, site visits to explore best practice helped engage Members throughout the process, assisted the bonding process and helped to establish a 'team culture'.

A key outcome precipitated by the inquiry was securing the political will necessary for each council to enter into a formal waste partnership. The extensive evidence base generated by the project provided a clear steer to participating councils; that the benefits of partnership working in dealing with waste management were compelling in that collaboration had the potential to provide the public with a better service at lower cost.

Consequently each scrutiny committee recommended to its Executive that the four councils continue to work together to secure a regional waste management solution. In practical terms, this involved fifty scrutiny members from four authorities agreeing upon the same set of recommendations to be sent to their respective Executives. This represents a real first in Wales and demonstrates the willingness of elected members to set aside individual cultural differences to develop productive working relationships characterised by understanding, goodwill and a pragmatic project management approach.

These recommendations have subsequently led to the formulation of the regional Prosiect Gwyrdd partnership which is committed to looking for the best environmental, cost effective and practical solution for waste after recycling and composting has been maximised in each area. Further information about Prosiect Gwyrdd may be found from the following link <http://www.caerphilly.gov.uk/prosiectgwyrdd/>.

Joint Scrutiny - Improving the health of partner relations

Case study 2: The Economic Impact of NHS Procurement: A Study of the Aneurin Bevan Health Board.

"It did not feel like 'scrutiny', but more like partnership" -

Procurement Manager, Aneurin Bevan Health Board, commenting on experience of joint scrutiny.

In 2009 Newport City Council and Caerphilly County Borough Council were successful in securing funding under the Welsh Government's Scrutiny Development Fund to undertake a joint project to review local procurement by the Aneurin Bevan Health Board (ABHB).

The aim of the project was to use ABHB as a case study to examine the potential impact of local procurement on the local economy and to learn from good practice, sharing the project's findings with other public sector organisations within the wider Gwent area.

Following a competitive tendering exercise, the School of City and Regional Planning and the Welsh Economy Research Unit of Cardiff Business School at Cardiff University were commissioned to carry out research on behalf of the two Councils.

The Task and Finish Group made up from Councillors from both Newport and Caerphilly acted as the Project Board and recognised the co-operation of the ABHB who agreed to take part in the project despite the then recent reorganisation of the former Gwent Local Health Boards and Trust. Senior representatives from the NHS were involved at all stages of the project to ensure that the final recommendations were relevant and realistic. This was important to ensure partners had opportunity to influence the project and determine what benefits were likely to be accrued as a result of their involvement.

In presenting their report to the final meeting of the Task and Finish Group, the research team underlined the significance of the project and its relevance not only to the NHS but also the public and private sectors in general. The Task and Finish Group were keen to ensure that the report should receive a wide a circulation as possible to share the reports findings and conclusions. ABHB have indicated that they would like to share the report with procurement practitioners from other Health Boards and Trusts in Wales and Welsh Health Supplies.

In reflecting upon their experience in the scrutiny project, ABHB reported that the process was something they were pleased to be part of in the interests of openness and transparency. It was reported to be useful that ABHB were dealing with just one Task and Finish Group made up of both councils instead of two separate groups.

Key learning points emerging from the joint project include the need to market the benefits of joint scrutiny exercises to those partners being subject to research and evaluation. Also of importance in this instance was having a worthwhile and relevant topic to explore with partners which resulted in a 'win-win' situation for those involved.

Learning Points from Joint scrutiny

Case Study 3: Prosiect Gwyrdd

Building upon the benefits accrued from the joint scrutiny of waste management partnerships, Cardiff, Newport, Monmouthshire, Caerphilly and the Vale of Glamorgan formed a joint Scrutiny Panel to monitor the decisions made by the Prosiect Gwyrdd Joint Committee. More information about Prosiect Gwyrdd may be found from the following link <http://www.caerphilly.gov.uk/prosiectgwyrdd/>

Prosiect Gwyrdd is a joint project committed to looking for the best environmental, cost effective and practical solution for waste, after recycling and composting has been maximised in each area. The decision making body governing the procurement process of the Project is the Joint Committee which is made up of two Executive Members from each

Authority.

Public scrutiny is considered to be an essential part of ensuring that Prosiect Gwyrdd remains effective and accountable. Arrangements have therefore been introduced to provide an opportunity for non-Executive Councillors to influence and challenge key decisions taken by the joint committee and project board.

These arrangements commenced in December 2009, when Councillors from the five authorities met with representatives of Prosiect Gwyrdd to share views on the evaluation criteria which would be used in the procurement process. Following this early involvement, more formal arrangements were put in place and a Joint Scrutiny Panel established.

Positive benefits reported to date include the strengthening of relations between the elected members of the participating councils and an improved engagement with Prosiect Gwyrdd Waste Management Officers. This has resulted in Members being kept properly informed of the work of the Joint Committee so improving their effectiveness as a 'check and balance' for decision making.

Learning points arising from the project include ensuring a clear understanding of the role of scrutiny and the benefits of clear reporting lines. As the project has progressed, improved work programming and support arrangements have been put in place, further adding to the potential for successful scrutiny.

Case Study 4: Officer Support for collaborative scrutiny

The Joint Scrutiny of Partnerships in Waste Management previously referred to in case study 1 brought together four scrutiny committees from different Councils to examine the benefits and challenges of joint service delivery of residual waste activities within a regional setting.

In order to manage the project effectively, Cardiff County Council identified a lead Scrutiny Officer from within its Scrutiny Team. Having one point of contact for the four participating authorities was identified as being an important factor in ensuring workstreams and activities were well co-ordinated and progress was regularly reported to stakeholders.

Whilst it was valuable to have a single person provide consistent advice, guidance and support at joint scrutiny meetings, the individual roles of Scrutiny Officers from the participating authorities was also integral to the inquiry's success.

At the beginning of the project, Officers quickly realised that time and care would need to be spent on ensuring that organisational and cultural differences did not become inhibitive. Consequently Scrutiny Officers from the four Councils met regularly to discuss strategies that would encourage the participation and support of their respective Elected Members. It was reported that this element of joint scrutiny should not be underestimated in terms of its significance to achieving the added value characteristic of effective collaboration. Securing Member 'buy-in' at every stage of the project was reported to being essential to its smooth progression.

With regard to arriving at the project's recommendations, a report detailing the findings was presented to a joint meeting of the Panel. Members subsequently formulated mutually agreed recommendations that were informed by the evidence base generated as a result of the inquiry.

The mechanisms by which the team of Scrutiny Officers had co-ordinated the project

ensured high levels of communication and team working which resulted in the recommendations and final report being properly 'owned' by every one of the participating councils.

Case Study 5: Denbighshire's Framework for Partnerships

Denbighshire County Council, in conjunction with Wrexham and Conwy County Borough Councils, successfully secured funding from the Welsh Government's (WG) Scrutiny Development Fund (SDF) in 2008/09 which enabled them to jointly commission training packages specifically tailored for scrutiny members.

Part of the funding received was used to commission a bespoke training course on how to effectively scrutinise partnerships and collaborative working arrangements. As a result of the training events, the 'Guidelines for Scrutinising Cross-Organisational Bodies, Partnerships and Collaborative Working Arrangements' were drawn up.

The framework builds upon the 'seven success factors for scrutiny' as set out in the Welsh Government's Advice Note 'Wider Scrutiny and Partnership Working' and provides some useful criteria that may be used to help identify which partnerships to scrutinise. Additional details of the Guidelines and Framework for Partnership Scrutiny may be found in the vault section of the Scrutiny Timebank website www.scrutinytimebank.co.uk.

The framework also provides a helpful template which may be used to form the basis of a protocol between a JOSC and a partnership as it details many of the practical issues that will be faced by members, officers and partners.

Denbighshire acknowledges that scrutiny of partnerships is an area which requires improvement and with the establishment of a dedicated Partnerships Scrutiny Committee in May 2011 greater emphasis is intended to be placed on scrutinising the effectiveness of partnerships in delivering desired outcomes for local citizens.

In addition, Denbighshire's scrutiny function is keen to explore the associated benefits to the Council, both financially and otherwise, of delivering services via a range of partnership arrangements.

ANNUAL REPORTS BY MEMBERS OF A LOCAL AUTHORITY

Introduction

Part 1 of the Local Government (Wales) Measure 2011 (“the Measure”) contains provisions intended to strengthen local democracy. Chapter 1 of that Part concerns the support provided to members of a local authority and section 5 within that chapter provides for the production of annual reports for these members.

This statutory guidance is issued under section 5(4) of the Measure. The guidance relates to local authorities making arrangements for the production of annual reports.

What the Measure requires.

Section 5 requires county and county borough councils (local authorities) to ensure that all their elected members are able to make an annual report on their council activities during the previous year. This includes enabling any member of the council’s executive to be able to report on their executive activities also. Any reports produced by members of a county or county borough council must be published by that council.

A local authority is free to set conditions/limits on what is included in a report.

A local authority must publicise what arrangements it has for publishing annual reports and in drawing up these arrangements must have regard to this guidance in so doing.

Guidance

Duties of a local authority

A local authority must make the arrangements enabling its members to produce annual reports. This means it must tell its members how and by when to do this. The Measure, at section 8 *et seq*, provides for a Head of Democratic Services (HDS) to carry out democratic services functions as defined in section 9. This includes the provision of support and advice to members to assist them in the carrying out of their functions and organisation of the annual report process would fall within this. The Measure prevents the HDS from providing support and advice to a member of an executive in relation to the carrying out of that member’s executive functions, but production of an annual report, even if it made reference to the member’s executive activities, is not an executive function in itself.

It is anticipated that the first annual reports would be published no later than the end of June 2013.

Publication of reports

How a local authority decides to publish is a matter for that authority to decide upon. The minimum requirement would be for the authority to include a link to a member's annual report on that part of the authority's website which carries details of individual members. There is no requirement for any publicity beyond this, and authorities should be careful that, if they decide to provide any further publicity for the reports, the same provision is provided for all members. Therefore, should a member request that his/her report is given any greater publicity, that request should be declined unless carried out in respect of all members.

Local authorities should ensure also that their website includes information about the introduction of annual reports and how members of the public can access them.

Content of reports

The central purpose of the reports is for members of the public to find information about their local councillor's activity.

Local authorities may place their own restrictions on content in reports. Annual reports should include only factual information. In the main that would suggest information on meetings, events and conferences etc. attended, training and development received. While it might be acceptable to record information such as "made representations on behalf of the campaign to save the local hospital in the following ways", it would not be acceptable to say "succeeded in saving local hospital by my efforts on my constituents' behalf".

Similarly, care should be taken to avoid including in reports information concerning activities when the member concerned is not operating in the role of councillor. So, whereas it would be acceptable to include information concerning, for instance, a speech made at a conference where the member was attending because of their council role, it would not be acceptable to refer to a speech made to, for instance, a Party conference, where the member was a delegate from their local party organisation.

Care should also be taken not to include information which could be interpreted as critical of another member. For instance, it would not be acceptable for a member to compare his/her attendance or activities with that of another member or members.

The following areas are proposed as standard items to be included:

- Role and responsibilities – to include details of membership of committees and outside bodies, attendance records for these and full council.
- Local activity – details of surgeries held, representations made on behalf of electors and the results of these

- Major projects – involvement in local, county or regional initiatives or projects.
- Learning and development – details of training and development events attended or undertaken, conferences and seminars attended.

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Report To: Democratic Services Committee

Date of Meeting: 13 December 2012

Lead Member / Officer: Democratic Services Manager

Report Author: Steve Price, Democratic Services Manager

Title: Forward Work Programme

1. What is the report about?

This report contains information on the role of the committee and asks for consideration of future issues that may be considered/

2. What is the reason for making this report?

This is the committee's first meeting so it is considered appropriate to discuss the committee's remit and develop a forward work programme.

3. What are the Recommendations?

That the Democratic Services Committee considers future work items.

4. Report details.

4.1 Under the Local Government Measure 2011 each local authority must appoint a democratic services committee which must meet at least once every calendar year. The membership of the committee must be comprised of councillors and the chair of the committee is appointed by the authority (Council).

4.2 The committee will designate a head of democratic services and review the adequacy and provision by the authority of staff, accommodation and other resources to discharge democratic services functions (including scrutiny support, committee administration and member services). The committee does not make the final decision on these matters but can negotiate with the head of democratic services, chief finance officer, appropriate lead members and submit formal reports on these issues to full Council.

4.3 Further details on the can be found in the Welsh Government's Statutory Guidance at:

<http://wales.gov.uk/topics/localgovernment/publications/statguide/;jsessionid=5CEC6D5A93138B287D377FAC8C3A1049?lang=en>

5. How does the decision contribute to the Corporate Priorities?

The issues covered in this report are statutory requirements but the intentions behind them would be appropriate for the Council's priority area *Modernising The Council To Deliver Efficiencies And Improve Services For Our Customers*.

6. What will it cost and how will it affect other services?

There are no known implications regarding costs or impact on other services arising from the information in this report.

7. What consultations have been carried out with Scrutiny and others, and has an Equality Impact Assessment Screening been undertaken?

None – this report is to assist the committee develop a work programme related to its statutory terms of reference.

8. Chief Finance Officer Statement

Not obtained for this report.

9. What risks are there and is there anything we can do to reduce them?

There are no obvious risks from consideration of this report.

10. Power to make the Decision

The Local Government (Wales) Measure 2011.