

To: Members of the Democratic
Services Committee

Date: 14 January 2016

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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 **FRIDAY, 22 JANUARY 2016** in **CONFERENCE ROOM 1B, COUNTY HALL, RUTHIN LL15 1YN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 URGENT ITEMS 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.

4 MINUTES OF THE LAST MEETING (Pages 3 - 10)

To receive the minutes of the Democratic Services Committee meetings held on:-

- (a) 28th November, 2014 (copy attached).
- (b) 13th March, 2015 (copy attached).

5 DEVELOPMENT OF SCRUTINY IN DENBIGHSHIRE (Pages 11 - 28)

To consider a joint report by the Democratic Services Manager and Scrutiny Coordinator (copy attached) on the progress to date in developing and improving the Council's scrutiny function.

6 LOCAL GOVERNMENT (WALES) BILL (Pages 29 - 36)

To consider a report by the Head of Legal, HR and Democratic Services (copy attached) on the changes and proposals to reform Welsh local government's legislative framework.

7 FORWARD WORK PROGRAMME

To consider future items.

MEMBERSHIP

Councillors

Joan Butterfield
Bill Cowie
Stuart Davies
Martyn Holland
Barry Mellor
Win Mullen-James

Bob Murray
Peter Owen
Merfyn Parry
Arwel Roberts
Cefyn Williams

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DEMOCRATIC SERVICES COMMITTEE

Minutes of a meeting of the Democratic Services Committee held in Conference Room 1b, County Hall, Ruthin on Friday, 28 November 2014 at 9.30 am.

PRESENT

Councillors Bill Cowie, Martyn Holland and Barry Mellor (Chair)

ALSO PRESENT

Head of Legal, HR & Democratic Services (GW), Democratic Services Manager (SP), Scrutiny Coordinator (RE) and Democratic Services Officer (KE),

1 APOLOGIES

Apologies for absence were received from Councillors Joan Butterfield and Win Mullen-James.

The Monitoring Officer referred to the Constitution of the Standards Committee and explained the Committee was in inquorate. Members agreed that the meeting proceed on an informal basis and any action taken be approved at the next meeting of the Committee.

2 DECLARATIONS OF INTERESTS

No Members declared any personal or prejudicial interests in any business identified to be considered at the meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No items were raised 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.

4 MINUTES OF THE LAST MEETING

The minutes of the Democratic Services Committee held on 7 February 2014 were submitted.

Matters arising:-

6. Members questioned whether Councillor Meirick Lloyd-Davies could make recommendations to the Committee as an observer. The Monitoring Officer responded that he could not, but then clarified that Cllr. Lloyd-Davies was given permission to speak by the Chair and made a suggestion. Subsequently 2 members of the committee had proposed and seconded a recommendation.

RESOLVED – *that, subject to the above and confirmation at the next meeting, the Minutes be received and approved as a correct record.*

5 DEVELOPING SCRUTINY IN DENBIGHSHIRE

The DSM introduced the report (previously circulated) explaining that there were proposals to change the way that items were selected for scrutiny, essentially working more efficiently and refocussing on the Corporate Plan and avoiding non-priority items that do not add value to the scrutiny process.

The SC added that often subjects were suggested for scrutiny without being accompanied by sufficient information on the issues requiring scrutiny. . Members and officers then wasted valuable time compiling and presenting reports and scrutinising matters that might not necessarily have addressed the issue that intended to be scrutinised.

The Committee considered the use of scrutiny item proposal forms for adding topics to scrutiny forward work programmes. These forms would be put to the relevant committee or to the Scrutiny Chairs and Vice Chairs Group who would then allocate the item to the relevant Scrutiny Committee. Members agreed in principal to the proposal and sought reassurance that guidance would be available on the allocation of items as either agenda items for scrutiny committees or information reports.

The Committee discussed the possibility of the Chair and Vice Chair of Democratic Services Committee being members of the Scrutiny Chairs and Vice Chairs Group. It was felt that as the Group discussed agenda items and good practice across the Scrutiny committees it would be beneficial for the Democratic Services Committee to be represented. The Scrutiny Chairs and Vice Chairs Group membership would need to be amended by Council for the representation to be formalised.

The SC referred to the Wales Audit Office and Williams Reports relating to scrutiny outcomes and characteristics of effective scrutiny, explaining that there was an expectation that every Authority would measure themselves against those characteristics which would be used by the regulators when reviewing the Scrutiny function. Members discussed at length the characteristic of public engagement and the difficulty in encouraging residents to attend meetings or take part in Scrutiny reviews.

It was suggested that scrutiny committees could invite members of the public to come and speak at committees or contribute to task and finish groups which were less formal and agreed that questions on this and the involvement of expert witnesses be included in the Members' Proposal form. Members queried whether there was a database of community / lobby groups or interested parties that might be used to as an "amplifier" for informing villages and communities on social media etc. of relevant subjects under discussion and associated meetings.

RESOLVED *That the Democratic Services Committee:*

- (i) Endorses the application of proposal forms for use by members for adding topics to scrutiny committee forward work programmes;*
- (ii) Recommends that the final proposal form incorporates the guidance flowchart on the rear of the first version appended to the report with the questions in the second version;*
- (iii) Supports the development activities for the improvement of Scrutiny in Denbighshire that can contribute effectively to the current demands of large budget savings and the achievement of the Corporate Plan targets;*
- (iv) Endorses the adoption of the outcomes and characteristics for effective scrutiny and principles for public engagement outlined in appendices 3, 4 and 5; and*
- (v) Recommends to Council that the membership of the Scrutiny Chairs and Vice Chairs Group be amended to include the chair of the Democratic Services Committee*

6 COMMITTEE TIMETABLE FOR 2015 / 2016

The DSM reported that in approving the previous timetable members had requested extending the timetable to cover a longer period. He also reminded the Committee that under the Freedom and Flexibilities exercise members had agreed to drop one meeting per year from each committee. To that end a new 18 month timetable was being prepared for presentation to full Council.

The Committee were appreciative of the difficulty in programming the various meetings to suit all members but asked if particular consideration could be given to:

- avoiding multiple significant meetings in any given week where possible
- the amount of paperwork / reading time required for meetings
- Councillors in employment who might experience difficulty arranging time off.

RESOLVED *that the Democratic Services Committee notes the requirement for committees to reduce the number of their meeting by one per year and supports an 18 month committee timetable*

7 THE FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES (WALES) REGULATIONS 2013

The HLHR&DS introduced the report (previously circulated) advising of changes required to Standing Orders to prescribe the conditions whereby a member would be entitled to family absence.

Under current legislation members only needed to attend one meeting in a 6 month period unless permission to extend was sought before that period ended. New regulations would require the Council to make Standing Orders to include 5 different types of family absence that would exempt Councillors from attending meetings provided they satisfied the conditions in the Regulations.

The DSM would be responsible for reviewing applications for family absence and administering the process. If the DSM refused to grant the family absence they would need to inform the Chair of Council and facilitate an appeal. It was recommended that the appeal panel was made up from Democratic Services Committee Members.

If granted a period of absence the member would still be entitled to continue to be paid. Cabinet members on family absence could nominate a substitute. Payment to the substitute would be at the Authority's discretion. If payment was agreed then the Remuneration Panel would have to be notified.

The HLHR&DS would prepare a report to present to Council to add the Standing Orders to the Constitution and specify that the appeal panel should come from the membership of the Democratic Services Committee.

RESOLVED - *That the Democratic Services Committee endorses the following recommendations to be made to full Council:*

- (i) That the Monitoring Officer be given delegated authority to make such changes to the Council's Constitution and Standing Orders as are necessary to give effect to the requirements of the Measure and Regulations; and*
- (ii) That a politically balanced panel of 3 members be drawn from the membership of the Democratic Services Committee to determine any appeals or complaints regarding a refusal by the Head of Democratic Services to grant a period of family absence.*

DEMOCRATIC SERVICES COMMITTEE

Minutes of a meeting of the Democratic Services Committee held in CONFERENCE ROOM 1A, COUNTY HALL, RUTHIN on Friday, 13 March 2015 at 10.00 am.

PRESENT

Councillors Bill Cowie, Barry Mellor (Chair) and Merfyn Parry

Observer: Councillor Meirick Lloyd Davies

ALSO PRESENT

Head of Legal, HR & Democratic Services (GW), Democratic Services Manager (SP) and Committee Administrator (SLW)

1 APOLOGIES

Apologies for absence were received from Councillors Joan Butterfield, Martyn Holland and Peter Owen

The Head of Legal, HR and Democratic Services referred to the Constitution and explained the Committee was inquorate. Members agreed that the meeting proceed on an informal basis and any action taken be ratified at the next meeting of the Committee.

2 DECLARATIONS OF INTEREST

None.

3 URGENT MATTERS AS AGREED BY THE CHAIR

None.

4 APPOINTMENT OF VICE CHAIR

The Democratic Services Manager re-iterated the fact that the Committee was inquorate and, therefore, could not appoint a Vice-Chair. He confirmed he would email all Committee members to ask for expressions of interest.

5 MINUTES

The minutes of the Democratic Services Committee held on 28 November 2014, were submitted.

The Head of Legal, HR and Democratic Services (HofL,HR&DS) confirmed the minutes would not be ratified at this meeting due to the Committee being inquorate.

Councillor Meirick Lloyd Williams requested clarification from the HofL,HR&DS regarding matters arising 6. Page 4 of the minutes submitted.

The HofL,HR&DS confirmed observers at meetings could speak, with permission of the Chair, but would not be able to propose recommendations.

***RESOLVED** that subject to the above, and confirmation at the next meeting, the minutes be received and approved as a correct record.*

6 WELSH GOVERNMENT WHITE PAPER - REFORMING LOCAL GOVERNMENT: POWER TO LOCAL PEOPLE

The Head of Legal, HR and Democratic Services (HofL,HR&DS) introduced the Welsh Government White Paper report (previously circulated) for Committee to consider the Paper and comment on those matters that were the subject of consultation.

The HofL,HR&DS confirmed the White Paper had been presented to Scrutiny Chairs and Vice-Chairs Group, and would also be presented at Corporate Governance Committee and to the Senior Leadership Team. Political Group Leaders were to be consulted for comments. Various Officers of the Council would also be submitting comments to the HofL,HR&DS.

The HofL,HR&DS confirmed the White Paper had been published in three versions, the Full version, the Everyday version (summary) and the Young People version. The full version had been previously circulated.

The Committee's views were particularly sought in respect of the elements of the Paper that related directly to members and the democratic structures of the authority.

Some of the proposals and policy options within the White Paper offered limited detail around how the proposals were to be implemented.

The Committee was asked to consider in particular the chapter entitled "Renewing Democracy" as this was the chapter which dealt mainly with issues that were within the Committee's area of responsibility.

At this juncture, Councillor Bill Cowie expressed his disappointment at the attendance at both this and previous Democratic Services Committee meetings. Councillor Cowie stated it would be difficult to take part in a debate with so few members in attendance. The Chair requested the HofL,HR&DS to circulate the main points to Committee Members expressing the importance of sending their comments to be included in the response.

The HofL,HR&DS explained the proposals within the White Paper and the Members gave the following response:

- All Members present agreed to the five year term for Councillors.
- No-one was in agreement with the proposed phased elections stating there would be a duplication of resource and continuity issues.

- Nomination papers were not required to be published and members, therefore, did not understand why councillors' political affiliations needed to be recorded, whether or not they stood on behalf of that party.
- Members disagreed with the proposal of the Leader publishing a manifesto which would then become the Council's priorities as currently consultation took place and workshops were held. Council decided the priorities, Cabinet delivered those priorities and Scrutiny held them to account. Publication of a manifesto would be a problem as elections were usually held in May, the Leader would be elected at the end of May so that would leave a very short space of time for a manifesto for the next five years to be drawn up.
- Under the new proposal, objectives for both the Chief Executive and Cabinet Members would be required to be published.
- Members strongly disagreed with the proposal to co-opt non-elected members on to Cabinet, as members had been elected by the people and non-elected members should not be given the opportunity to sit on Cabinet.
- All agreed there had not been sufficient detail with regards to the number of members on Cabinet and the issue of whether a full-time post or not. More information would be required.
- The mandatory training proposals were not agreed upon.
- All present agreed there should be standards of attendance to prevent issues, as at present, of some members not attending many meetings.
- Additional guidance was requested regarding the completion and publication of member's annual reports. It had been questioned how this would be enforced.
- All were in agreement that the safeguards regarding imposing of appropriate sanctions as stated within the White Paper could be open to abuse.
- Denbighshire already had Anti-Bullying and Anti-Harrassment Policies in place. The HofL,HR&DS and Standards Committee enforced the policies if necessary.
- There had been no mention within the White Paper of additional resources for the Chief Executive to establish a Youth Council.
- As the promotion of diversity was to be a major proposal, Members agreed there could be an issue if Elected Members were working and had to take unpaid leave to attend meetings. They did not want any Elected Members to be disadvantaged.
- Members disagreed with the term limits. Consensus of opinion was that if someone was doing an excellent job, why bring them off at the end of the stated term. The replacement member may not match up to the displaced member.
- All agreed if a person was elected on to County Council, they should be disqualified from becoming an Assembly Member.

The HofL,HR&DS confirmed he would collate the response and forward it to members prior to submission to Full Council in April.

RESOLVED that subject to the above, the Democratic Services Committee considered the White Paper and commented as stated.

7 INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2015/2016

The Democratic Services Manager (DSM) introduced the Independent Remuneration Panel for Wales Annual Report 2015/2016 (previously circulated) to make the Committee aware of the Panel's determinations for 2015/2016.

The Panel was required to produce an annual report setting out the levels at which members were to be paid for various duties and responsibilities for the coming municipal year. The Local Government (Wales) Measure 2011 required Local Authorities to implement the recommendations of the Panel.

This year the Panel decided not to increase remuneration due to the continuing cuts in local Government funding.

The Head of Legal, HR & Democratic Services would present the Independent Remuneration Panel for Wales Annual Report 2015/2016 to Council in April.

***RESOLVED** that the Democratic Services Committee noted the Independent Remuneration Panel for Wales Annual Report 2015/2016.*

8 FORWARD WORK PROGRAMME

The Democratic Services Manager introduced a verbal report.

***RESOLVED** that the Democratic Services Committee noted the report.*

Meeting concluded at 12.15 p.m.

Report to: Democratic Services Committee
Date of Meeting: 22 January 2016
Lead Officer: Democratic Services Manager
Report Author: Scrutiny Co-ordinator
Title: Developing Scrutiny in Denbighshire

1. What is the report about?

The progress to date in developing and improving the Council's scrutiny function.

2. What is the reason for making this report?

To inform the Committee of the progress made in developing the Council's scrutiny function to support the delivery of its corporate priorities and improving it in line with regulators' vision for scrutiny across Wales.

3. What are the Recommendations?

That Members:

- 3.1 consider the information provided and comment on the progress made to date supporting the approach for continued improvement;
- 3.3 if appropriate identify areas for further improvement or strengthening going forward; and
- 3.4 recommend that all county councillors, committee members and officers participate in the next scrutiny self-evaluation exercise in order that the function can be properly evaluated with a view to continued improvement.

4. Report details

- 4.1 At its meeting on 28 November 2014 the Committee considered a report on proposals on how to develop scrutiny in Denbighshire to ensure that it worked more efficiently and effectively, focused on supporting the delivery of the Corporate Plan and added value to the decision-making process. The following link will take members to the report considered at that meeting and to the minutes of the meeting:
<https://moderngov.denbighshire.gov.uk/ieListDocuments.aspx?CIId=413&MIId=5057&Ver=4&LLL=0>

- 4.2 In addition to aiding the delivery of the Corporate Plan the proposals put forward also aimed to address recommendations made in the May 2014 Wales Audit Office (WAO) national report on scrutiny in Wales, *Good Scrutiny? Good Question!*¹
- 4.3 In response to the WAO report an action plan was drawn up to address the regulators' recommendations, and to progress the implementation of best practices observed by scrutiny members during peer visits and discussions which formed part of the WAO review process. A copy of the action plan is attached at Appendix 1.
- 4.4 Recommendation 7 of the WAO report stated that each local authority scrutiny function should "undertake [a] regular self-evaluation of scrutiny utilising the 'outcomes and characteristics of effective local government overview and scrutiny' developed by the Wales Scrutiny Officers' Network." This Committee, at its meeting in November 2014, endorsed the adoption of the 'characteristics'. As part of the preparation process for last year's Annual Report of the Scrutiny Committees a self-evaluation was undertaken based on the above characteristics. However, due to the low response rate to the self-evaluation questionnaire the findings of the exercise were not included in the Annual Report as it was felt that the conclusions could be deemed as unqualitative. For the Committee's information the results of the self-evaluation exercise are included at Appendix 2. Despite the low return rate some consistent themes for improvement were identified and these can be seen on the last page of Appendix 2.
- 4.5 The Annual Report of the Council's Scrutiny Committees for 2014/15 was presented to County Council in May 2015. The following link will take you to the relevant page on the Council's website where you can access the full and summary version of the report: <https://www.denbighshire.gov.uk/en/your-council/about-the-council/how-the-council-works.aspx>
- 4.6 During the autumn of 2016 the Council is due to be the subject of a WAO Corporate Assessment. Having regard to this the Committee is asked to consider the progress made to date in developing scrutiny in Denbighshire, identify areas for further improvement and recommend that all county councillors, committee members and officers participate in the next scrutiny self-evaluation exercise in order that the function can be properly evaluated and consequently strengthened further.

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

A robust and effective scrutiny function will support the Council's ambition to deliver its Corporate Plan within the desired timescale. An effective scrutiny function can also assist the Council to realise its ambition of being closer to the community.

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

Costs for developing the scrutiny function and for undertaking a self-evaluation exercise will be minimal, as they will only entail different ways of working and the self-

¹ *Good Scrutiny? Good Question!* WAO, May 2014: <http://www.audit.wales/publication/good-scrutiny-good-question-auditor-general-wales-improvement-study-scrutiny-local>

evaluation exercise will generally be undertaken electronically. All costs will have to be contained within the current departmental budget.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report

No Equality Impact Assessment is required for this report as it does not propose changes to policies or procedures. Effective scrutiny can ensure that the impact of Council decisions on people who share protected characteristics are safeguarded.

8. What consultations have been carried out with Scrutiny and others?

Scrutiny Chairs and Vice-Chairs Group (SCVCG) periodically monitor the delivery of the Scrutiny Improvement Action Plan.

9. Chief Finance Officer Statement

Not required.

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

An ineffective scrutiny function has the potential to result in the Council not delivering its Corporate Plan, or in Cabinet or officers not being challenged and held to account for decisions taken. This can lead to adverse regulatory reports and even Welsh Government intervention. Ensuring the Authority has an effective scrutiny function which develops to meet new demands and challenges can mitigate the risk of adverse reports or intervention. A robust and effective scrutiny function should also result in better, evidence-based decisions.

11. Power to make the Decision

Article 6.5.4 of the Council's Constitution stipulates that the Scrutiny Chairs and Vice-Chairs Group may consider "issues which will assist Members to perform the scrutiny function effectively." The remit of the Democratic Services Committee includes reviewing the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions (Section 9 of Part 1 of the Local Government Measure 2011).

Contact Officer:

Scrutiny Co-ordinator

Tel: 01824 712554

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Scrutiny Improvement Action Plan

Scrutiny Environment				
No.	Area for Improvement	Proposed Actions	By when/date for review	By whom
1.	Improve public engagement and interaction with scrutiny (links to nos. 8 & 9 below)	1.1 Review seating arrangements at scrutiny meeting	Completed (revised seating arrangements used as and when the Committee Chair feels it's appropriate)	SCVCG
		1.2 Develop a short information leaflet on 'scrutiny' to be available to the public at scrutiny meetings (similar to the one produced by Wrexham CBC)	Completed and leaflet available	Scrutiny Coordinator
		1.3 SCVCG to discuss potential methods for raising scrutiny's profile amongst residents	Initial discussions underway. Twitter account now opened and some use of the Corporate Facebook site to invite the public to provide evidence of impact of budget cuts for the Cutting Our Cloth Task and Finish Group (review summer 2016)	SCVCG

		1.4 Develop a protocol/memorandum of understanding for public interaction with scrutiny	April 2016	SCVCG and Democratic Services Officers
2.	Improve and enhance Scrutiny and Executive members' interaction and roles in actively promoting scrutiny's role, its value and benefits both internally and externally	2.1 SCVCG members to discuss with Cabinet arrangements for Lead Members' attendance and role at scrutiny committee meetings (including the feasibility of Lead Members presenting reports to scrutiny)	Completed – Lead Members are now invited to attend scrutiny meetings to present and answer questions if appropriate	Scrutiny Coordinator
		2.2 links to 2.1 above. SCVCG to discuss ways of actively promoting the benefits of scrutiny internally and externally (e.g. utilising former scrutiny chairs and vice-chairs who now sit on Cabinet to promote scrutiny's benefits as part of their roles)	Continual – the benefits of scrutiny outlined during the presentation of the Scrutiny Committees' Annual Report to Annual Council in May 2015 - Regular interaction with Cabinet members at scrutiny meetings and through the SCVCG meeting periodically with the Leader	SCVCG/Scrutiny Coordinator

		<p>2.3 utilise the presentation of the National Scrutiny Improvement Study report to Council Briefing as an opportunity to highlight to all county councillors how they can promote scrutiny to their constituents and community groups</p>	<p>The recommendations from the National Study were incorporated into the presentation at Annual Council (May 2015) of the Scrutiny Committees' Annual Report. The presentation included the promotion of the 'Member Proposal Form' which any county councillor can complete and submit if he/she thinks a subject merits scrutiny's input</p>	<p>SCVCG/Democratic Services Manager/Scrutiny Coordinator</p>
<p>3.</p>	<p>Consider the resources allocated to dedicated scrutiny support with a view to realising scrutiny's optimum potential to the Council</p>	<p>(Peer Assessment Team questioned Denbighshire's capacity to deliver the powers and duties conferred on scrutiny under the Local Government (Wales) Measure with only one dedicated scrutiny officer)</p> <p>3.1 Consideration to be given as part of the budget setting process to the level of dedicated scrutiny support required in future (having regard to financial constraints and legislative requirements)</p>	<p>completed via the Freedoms and Flexibilities process, but due to financial constraints no additional resources can be made available at present or for the foreseeable future.</p>	<p>Head of Legal & Democratic Services and Democratic Services Manager (Head of Democratic Services)</p>

Scrutiny Practice				
No.	Area for Improvement	Proposed Actions	By when/date for review	By whom
4.	4 (i) Highlight the importance of topic selection/ prioritisation to all scrutiny members	<p>Scrutiny Chairs and Scrutiny Coordinator to emphasise to committees on a regular basis the importance of topic selection and prioritisation. The need to link to Council's corporate priorities, community/partners' needs, be outcome focussed to enable the impact of scrutiny to be evaluated, also to be emphasised</p> <p>(training events to be arranged on chairing, questioning and work programming skills as and when required)</p>	<p>Continual</p> <p>SCVCG has issued guidance to the scrutiny committee on the areas which scrutiny should focus on for the term of this Council. This guidance appears in every Scrutiny Work Programme report presented to the committees.</p> <p>A new Members' Proposal Form process has been introduced which seeks members to clearly stipulate why a topic merits scrutiny's input and how scrutiny can add value to the desired outcome. All requests, be they officer or member requests, are considered by either the Committee or the SCVCG who apply a strict test, called the 'PAPER' test, to determine whether the subject does merit scrutiny's time.</p> <p>Training sessions on chairing, questioning and work programming skills have been</p>	Scrutiny Chairs and Vice Chairs/Scrutiny Coordinator

			offered, but a couple were poorly attended or had to be cancelled.	
	4(ii) Topics to be carefully scoped and officers to conform with brief given	Committees to clearly define the reasons why a report is required, what information is expected, the desired outcomes from scrutinising the subject and the value scrutiny can add	Continual See 4.1 above (will form part of regular training programme)	Scrutiny Coordinator and Scrutiny Chairs and Vice Chairs
5.	Enhancing scrutiny's effectiveness by applying effective questioning, listening and analytical skills	5.1 In conjunction with Member Support and Development commission chairing, questioning, work programming and other required scrutiny specific training from providers such as the WLGA, CfPS and possible observation sessions at other local authorities	April 2015 - completed (events held on chairing, questioning and work programming skills during 2014/15 – see 4(i) above). Any future events will have to be facilitated internally or held on a regional basis as funding to the CfPS in Wales by WG has been withdrawn and funding to the WLGA for such work has been cut	Scrutiny Coordinator and the Member Support & Development Manager
6.	Improve work planning methods with external bodies with a view to aligning scrutiny	6.1 Discuss work programmes with Business Improvement & Modernisation and external regulators/auditors/inspectors to see if scrutiny committees' work plans need to be re-	May 2015 – some preliminary enquiries made. However, this work will be on-going as the focus of audit and regulatory work changes in future and the proposals contained in the WG's	Scrutiny Coordinator

	<p>work programmes to achieve maximum benefits for all concerned</p>	<p>aligned (having regard to the Corporate Governance Committee’s role with respect to regulators’ reports)</p>	<p>White Paper on Reforming Local Government: Power to Local People are implemented.</p> <p>Some initial discussions took place on the interface between scrutiny and external auditors, inspectors and regulators, at the ‘Many Hands’ Conference in Llandrindod in March 2015</p>	
		<p>6.2 Contact Community Plan partners (LSB members) on an annual basis to establish which strategies/plans etc. they intend to introduce or consult on within the year so that the SCVCG can determine whether to include them in the committees’ forward work programmes</p>	<p>May 2015 (awaiting the enactment of the provisions of the ‘Future Generations Bill’ confirming exactly which external bodies can be called-in to Scrutiny). In the meantime the LSB’s Strategic Well-being Plan continues to be monitored by Partnerships Scrutiny Committee.</p> <p>Report on arrangements for the establishment of the new Public Service Board and its scrutiny arrangements to be considered by Partnerships Scrutiny Committee on 14 January 2016.</p> <p>Implications of the Future Generations Act and how the</p>	<p>Scrutiny Coordinator</p>

			<p>delivery of its outcomes will be scrutinised by the Council are being considered by scrutiny during the spring of 2016. Report templates and member/officer proposal form templates will be amended to ensure that all reports presented to scrutiny have regards to the Act seven goals</p> <p>On-going</p>	
7	<p>Apply varied scrutiny methods with a view to realising maximum benefits and adding value to the outcome</p>	<p>When appropriate make more use of alternative scrutiny methods tailored to the desired outcomes to be achieved (e.g. Task and Groups/Working Groups, Scrutiny Service Leads, expert witnesses etc.)</p>	<p>Underway and Continual</p> <p>(more use of task and finish groups made during the last year. The need now is to utilise such groups in future to engage with the public and seek their views/evidence e.g. the Cutting Our Cloth T&F Group could seek public input on how service changes have affected them etc.)</p>	<p>Scrutiny Chairs/individual committees/Scrutiny Coordinator</p>

Impact of Scrutiny				
No.	Area for Improvement	Proposed Actions	By when/date for review	By whom

8.	<p>Developing scrutiny's role in scrutinising external bodies (where appropriate on a collaborative/joint basis) and monitoring policy recommendations</p> <p>Also links to no. 1 above</p>	<p>8.1 Update/Develop, on a North Wales basis, protocols/memorandums of understanding (MoU) for scrutinising external bodies and for joint scrutiny of external partners (based on the Framework developed by Denbighshire in 2009)</p>	<p>Await the enactment of the provisions of the 'Future Generations Bill'.</p> <p>In the meantime partners and external bodies will be invited to attend scrutiny as and when required</p> <p>Proposals for scrutinising GwE and the new PSB currently under consideration</p> <p>Ongoing</p>	<p>Scrutiny Coordinator/North Wales Scrutiny Officers Network/SCVCG</p>
		<p>8.2 obtain the agreement of all parties/partners to the protocols/MoU</p>	<p>June 2015 (not achieved to date as awaiting the introduction of the required legislation – work has been undertaken regionally in South Wales to develop a joint scrutiny handbook which was shared on a national basis in March 2015)</p> <p>See above</p>	<p>Scrutiny Coordinator/North Wales Scrutiny Officers Network/SCVCG</p>
9.	<p>Improve public engagement and interaction (see also</p>	<p>See actions listed in no. 1 and:</p> <ul style="list-style-type: none"> - review scrutiny page(s) 	<p>As per no.1 above</p> <p>December 2015</p>	<p>SCVCG and Democratic Services Officers</p>

	no.1 above)	<p>on Council website to improve public information and make scrutiny accessible</p> <ul style="list-style-type: none"> - Set-up a Twitter account and include a link on the webpage 	<p>(Twitter account already opened – need to publicise it when everything is in place)</p> <p>Some use made of the Corporate Facebook page for Cutting our Cloth Task and Finish Group inquiry</p>	
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Outcomes and Characteristics of Effective Local Government Overview and Scrutiny				
No.	Area for Improvement	Proposed Actions	By when/date for review	By whom
10	Adoption of the Outcomes and Characteristics for effective scrutiny as detailed in appendix 2 to the Wales Audit Office report 'Good Scrutiny? Good Question' (May 2014)	SCVCG to adopt the characteristics	<p>Completed</p> <p>The Outcomes and Characteristics for Effective Scrutiny were used as the basis for the scrutiny self-evaluation exercise undertaken during the spring of 2015</p>	SCVCG/Head of Democratic Services/Scrutiny Coordinator

Summary of responses and the conclusions following the scrutiny self-evaluation questionnaire exercise 2015

No. of questionnaires distributed:	64
No. returned:	15 (23%)
Returned by scrutiny members:	5
No. returned from Co-opted Members:	2
Returned by non-scrutiny members/unknown respondents:	4
Returned by officers (CET/SLT):	4

Main conclusions:

- 100% (15) of respondents felt that scrutiny has a clearly defined role in the Council's improvement and governance arrangements. All also felt that scrutiny's role is valued;
- 87% (13) felt that scrutiny had the dedicated officer support it needed to undertake effective independent research and to provide members with high quality analysis, advice and training. The remaining 23% (2) respondents did not know;
- 73% (11) were of the view that scrutiny operated in a methodical way and used a variety of methods to examine matters, the remaining 27% (4) were split between disagreeing with the above statement or did not know;
- 73% (11) felt that scrutiny meetings and activities were well-planned, chaired effectively and made the best use of the resources available to them, the remaining 27% (4) indicated that they did not know;
- 60% were of the view that scrutiny received effective support from the Council's corporate management team to ensure that high quality information is provided to scrutiny members in a timely and consistent manner;
- 60% (9) felt that scrutiny was member-led, 1 respondent felt that it was not and 5 responded 'do not know';
- 60% (9) also felt that scrutiny did effectively and regularly take into account the views of the public, partners and regulators, 2 respondents (13%) felt it did not and 4 (27%) respondents 'did not know';
- 53% (8) were of the view that scrutiny operated in a non-political way at all times, whilst 47% (7) felt that this was not the case;
- 53% (8) felt that scrutiny regularly used validated evidence to challenge decision makers and service-providers, the remaining respondents were of the view that this was not the case or that they did not know;

- 53% (8) respondents felt that decision makers give sufficient public account for themselves and their portfolios at scrutiny meetings, with only 1 respondent (7%) stating that they did not and 40% (6) indicating that they did not know;
- 53% (8) were of the view that scrutiny was recognised by Cabinet and Corporate Management as an important council mechanism for engaging with the community and as a facilitator of citizen involvement with the Council's work; whilst 33% (5) felt that scrutiny was not afforded such recognition. 13% (2) did not know;
- 53% (8) felt that from their experience scrutiny deal effectively and safely with sensitive political issues, tensions and conflict; 1 respondent (7%) felt that they did not and 40% (6) did not know;
- 40% (6) were of the view that scrutiny members were given appropriate training and development opportunities to enable them to undertake their roles effectively (the remaining 60% did not feel that this was the case, or indicated that they did not know);
- Only 27% (4) felt that scrutiny effectively balances and prioritises community concerns against corporate issues of strategic risk and importance, with 33% (5) stating that it did not and 40% (6) indicating that they did not know;
- Only 20% (3) respondents were of the view that scrutiny effectively communicated with residents to raise awareness of matters and to encourage their involvement with the democratic process, whilst 60% (9) of respondents were of the view that scrutiny was not effective in this area and 20% (3) did not know;
- Only 20% (3) respondents felt that scrutiny was successful in building up a level of trust and maintaining good relationships with a wide variety of internal and external stakeholders; 13% (2) felt that scrutiny was not successful in this area. However, the majority 67% (10) did not know.

Additional points raised or suggestions for improving scrutiny put forward by respondents

- The attendance of Cabinet Lead Members at scrutiny committee meetings to present reports and answer questions is well received and seems to be working well;
- Rotation of elected members on scrutiny would increase understanding for all members;
- Provision of regular training on understanding scrutiny and Corporate Governance Committees' roles would assist members to understand the various remits and processes, challenge them and support their role in the democratic process;
- Scrutiny is only as good as those who are on the committees and ask the questions;

- Scrutiny members should not solely depend on officer support they should also undertake their own independent research - – including using the Council's Corporate Performance, Information and Research Team as is done for Service Challenge;
- Committees, in addition to considering officers' reports should also invite stakeholders' views and triangulate evidence from a number of sources;
- Improve communication and feedback channels between Cabinet and Scrutiny and vice-versa (better use of current communication channels);
- Ensure that scrutiny deals with matters that affect and concern communities/residents;
- Closer attention should be given to Cabinet/Council's forward work programmes and forthcoming decisions to ensure that scrutiny is focussing on the right issues at the right time;
- Scrutiny needs to be more strategically focussed rather than focus on geographical matters or parochial/very local issues;
- Need to engage better with the communities, residents and the media – need be more proactive, ahead of the game, rather than reacting after the event to negative media coverage etc.;
- Ensure that scrutiny is not attempting to have an oversight of everything, that it develops a focussed work programme and sticks to it, building in sufficient time to invite stakeholders/residents comments and input and used various methods for the capturing input (not solely rely on officer reports). This should include an assessment of the wider implications of preferred solutions, including evidence triangulation and should lead to better decisions;
- Make better use of task and finish groups for detailed work, this should could be an effective way for engaging with the public;
- Improve members' attendance at meetings;
- Develop the Scrutiny Chairs and Vice-Chairs Group function;
- Evaluate and review the effectiveness of scrutiny's role in the decision making process in relation to specific key decisions;
- Groups/Committees should identify members who have the right skill sets for specific subjects/areas with a view to enhancing the scrutiny of that specific topic;
- Scrutiny members should spend time with various Services/Departments in order to understand their processes and the challenges they face;
- Scrutiny needs to be more solution focussed than at present (it now tends to have a watching brief);
- More and better public engagement as this is an effective way to understand the concerns and opinions of the community and feed it into the democratic process.

Main areas for improvement seem to be:

- **Public engagement and communication;**
- **Aim to be apolitical at all times;**
- **Engaging more with stakeholders and triangulating evidence - through members doing their own independent research, utilising the Council's Business Improvement and Modernisation Service and where appropriate meeting with residents and service-users, instead of solely relying on officers' reports;**
- **Regularly review the effectiveness of scrutiny's input into certain decisions and their eventual impact on residents;**
- **Better use of members' skills, matching skills to the work in hand;**
- **Provision of regular and appropriate training for scrutiny members;**
- **Ensuring that scrutiny happens at the correct point in the decision making process through effective co-ordination of committee work planning, whilst striking an appropriate balance between strategic issues and those which are a cause of concern for residents.**

Report To: **Democratic Services Committee**

Date of Meeting: **22 January 2015**

Lead Member / Officer: **Head of Legal, HR and Democratic Services**

Report Author: **Democratic Services Manager**

Title: **The Local Government (Wales) Bill**

1. What is the report about?

The Welsh Government has been reviewing how the Welsh local government should operate and making proposals and new legislation including the *Power to Local People* White Paper, the new Local Government (Wales) Act 2015 and the draft consultation Local Government (Wales) Bill. This report summarises some of the key issues from these reforms.

2. What is the reason for making this report?

To review and comment on the changes and proposals to reform Welsh local government's legislative framework.

3. What are the Recommendations?

That the Democratic Services Committee reviews and comments on the proposals for local government reform.

4. Report details

Local Government (Wales) Act 2015

The provisions of a new Local Government (Wales) Act 2015, which was passed on the 25 November 2015, allow for preparatory work to enable a programme of local government mergers and reform and include provisions for the voluntary early merger of two or more county or county borough councils by April 2018. The Act also amends the Local Government (Wales) Measure 2011 in relation to the Independent Remuneration Panel for Wales (which sets allowance payments for members) and the survey of councillors and unsuccessful candidates (these provisions are not yet in force), as well as the Local Government (Democracy) (Wales) Act 2013 in respect of electoral reviews.

The 2015 Act can be viewed here:

<http://www.legislation.gov.uk/anaw/2015/6/contents/enacted>

Local Government (Wales) Bill

The Welsh Government is currently consulting on a draft Local Government (Wales) Bill, with comments to be returned by the 15 February 2016. The objective of the draft Bill is to complete the programme of local authority mergers and set out a new and reformed legislative framework for local authority democracy, accountability, performance and elements of finance. It would also establish a statutory Public Services Staff Commission.

Naturally, there has been a great deal of interest in the proposed mergers of county and county borough councils and these are set out in Part 1 of the Bill. Even without those proposals, Parts 2 to 8 of the Bill alone would see the most significant reform of Welsh local government since the Local Government Act 2000 which introduced the executive/scrutiny model of governance. A summary of the some of the main points is included in Appendix 1 to this report.

The full consultation documents and instructions on how to respond to the Welsh Government's proposals can be found here:
[http://gov.wales/consultations/localgovernment/draft-local-government-\(wales\)-bill-consultation/?lang=en](http://gov.wales/consultations/localgovernment/draft-local-government-(wales)-bill-consultation/?lang=en)

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

No decision is required as this report is to communicate with members of the Committee on the draft Bill's proposals.

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

There are no costs associated with the communication of the issues raised in the report.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report

This report does not require an Equality Impact Assessment.

8. What consultations have been carried out with Scrutiny and others?

The issues being discussed here are part of a national consultation exercise being undertaken by the Welsh Government. The Democratic Services Committee is being consulted on these issues.

9. Chief Finance Officer Statement

Not required for this report.

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

The draft Bill and local government reform present very significant risks and challenges to local government in Wales. Understanding the proposals and communicating areas of concern will help contain areas of risks.

11. Power to make the Decision

No decision is required.

The following summary has been adapted from an original produced by the Welsh Local Government Association.

A Summary of the Draft Local Government (Wales) Bill

Part 1 – Local Government Areas and County Councils

Part 1 of, and Schedules 1 to 5 to, the Draft Bill contain provisions for the reorganisation of county and county borough councils in Wales into 8 or 9 authorities as per the Ministers' map and the establishment of new counties and councils from 1 April 2020.

The accompanying documents (in particular the 'Consultation Document' which includes proposals that are not included in the draft Bill) provides a rationale for the proposed merger options, including the options of having 2 or 3 councils in North Wales. It is proposed that the new councils' names will be determined by the Shadow Authorities.

The Regulatory Impact Assessment Part 1 and Appendix A outlines costs and benefits of the proposed options.

Part 2 – General Power of Competence

The Draft Bill introduces a general power of competence for county councils and 'community councils with competence', setting out the boundaries of the power and degree to which it may be used for commercial purposes. The general power of competence gives a council the same power to act that an individual generally has and would mean that an authority would not need to rely on specific powers in legislation to do something, so long as what they intend to do was not otherwise illegal.

Part 3 – Promoting Access to Local Government

Chapter 2 places a duty on councils to promote access to, and public participation in, local government. This duty also means that councils would have to promote access to and public participation in 'connected authorities' including community councils, fire and rescue authorities and national park authorities.

In exercising this duty councils would have to produce a statutory 'public participation strategy' (which also covers the connected authorities). Councils would also have to take 'reasonable steps' to consult the public over budget proposals.

Chapter 3 would require the establishment by county councils of community area committees (CACs) with the 'community area' being defined by the Public Service Board (the Boards are being established from April 2016 under the Wellbeing of Future Generations Act 2015). Membership of the CAC would include all ward members within the area; representatives of each community council in the area;

representatives from other bodies exercising functions of a public nature and representatives from third sector bodies.

CACs would have to prepare and consult on a statement of priorities and objectives annually. Councils could delegate functions to CACs and ministers could also direct or restrict the delegation of functions to CACs.

Chapter 4 would place county councils under duties in respect of 'improvement requests', which would require a county council to enter into discussions with certain community bodies for the purpose of improving local outcomes

- Any community group or community council could make written 'improvement requests' to the council over how it believes outcomes could be improved. This would appear to include proposals for services to be delegated and delivered by or with the community group or community council.
- Unless there were 'reasonable grounds to refuse' or a similar request has been previously considered, the council would have a duty to decide to agree to an improvement request, inform the interested body and report publically and produce an annual report of improvement requests.
- A complaints process relating to improvement requests must also be set-up.

Chapters 5 and 6 make provisions for improving public access to local authority meetings whereby councils would have to electronically broadcast all public council meetings. Currently Denbighshire CC webcasts full Council and Planning Committee meetings amounting to around 20 meetings per year. Including all the public committee meetings would take this to around 70 webcasts per year under the present committee structure.

Ministers might also allow the public filming of meetings and there would be a duty to produce a user friendly summary of the constitution.

Part 4 – Functions of County Councils and their Members

This part sets out the 'Performance Duties' for councillors, which include the requirement (unless there is 'a good reason') to:

- Attend at all committee/council meetings of which the councillor is a member
- Hold 4 surgeries each year
- Respond to correspondence within 14 days
- Undertake training deemed mandatory by the council
- Publish an annual report

Councillors could be reported for a breach of any of the above which would be deemed equivalent to a breach of the code of conduct and similar sanctions (including suspension) could be applied by the Standards Committee.

Chapter 4 would place duties on group leaders to take 'reasonable steps to promote and maintain high conduct of standards by members of the group'.

Chapter 5 would require the leader (or elected mayor) to set objectives for the executive (e.g. Cabinet), and require candidates who wished to stand for elected

mayor or executive leader to prepare a written manifesto. It would also enable the appointment of members as assistants to the executive.

Chapter 6 would require councils to replace the term and role of 'head of paid service' with that of 'chief executive'. Council leaders would be required to set and review objectives for the chief executive and then prepare and publish a report on those objectives and share it with all members.

Chapter 7 would allow voting rights for co-opted members of scrutiny committees, such rights would be determined by councils. It would also require the Standards Committee to prepare an annual report on the exercise of its functions and other matters.

Part 5 – County Councils: Improvement of Governance

Part 5 sets out arrangements for a new regime to improve the governance of county councils; it largely retracts much of the Local Government (Wales) Measure 2009 as it applies to councils. The new measures would include a general duty to ensure good governance arrangements were in place; publication of a corporate plan; the undertaking and publication of an annual self-assessment of good governance compliance; and the commissioning of a peer assessment once every term.

The WAO, Estyn and CSSIW 'at intervals as they see fit' would have to carry out a combined assessment of each council and coordinate their functions.

Audit Committees would be renamed 'Corporate Governance and Audit Committees' and a third of the membership would be lay members including the the chair of the committee. The Committee's role in considering regulatory and assessment reports would be strengthened.

Part 6 – Community Councils

Chapter 1 requires the Local Democracy and Boundary Commission for Wales to undertake a review of community council arrangements. That is, a review of the communities within the new counties to be established under the Draft Bill on 1 April 2020, for the purpose of recommending changes to the community councils and their electoral arrangements. The White Paper previously proposed that this review would be undertaken by the county council.

Chapter 2 would place a duty on county councils to consider the training needs of community councillors and to make arrangements to meet those needs.

Part 7 – Workforce Matters

This section relates to issues such as the establishment of a statutory Public Services Staff Commission, workforce planning, training, development, retention and recruitment of staff etc.

Part 8 – General

This section contains general provisions regarding the interpretation and commencement times of the provisions following Royal Assent of the new Act in 2017.

Other proposals included in the Consultation Document

The Welsh Government is further seeking views on a number of other proposals that are not included in the draft Bill, building on the White Paper consultation. Proposals include:

- Right of Recall of councillors: Provisions for where a councillor is suspended from office following a breach of the code of conduct; local people could raise a petition calling for a by-election. If a petition was signed by at least twenty percent of the electorate in that ward, a by-election would have to be called.
- Simplification of remote attendance provisions
- Roles and responsibilities of Chief Executives - WG ‘...will seek a further appropriate legislative opportunity to provide that the Returning Officer role in each Principal Authority should form an intrinsic duty of the Chief Executive, for which no additional personal fee would be payable’.
- Power to dismiss statutory officers on the vote of the council (rather than following the Designated Independent Person process).

Clarification of council functions and responsibilities:

- quasi-judicial functions would not be for the Executive. This would include decisions in relation to planning and licensing;
- approval of the Council’s budget and financial planning, including the amount of Council Tax required, should fall to full Council;
- appointments of senior staff should be reserved to full Council;
- appointment of the Electoral Registration Officer and electoral matters more generally should fall to full Council;
- remuneration of Members of the Authority should be reserved for full Council;
- functions related to the provision of services by the Council should be the responsibility of the Executive;
- allocation of functions would require the agreement of both full Council and the Executive; and
- Council’s scheme of delegation should be published and be accessible through the Council’s website.
- Repeal of community polls duties, replaced by duties to set up petitions and an e-petitions process. This would enable communities to express their views on matters of concern, without the restrictions and costs which currently apply to community polls as well as the incorrect expectations that community polls are, in effect, binding referendums.

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