

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the Meeting of the Overview and Scrutiny Committee held at the County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale on Wednesday, 18th November, 2015 at 5.00 p.m.

PRESENT:

County Borough Councillor L.M.Adams – in the Chair

County Borough Councillors

J.Bonetto	R.Lewis	G.Smith
S.Evans	B.Morgan	M.J.Watts
(Mrs.)S.J.Jones	S.Powderhill	R.Yeo

Non-Committee Members in Attendance

County Borough Councillors S.Carter and M.Webber (Cabinet Member for Council Business)

Officers in Attendance

Mr.C.Bradshaw – Chief Executive
Mr.C.Lee – Group Director, Corporate & Frontline Services
Mr.P.J.Lucas – Director, Legal & Democratic Services
Mr.P.Griffiths – Service Director, Performance & Improvement
Mr.C.Hanagan – Service Director, Cabinet & Public Relations
Ms.H.Morgan – Public Services Partnerships Manager
Ms.K.May – Head of Democratic Services

25 APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors (Mrs.)M.E.Davies, A.S.Fox, P.Jarman, (Mrs.)S.Pickering and S.Rees-Owen.

26 DECLARATION OF INTEREST

In accordance with the Members' Code of Conduct, County Borough Councillor R.Lewis declared an interest in respect of Agenda Item 3(1) – "Well-Being of Future Generations (Wales) Act 2015 – "My employer is mentioned on one of the PowerPoint slides – Pen y Cymoedd Community Fund",

27 MINUTES

RESOLVED – to approve as an accurate record the minutes of the meeting of the Overview and Scrutiny Committee held on the 21st October, 2015, subject

to the points raised by Councillor Lewis being included in the consultation response (Minute No.22 refers) in respect of the independent voter registration as if people are not included on the electoral register could result in the suggested ratios not being correct and could also jeopardise the work of the Boundary Commission.

1. Minute No.22 – *Welsh Government – Consultation Document – Draft Directions to the Local Democracy and Boundary Commission for Wales*

The Director, Legal and Democratic Services advised Members that the Bill was passed on the fourth stage by the Assembly and subsequent to that the First Minister had clarified that there would be no final directions given to the Boundary Commission until after the Welsh Assembly elections in May, 2016, which will take six months out of the timetable of the necessary electoral reviews for Shadow elections in May, 2019.

2. Minute No.23 – *Cabinet Work Programme – Pre-Scrutiny*

Following the meeting of this Committee held on the 21st October, 2015 when consideration was given to the Cabinet's Work Programme, the Director, Legal and Democratic Services informed Members that the Cabinet agenda and reports to be considered at the meeting on the 24th November, 2015 was published on the Council's website yesterday (17th November, 2015) and one of the items was in respect of Pre-Scrutiny Arrangements (Agenda Item 6) whereby the Cabinet were being advised of the arrangements that were in place in respect of the pre-scrutiny of:-

- Medium Term Strategic Plan – RCT Leisure Services 2015-2020
- The Council's Draft Corporate Plan 2016-2020

The Director, Legal and Democratic Services stressed the importance of the pre-scrutiny of the above items to be undertaken in a timely fashion to avoid delaying the work of the Executive. He also indicated that Leisure Services comes within the remit of the Health & Well-Being Scrutiny Committee and that the Corporate Plan had been placed on the Work Programme of the Finance & Performance Scrutiny Committee early on in the municipal year.

The Service Director, Cabinet and Public Relations stated that clear instructions had been issued by the Leader of the Council that to support the engagement of scrutiny, the Work Programmes of Cabinet were to be improved and there would also be future developments around the status of reports. County Borough Councillor M.Webber, Cabinet Member for Council Business reported that she has regular meetings with the Chair of this Committee and that this arrangement should be extended to the respective Scrutiny Chairs and appropriate Cabinet Members to ensure a smooth transition of business between the Work Programmes of both Cabinet and the Scrutiny Committees.

The Director, Legal and Democratic Services further reported that at its meeting held on the 10th November, 2015 the Cabinet agreed to the Medium Term Service Planning and the Service Change Proposals would undergo a consultation exercise and that Scrutiny Members should also act as consultees during this process as like the consultation exercise in respect of the `Home to School Transport` proposals.

Following a discussion, it was **RESOLVED –**

- i. The pre-scrutiny of the Medium Term Strategic Plan – RCT Leisure Services be undertaken by Members of the Health and Well-Being Scrutiny Committee;
- ii. The pre-scrutiny of the Council's Corporate Plan be undertaken by Members of the Finance and Performance Scrutiny Committee;
- iii. That Members of the Finance and Performance Scrutiny Committee be consulted on the latest Service Change proposals and that an invitation be extended to all Non-Executive Members and Co-opted Members and the comments therefrom be feedback to the Cabinet;

and that the Chairs of the above Scrutiny Committees be advised accordingly.

28 WELL-BEING OF FUTURE GENERATIONS (WALES) BILL

The Committee received Ms.H.Morgan, Public Services Partnerships Manager, who with the aid of PowerPoint slides provided Members with an overview of the Well-Being of Future Generations (Wales) Act, 2015 ("the Act") which had been given Royal Assent in April of this year.

The presentation covered the following areas and Ms.Morgan gave her observations thereon:-

- Reminder of the Act, which contains an integrated set of seven Well-Being goals for Wales:
 - Prosperous
 - Resilient
 - Healthier
 - More Equal
 - Cohesive Communities
 - Vibrant Culture and thriving Welsh Language
 - Globally Responsible
- Guidance and Consultation
- What the Act means for the Council and the LSB
- What the Act says about Scrutiny
- How the Act fits into wider legislation/other publications

- What we can build on in RCT and Cwm Taf
- Proposed Timeline

It was also intended to show the video (link below) as produced by the Welsh Government but due to technical problems it could not be viewed:

<https://www.youtube.com/watch?v+rfeoylxjbmw#t=11>

Following the presentation made by the Public Services Partnerships Manager, the Director of Legal & Democratic Services advised Members of the Scrutiny aspects surrounding the Act, in relation to Public Service Boards, which as reported at the Council's Annual Meeting of the Council on the 20th May, 2015, under the Act, the Local Service Boards would become statutory bodies and be known as Public Service Boards (PSBs). The PSBs are to be established for each local authority area in Wales and will contribute to the achievement of the seven goals as reported upon in the presentation.

It was reported that in order to assure democratic accountability there is a requirement for a designated local government Scrutiny Committee of the relevant local authority to scrutinise the work of the PSB and whilst it would be legitimate for a subject Scrutiny Committee (such as Children and Young People) to scrutinise the PSB's work in relation to a specific issue, it was important that one Committee takes an overview of the overall effectiveness of the Board and the statutory guidance makes it clear that one Committee must be designated to undertake this work; and the Members views were sought on the establishment of a `designated Scrutiny Committee`. Members were of the view that scrutinisation of the work of the PSB should be undertaken by this Committee i.e. the Overview and Scrutiny Committee.

Chapter 6 of the Guidance for the Act, refers to local accountability and the role of Overview and Scrutiny functions. However, the Act seemed to curtail Scrutiny Committees from scrutinising individual members as it only allows scrutiny of the `corporate body`. Nevertheless, there was scope under the Local Government (Wales) Measure, 2011 over the `designated persons` scrutiny powers and the designated Overview and Scrutiny Committee could also seek to exercise power under S21 (2)(e) of the Local Government Act, 2000 *"to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area"*.

There were further anomalies within the guidance under Chapter 7 which refers to Merging and Collaboration, whereby the Act provides for two or more PSBs to be able to merge and to collaborate, for example, in situations whereby the same Local Health Board is a member of each Board. In such circumstances as, for example, Rhondda Cynon Taf and Merthyr Tydfil being part of the Cwm Taf Local Health Board, no regard has been given to joint Scrutiny arrangements. This was queried at the event that was held on the

23rd October, 2015 by the Council's Head of Democratic Services, the response being that "this had not been considered but that it would be looked into".

Further information was provided in respect of the duties in relation to well-being plans for Community and Town Councils.

Following a lengthy discussion, it was **RESOLVED** –

1. That a recommendation be made to a future meeting of the Council that the "Designated Committee" be the Overview and Scrutiny Committee;
2. To place on record the concerns of Members in respect of:-
 - i. The resource implications as within the Guidance "*the local authority must make administrative support available to the PSBs*" and will also be responsible for scrutinising its work;
 - ii. The Act and Guidance does not have regard to the Local Government (Wales) Measure, 2011 in respect of Scrutiny of Designated Persons and Joint Scrutiny
 - iii. There is no clarity in the Guidance on how Community and Town Councils will be held accountable for actions, or whether they can also hold PSBs to account and how do they feed into the PSBs objectives (and visa versa)
 - iv. There being no reference in the Guidance regarding training to support Members of the PSB or Members of the "Designated" Scrutiny Committee.
3. To explore the opportunity of working with Merthyr Tydfil to undertake joint scrutiny should the PSBs merge.

29 ACTION PLAN UPDATE

Following the meeting of this Committee held on the 29th July, 2015 (Minute No.12 refers), the Director of Legal & Democratic Services attached to his report at Appendix 1 an updated draft Action Plan as further areas had been identified, which were considered worthy of inclusion.

With the permission of the Chairman, the Service Director, Cabinet & Public Relations and the Cabinet Member for Council Business informed the Committee formal mechanisms are to be put in place whereby future recommendations to the Cabinet from the respective Scrutiny Committees and Scrutiny Working Groups will be considered by the appropriate Cabinet Member(s) or where appropriate, the Cabinet as a whole and the Cabinet Member together with the Officer concerned will attend the Scrutiny Committee to update Members on progress made in implementing the recommendations.

Following a discussion, it was **RESOLVED** –

1. To approve the Action Plan as shown at Appendix 1 to the report subject to the removal of OS4 – to undertake pre-scrutiny on the Leisure Strategy and the Draft Corporate Plan as it had been agreed earlier on in the meeting that these two topics would undergo pre-scrutiny by the Health & Well-Being Scrutiny Committee and the Finance & Performance Scrutiny Committee respectively (Minute No.27(2)(i) and (ii) refers).
2. That the Director of Legal & Democratic Services be instructed to keep the agreed Action Plan under on-going review and to report quarterly of progress, and where deemed appropriate further amendments, to the Overview and Scrutiny Committee.

**L.M.ADAMS
CHAIRMAN**

The meeting closed at 6.16 p.m.