

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Minutes of the Special Meeting of the Overview and Scrutiny Committee held at the County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale on Tuesday, 2nd August, 2016 at 3 p.m.

PRESENT:

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

County Borough Councillors

J.Bonetto	(Mrs.)S.Jones	S.Rees-Owen
W.J.David	B.Morgan	G.Smith
(Mrs.)M.E.Davies	(Mrs.)S.Pickering	P.Wasley
P.Jarman	S.Powderhill	R.Yeo

Officers in Attendance

Mr.C.Bradshaw – Chief Executive
Mr.C.B.Jones – Service Director, Legal & Democratic Services
Mr.C.Hanagan – Director, Cabinet & Public Relations
Mr.P.Mee – Service Director, Public Health & Protection
Ms.K.May – Head of Democratic Services

**Members Making the Call-in
County Borough Councillors**

P.Jarman and P.Wasley (also Members of the Committee), E.Webster

Co-opted Members in Attendance

Mr.J.Fish – Elected Parent/Governor Representative
Mr.C.Jones – GMB
Mr.P.Crews – UNITE

**Cabinet Members
County Borough Councillors**

A.Morgan – Leader of the Council
M.Webber – Deputy Leader of the Council and Cabinet Member for Council
Business & Human Resources
J.Rosser – Cabinet Member for Prosperity, Wellbeing & Communities

County Borough Councillors in Attendance

S.Bradwick and C.J.Willis

6. APOLOGY FOR ABSENCE

An apology for absence was received from County Borough Councillor A.S.Fox.

7. DECLARATIONS OF INTEREST

RESOLVED – to note that there were no declarations of interest made at the meeting pertaining to the agenda.

8. PROCEDURE

The Chairman welcomed everyone to the special meeting of the Committee and called on the Service Director, Legal and Democratic Services to outline the procedure for the call-in process.

The Service Director, Legal and Democratic Services explained that before commencing the debate, it was important to agree the procedure to be adopted and he drew Members' attention to pages 1 and 2 of the report which outlined the recommended procedure to be followed in considering the call-in in respect of the decision taken by Cabinet on the 19th July, 2016 in relation to provision of Dog Kennelling Arrangements for Rhondda Cynon Taf. He explained that of the three Members making the call-in, two Members were Members of the Overview and Scrutiny Committee and would therefore be able to vote on the matter.

The Service Director of Legal referred to paragraphs 2.8 and 2.9 of his report which proposed that the three Members making the call-in would be invited to address the Committee in support of the reasons given by the Members in requesting the Call-in, a copy of which was attached at Appendix D and which was reproduced, for ease of reference at paragraph 2.8 of the report. He also explained that it was proposed that one of the three Members be given the right to make a final address to the Committee immediately before a vote would be taken on the proposal. He pointed out that if the proposal to have the matter referred back to Cabinet was unsuccessful, then the Cabinet decision would take effect immediately at the conclusion of today's meeting.

RESOLVED – to adopt the procedure as set out in paragraphs 2.8 and 2.9 of the report.

9. CALL-IN – PROVISION OF DOG KENNELING ARRANGEMENTS FOR RHONDDA CYNON TAF

Prior to calling the three Members who signed the call-in to speak, the Chair stated that whilst he would not strictly impose a five minute limit on the submissions that were to be made to the Committee, as he didn't wish to stifle debate and also reminded Members of the Committee that once the matter raised have been addressed then he would not accept repetition of the matters.

The Chair also stated that the Leader of the Council and the Cabinet Member for Prosperity, Wellbeing and Communities had both requested to be able to address the Committee and that he had granted the requests.

He then invited the three Members who requested the call-in to make their submissions to the Committee as outlined below:-

County Borough Councillor P.Jarman

County Borough Councillor P.Jarman referred to the last call-in held on the 27th May, 2015 in respect of Home to School Transport when it was indicated that the terms of reference of the then new Finance and Performance Scrutiny Committee included `monitoring the implementation of Medium Term Financial Planning decisions considered by the Executive` and that the Members of that Committee along with the Members of the Overview and Scrutiny Committee were included as consultees in the process. She therefore queried why the Finance and Performance Scrutiny Committee were not included as part of the consultation exercise in relation to the future provision of dog kennelling arrangements for Rhondda Cynon Taf as in paragraph 3.1 of the report that was presented to Cabinet on the 19th July, 2016 (attached to the report at Appendix A) states – *“There is potential to outsource the service and manage costs over the next 1-3 years in a more sustainable and efficient manner, as the current operation of the Council’s Animal shelter is not longer cost effective”*. Further, the report also stated – *“In addition, the Community Recycling Centre (CRC) in Porth requires redevelopment and the cost benefits of extending the existing CRC are significant when compared with relocating the facility”*.

County Borough Councillor P.Jarman further raised concerns that this matter was not itemised on the Cabinet’s Work Programme but was the subject of a delegated decision prior to the new scheme being implemented on the 1st July, 2016, she was therefore of the view that Scrutiny Members were deprived of the opportunity to scrutinise both the possibility of outsourcing the animal shelter and the redevelopment of the CRC as these issues could have been factored into the appropriate Scrutiny Committee(s) Work Programmes.

County Borough Councillor E.Webster

County Borough Councillor E.Webster raised concern that Members had not been informed of the proposal in a timely manner and that the delegated decision was posted under the decisions taken for 2015/16. At the Council’s AGM on the 20th May, 2016 , the new Scheme of Delegation was agreed for implementation as from 1st July, 2016, yet the decision to go out to consultation in respect of outsourcing the Animal Shelter at Porth was taken just a few days after the AGM. He was therefore of the view that the timing issue was worthy of scrutiny.

County Borough Councillor P.-Wasley

County Borough Councillor P.Wasley referred to the Cabinet Decision Notice dated 19th July, 2016 which was shown at Appendix B to the report and the fact that it was an urgent item.

At this juncture in the proceedings, with the permission of the Chair, the Service Director, Legal and Democratic Services advised Members that whilst the report in respect of the provision of dog kennelling arrangements was considered as an urgent item by the Cabinet at its meeting on the 19th July, 2016, the decision itself was not deemed urgent and could therefore be the subject of a call-in.

Following the addresses made by the three Members, the Chair called upon the Service Director, Public Health and Protection to comment on some of the issues raised by the three Members.

The Service Director, Public Health and Protection reported that the proposal was regarding a potential organisational service change and not a cut or a withdrawal of a service. It was a case of exploring an opportunity for the service to be delivered in a more cost effective and potentially better way.

As it was an operational matter it was debateable whether there was a need for a consultation exercise to be undertaken, but as it was an emotive issue, it was agreed that a four week focussed consultation exercise be carried out. The Delegated Decision was signed on the 31st May, 2016 and the consultation period ran from the 6th June to the 4th July. A consultation booklet was produced and sent to all key stakeholders and was also made available in the Council's libraries and One4All Centres. The consultation was also placed online and promoted via social media. On the 20th June, following a request for more information, all Members were emailed regarding the proposal to raise awareness which is over and above the normal consultation procedure. The results of the consultation were reported to Cabinet on the 19th July, 2016. He was therefore of the view that the correct procedures had been followed.

The Service Director, Public Health and Protection further stated that the proposal was not a cost saving exercise, in fact it would be cost neutral and the land at Dinas could also be used to make improvements to the Council's CRC and would relieve traffic congestion.

In respect of animal welfare, the Service Director indicated that under no circumstances would there be any compromise – animal welfare would be a paramount contractual requirement. He referred Members to the table as shown in paragraph 4.3 of the report that was considered by Cabinet (Appendix A) illustrating the outcome achieved for all dogs seized and/or detained by the Council over the last three years, where he confirmed that the majority of dogs that are detained are either returned safely to their owners or re-homed.

Following the comments made by the Service Director, Public Health and Protection, the Chair invited the Leader of the Council and the Cabinet Member for Prosperity, Wellbeing and Communities to address the Committee.

The Leader of the Council confirmed the comments made by the Service Director, Public Health and Protection in that as this clearly was an emotive issue the matter was therefore to be the subject of a consultation exercise, the results of which were scrutinised in great depth by Cabinet Members, Officers and himself, there being a limited response from elected Members.

The Leader stated that a further report is to go back to the Cabinet following dialogue with interested Charities and at that time there would be an opportunity for Scrutiny Members to further consider the matter. He stressed the point that this was not a medium term financial decision. He also stated that as from April of this year, it is compulsory for all dogs to be micro chipped and therefore there should be a steady decline in the number of dogs that have to be seized/detained.

The Cabinet Member for Prosperity, Wellbeing and Communities reported that she was not present at the meeting of Cabinet on the 19th July, 2016 when the decision was made in respect of this matter but that she had been involved in the discussions and that she was content in the fact that there would be a better provision, in the future for animals.

The Director, Cabinet and Public Relations stated that the correct process was followed with regards to the delegated decision that was taken on the 31st May, 2016 as the proposed improvements to the General Scheme of Delegation was agreed at the Council's Annual Meeting on the 25th May, 2016 for full implementation from the 1st July, 2016. Following this date i.e. 1st July, 2016 all `key decisions` of an Officer, made by a delegated decision is published in the same manner as decisions of the Cabinet and will be the subject of `Call-in`. He further stated that the Cabinet Work Programme had been enhanced thus allowing more flexibility for pre-scrutiny.

Having heard the arguments from those Members who had made the call-in and the responses from the Service Director for Public Health and Protection, the Leader and the Cabinet Member, the Chairman then invited the Committee to ask any questions they may have.

The Committee having debated the issue, the Chair invited County Borough Councillor P.Jarman to sum up the argument in favour of referring the Cabinet decision back to the Cabinet for reconsideration.

Following consideration of the issues and in accordance with the Overview and Scrutiny procedure rules, it was **RESOLVED** – that the matter not be

These minutes are subject to approval at the next meeting

referred back to the Cabinet for reconsideration and that the decision taken on the 19th July, 2016 take effect as from the close of this meeting.

**L.M.ADAMS
CHAIRMAN**

The meeting closed at 3.55 p.m.