

Mae'r cofnodion hyn yn amodol ar gymeradwyaeth yng nghyfarfod priodol nesaf y Pwyllgor.

Subject to approval as an accurate record at the next appropriate meeting

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 Monday, the 2nd October, 2017 at 4.15.p.m.

PRESENT

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

County Borough Councillors

H. Boggis	J. James
J. Bonetto	D. Macey
E. George	G. P. Thomas
P. Jarman	

Members Making the Call-In County Borough Councillors

P.Jarman and J. James (also Members of the Committee), M. Powell

Non Committee Members in Attendance County Borough Councillors

S. A. Bradwick
W. Jones

Co-opted Members in Attendance

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

Cabinet Member(s) in Attendance

County Borough Councillor M. Webber – Deputy Leader & Cabinet Member for
Council Business
County Borough Councillor G. Hopkins – Cabinet Member for Adults & Children's
Community Services

Officers in Attendance

Mr.C.Bradshaw – Chief Executive
Mr.C.Hanagan – Service Director, Cabinet & Public Relations
Mr.C.B.Jones – Director, Legal & Democratic Services
Mr.T.Wilkins – Director, Human Resources

15 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from County Borough Councillor J. Brencher, J. Harries and E. Stephens.

16 **DECLARATIONS OF INTEREST**

RESOLVED – to note that the following declarations of interest were made at the meeting pertaining to the agenda:-

(1) Mr.C.Hanagan – Service Director, Cabinet & Public Relations in respect of Agenda item 2 – Review of the Council’s Senior and Associated Management Post Structure.

“I declare a personal and pecuniary interest in Agenda item 2 as my post is referenced within Appendix A to the report.

Whilst I left the relevant Cabinet meeting when the item of business relating to the decision now being called in was discussed and voted upon, given the reasons, in part, for the call in of the Cabinet Decision impacts on my area of responsibilities I will remain in the meeting to address any queries Members have.”

Mr. Hanagan confirmed that he had sought advice from the Council’s Monitoring Officer in respect of his Declaration of Interest.

(2) Mr.T.Wilkins – Director of Human Resources in respect of Agenda item 2 – Review of the Council’s Senior and Associated Management Post Structure.

“I declare a personal and pecuniary interest in Agenda Item 2 as my post is referenced within Appendix A to the report.”

Given my duties as Director of Human Resources, and that the contents of the report relating to the Cabinet decision being called in impact on the workforce, I will be able to address any queries Members may have.”

(3) Mr.C.Bradshaw – Chief Executive in respect of Agenda item 2 – Review of the Council’s Senior and Associated Management Post Structure.

“I declare a personal and pecuniary interest in Agenda Item 2 as my post is referenced within Appendix A to the report.

Given my duties as Chief Executive and Head of Paid Service, and that I authored the report to which the Cabinet decision being called in relates, I will be able to address any queries Members may have.”

(4) Mr.C.B.Jones – Director of Legal & Democratic Services in respect of Agenda item 2 – Review of the Council’s Senior and Associated Management Post Structure

“I declare a personal and pecuniary interest in Agenda Item 2 as my post is referenced within Appendix A to the report.”

Whilst I left the relevant Cabinet meeting when the item of business relating to the decision now being called in was discussed and voted upon, given my duties as Director of Legal and Democratic Services I will present today’s report and be able to address any legal or procedural queries Members may have.”

Mr.C.B.Jones confirmed that when the matter had been considered by Cabinet he had declared a personal and pecuniary Interest and reiterated the purpose of remaining in the meeting so as to be able to address any legal or procedural queries Members may have.

17 PROCEDURE

The Chair welcomed everyone to the Special Meeting of the Committee and called on the Director, Legal and Democratic Services to outline the procedure for the call-in process.

The Director, Legal and Democratic Services explained that before commencing the debate, it was important that Members understood the procedure to be followed as outlined in paragraph 4.1.

The Director, Legal and Democratic Services referred to paragraph 4.1 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. 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 paragraph 4.1 of the report.

18 CALL-IN- `REVIEW OF THE COUNCIL’S SENIOR & ASSOCIATED MANAGEMENT POST STRUCTURE.

Before the Chair invited the three signatories who requested the Call-in to make their submissions, he reminded Members that the original report considered by Cabinet was exempt, therefore their debate should be restricted to the reasons for calling in their decision, as referred to within the Prescribed Call-in form set out at Appendix D of the report.

At the outset, County Borough Councillor P.Jarman wished to make it clear that she was not opposed to the Council’s ongoing efficiency programme but she raised concerns that this matter was not itemised on the Cabinet Work Programme and was therefore of the view that Scrutiny Members were

deprived of the opportunity to pre scrutinise the matter which could have been factored into the appropriate Scrutiny Committee Work Programme. It was also felt that one of the decisions taken by Cabinet did not take into account the requirements within the Statutory Guidance of the Local Government (Wales) Measure 2011. She also sought clarification of the number of posts affected and savings achieved. Councillor P. Jarman stated that she would be making the final address to Committee. She queried paragraph 5.5.3 of the report that was presented to Cabinet on the 19th September 2017 which states "...the coordination of Council & Executive Business functions now rest with the Service Director for Cabinet & Public Relations". County Borough Councillor P. Jarman expressed concern that the Regulatory Committees are being transferred outside of the Democratic Services remit and yet in line with statutory guidance and according to the Local Government (Wales) Measure 2011, Members Services and Committee Services falls within the remit of Democratic Services.

The Chair then called upon Councillors J. James and M. Powell who both outlined the same concerns as Councillor P. Jarman.

Following the address made by the three Members and in response to the call in notice submitted, the Director of Human Resources circulated two papers outlining the detailed analysis of FTE Reduction and an analysis of FTE & Reduction in Management Costs in response to the issue relating to the number of posts affected and savings achieved as set out in the Prescribed Call-in form.

The Chief Executive confirmed that although the coordination of Council & Executive Business functions now rest with the Service Director for Cabinet & Public Relations (as set out in 5.5.3 of the report) he will continue to oversee the co-ordination of Council and Executive Business Functions with both the Director of Legal and Democratic Services and the Service Director for Cabinet and Public Relations who will continue to work closely together. The Chief Executive and the Service Director, Cabinet & Public Relations then made comments in relation to the remaining concerns in the Call-in form.

The Chair then invited Councillor M. Webber, Deputy Leader and Cabinet Member for Council Business, to address the Committee. She expressed her disappointment at the Call-in, as in her role as Vice Chair of the Democratic Services Committee since the inception of the Local Government (Wales) Measure i.e. May 2012, she is well versed in the requirements of the 'Measure' and was confident that the 'Measure' had not been contravened. The decision taken was to assist the Democratic Services functions and not to hinder it. She welcomed the engagement and role that Scrutiny plays within RCT and these would continue to be supported. Councillor M. Webber added that there was no connection between the flexibility of organisational response in the face of austerity against the requirements of the 'Measure' and that issues of resource had not been previously raised.

Having heard the arguments from those Members who had made the Call-in and the responses from the Officers and the Cabinet Member, the Chair then invited the Committee to ask any questions.

Whilst Councillor P. Jarman accepted the information as circulated at the meeting in respect of the posts and savings, she felt the other reasons for the Call-in should be referred back.

Following consideration of the issues and in accordance with the Overview and Scrutiny procedure rules, it was **RESOLVED** – that the matter not be referred back and that the decision taken on the 19th September, 2017 take effect as from the close of this meeting.

**L.M.ADAMS
CHAIR**

The meeting closed at 4.50 p.m.