

## **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 Wednesday, 27<sup>th</sup> May 2015 at 5 p.m.

#### **PRESENT:**

County Borough Councillor L M Adams – in the Chair

#### **County Borough Councillors**

J David	A S Fox	P Jarman
(Mrs) S Jones	R Lewis	B Morgan
(Mrs) S Pickering	G Smith	J Watts
P Wasley	R Yeo	

#### **Officers in Attendance:**

Mr S Merritt – Chief Executive  
Mr.P.J.Lucas – Director of Legal & Democratic Services  
Mr C Lee – Group Director, Corporate & Frontline Services  
Mr C Bradshaw – Director of Education & Lifelong Learning  
Ms E Thomas – Service Director, Schools and Community  
Mr R Waters – Service Director, Highways & Streetcare Services  
Mrs A Edwards – Scrutiny Support Officer

#### **Members making the Call-in:**

County Borough Councillors  
P Jarman and P Wasley(also Members of the Committee)  
I Pearce

#### **Co-opted Members in attendance**

Mr.J.Fish –Elected Parent/Governor Representative  
Mrs S Jones – Elected Parent/Governor Representative  
Mr.M.Cleverley – Representing NASUWT and Teachers' Panel  
Mrs.C.Jones – Representing the National Union of Teachers and Teachers' Panel

#### **Cabinet Members:**

County Borough Councillors  
A Morgan – Leader of the Council  
(Mrs) M Webber – Cabinet Member for Council Business

#### **County Borough Councillors in Attendance:**

S Bradwick, C Davies, K Morgan, T Williams and C J Willis

### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from County Borough Councillors (Mrs) J Bonetto, (Mrs) M E Davies, S Evans, S Rees-Owen and S Powderhill. An

apology for absence was also received from County Borough Councillor (Mrs) C Leyshon, Chair of the Children and Young People Scrutiny Committee.

## **2. DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, the following declarations of interest were made at the meeting in respect of Agenda Item 2 – Home to School Transport: Maintaining the Existing Service but Reducing the Subsidy for Discretionary Travel – a Public Consultation on a Proposed New Policy.

- Cllr L M Adams – “My children attended St John Baptist High School”;
- Cllr S A Bradwick – “I am Chair of Governors of Aberdare Community School”;
- Cllr C Davies – “Governor at Ysgol Gyfun Cymmer, Rhondda”;
- Mr J Fish – “I am the Chair of Governors at Maesybryn Primary, I am the Vice Chair of Governors at Coedpenmaen Primary, I am a Parent Governor at Bryncelynog Comprehensive”;
- Cllr A Fox – “Chair of one school, vice chair of another that could be impacted. Also attended a comprehensive Faith school”;
- Cllr P Jarman – “Chair of Governors Mountain Ash Comprehensive School and Cae Garw Primary School”;
- Ms C Jones – “School Governor”;
- Ms S Jones – “School Governor, Ysgol Llanhari”
- Cllr (Mrs) S J Jones – “A governor of two schools”;
- Cllr R Lewis – “Governor at YGG Abercynon; Mother works at YGG Abercynon – Catering Staff”;
- Cllr A Morgan – “on Governing Body of Darrenlas Glanboi School”;
- Cllr B Morgan – “Local School Governor”;
- Cllr K Morgan – “Parent of child who might be affected”;
- Cllr I Pearce – “Governor of Penpych School and Penyreglyn School”;
- Cllr (Mrs) S Pickering – “LGA Governor at Trerobart School, Ynysybwll”;
- Cllr G Smith – “Grandson pupil at Faith School”;
- Cllr P Wasley – “School Governor”
- Cllr Watts – “School governor”;
- Cllr (Mrs) M Webber – “Vice Chair Governors, Heol y Celyn Primary
- Cllr T Williams - “My children attend St John Baptist and also a governor”;

## **3. PROCEDURE**

The Chairman welcomed everyone to the special meeting of the Committee and called on the Director of Legal and Democratic Services to provide clarification in relation to the implications of the recent High Court Judgement in respect of Swansea Council's School Transport Policy.

The Director of Legal and Democratic Services outlined the findings of the High Court Judgement in relation to Swansea Council's proposed changes to

their School Transport policy and assured Members that the outcome had no bearing on the business being discussed that day and had no impact on the decision of Cabinet to go out to consultation. He explained that when Cabinet are in a position to make a decision on the Home to School Transport policy, they would take account of any lessons to be learnt from the Swansea case.

The Chairman thanked the director and asked that he outline the procedure for the call-in process.

The Director of 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 19<sup>th</sup> May 2015 in relation to Home to School Transport: Maintaining the Existing Service but Reducing the Subsidy for Discretionary Travel – a Public Consultation on a Proposed New Policy. 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. He also reminded Members that at the Council's recent Annual General Meeting held on 20<sup>th</sup> May 2015, changes had been agreed to the scrutiny structure, namely that the Overview and Scrutiny Committee would deal with all Call-ins and that as and when appropriate Scrutiny Chairs and Vice Chairs and Co-opted members would be invited to such meetings.

The Director of Legal and Democratic Services 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 reason 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 his 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 membership immediately before a vote is 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 end of the call-in period, ie 28<sup>th</sup> May 2015.

**RESOLVED** –To adopt the procedure as set out at paragraphs 2.7 to 2.8 of the report.

The Leader raised a point of order and asked the Director of Legal and Democratic Services if he was right in thinking that under the new scrutiny framework, the Finance and Performance Committee would be the appropriate committee for holding the Executive to account in relation to decisions based on financial planning. If this were the case, if the matter goes out to consultation would it be right to bring the issue to the Finance and Performance Committee for consideration.

The Director of Legal and Democratic Services confirmed that a new method of operation for scrutiny had been agreed at the Council's Annual General Meeting. A key role for scrutiny is holding Cabinet Members and Officers to account and he explained that it would be appropriate for any scrutiny committee to consider a matter which was under consultation. He reported that the terms of reference for the new Finance and Performance Scrutiny Committee included 'monitoring the implementation of Medium Term Financial Planning decisions considered by the Executive'.

4. **CALL IN – HOME TO SCHOOL TRANSPORT: MAINTAINING THE EXISTING SERVICE BUT REDUCING THE SUBSIDY FOR DISCRETIONARY TRAVEL – A PUBLIC CONSULTATION ON A PROPOSED NEW POLICY**

The three Members who had called-in the decision namely, County Borough Councillors P Jarman, P Wasley and I Pearce were afforded the opportunity to address the Committee and they proceeded to outline their reasons for the Call-in.

Following the address by the three scrutiny Members the Committee heard the comments of the Leader and the Cabinet Member for Council Business in response.

The Chairman invited the Education Co-opted members to comment and advised that he would bring the proposed new policy for Home to School Transport before the Overview and Scrutiny Committee.

Having heard the arguments from those Members who had made the Call in and the responses from the Leader and Cabinet Member which confirmed that Cabinet would fully take on board the views of all consultees including the Finance and Performance Scrutiny Committee and the Overview and Scrutiny Committee prior to making any decision on amending the policy or not; and having heard the comments of the Education co-opted Members, the Chairman then invited the Committee to ask any questions they may have.

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

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 to the Cabinet for reconsideration and that the decision taken on the 19<sup>th</sup> May 2015 take effect as of 28<sup>th</sup> May 2015.

L M Adams  
Chairman

The meeting closed at 5.55 pm.