

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**County Council  
17<sup>th</sup> May, 2018**

**REPORT AUTHOR: Democratic Services Committee**

**SUBJECT: Scrutiny Committee Structure**

---

**REPORT FOR: Decision**

---

**1. Summary**

- 1.1 The report sets out recommendations for the future structure for recommendation to the County Council for approval.

**2. Background**

- 2.1 As Members are aware the Council received a critical report from Care Inspectorate Wales (CIW) regarding Children's Services. The Council's scrutiny process was also criticised in this report.
- 2.2 Following the CIW report, the Joint Chairs and Vice-Chairs Steering Group has considered whether the scrutiny committee structure required revision. At its meeting in February 2018, the political group leaders were invited to discuss the issue and it was suggested that it would be appropriate for the scrutiny committees to reflect the priorities within the Council's Vision 2025 (i.e. the economy, health and care, learning and skills, residents and communities and making it happen), whilst also retaining the Audit Committee as currently. The Steering Group also asked that a range of options be presented for consideration at its meeting in April.
- 2.3 At the meeting on 10<sup>th</sup> April those options were considered together with the numbers of members to sit on the revised committees, frequency of meetings and whether the Council should continue to have scrutiny working groups under a new structure. Although there was an acceptance that the Audit Committee would remain, there was a discussion regarding the future of the Finance Scrutiny Panel and whether this should be retained, should become a sub-committee of the Audit Committee or amalgamated within the remit of the Audit Committee.
- 2.4 Other matters which were considered were whether scrutiny committees should meet in public, should be webcast and the future role of the Joint Chairs and Vice-Chairs Steering Group. It was acknowledged that one of the roles of the Joint Chairs and Vice-Chairs Steering Group was the co-ordination of scrutiny activity / work programmes for committees to ensure that there was sufficient resources available to support scrutiny reviews and especially where there was a cross over of responsibilities. If the scrutiny committees became thematic committees, there was still likely to be areas which were scrutinised where there would continue to be a cross over of responsibilities between committees and therefore joint working would be

required. Therefore there would be a continued requirement for the Joint Chairs and Vice-Chairs Steering Group.

2.5 Based on the evidence set out in Appendix 1, the recommendations of the Joint Chairs and Vice-Chairs Steering Group were as follows:

- (i) The Council should have 4 scrutiny committees as set out below:
- Audit Committee (to include Making It Happen);
  - Learning and Skills Scrutiny Committee;
  - Health and Care Scrutiny Committee;
  - Economy, Residents and Community Scrutiny Committee

## 2.6 Senior Salary.

2.6.1 The availability of a senior salary for any additional Chair of Scrutiny was also discussed by Democratic Services Committee and needs to be considered by Full Council. . The current posts which attract a Senior Salary are set out below:

	<b>ROLE</b>
1	Leader
2	Deputy Leader and Cabinet Member – Finance, Countryside and Transport
3	Cabinet Member – Young People and Culture
4	Cabinet Member – Highways, Recycling and Assets
5	Cabinet Member - Adult Social Care
6	Cabinet Member – Learning and Welsh Language
7	Cabinet Member – Economy and Planning
8	Cabinet Member – Corporate Governance, Housing and Public Protection
9	Chair - Scrutiny Committee A
10	Chair – Scrutiny Committee B
11	Chair – Audit Committee
12	Chair – Planning, Taxi Licensing and Rights of Way Committee
13	Chair – Employment and Appeals Committee
14	Chair – Pensions and Investment Committee
15	Chair – Democratic Services Committee
16	Leader Of The Largest Opposition Group

2.6.2 The Independent Remuneration Panel for Wales had determined that the Council is only able to pay a maximum of 18 senior salaries.

2.6.3 The options open to the Council are as follows:

- (a) There are currently 2 unpaid senior salaries due to recent Cabinet changes. The Leader has indicated that she is trialling a reduced number in the cabinet and wishes to retain the ability to increase the number of Cabinet members in future.
- (b) The Democratic Services Committee suggested that there needed to be a comparison of workloads between the various committees supported by a Chair with a senior salary. This would enable Council to take into account workloads when considering the future allocation of senior salaries. It was considered that some Committees have a heavier workload than others and this should be taken into account when making an informed decision whether or not to reallocate the payment of a senior salaries. This analysis is set out at Appendix 2.
- (c) The Annual Report of the Independent Remuneration Panel allows a payment to an Audit Committee Chair that is not a County Councillor i.e. an Independent / Lay Member. This would be a daily allowance as set out in the Annual Report. Accordingly, if the Chair of Audit were to be an Independent Member, this would release a senior salary which would then be available for reallocation.

However, the Council must note that the appointment of the Chair of the Audit Committee is a matter for the Committee itself and cannot be determined by Council. Therefore the Council could:

- (i) Recommend to the Audit Committee that the Independent / Lay Member be elected as the Chair of the Committee; or
- (ii) Amend the Constitution (Section 7 – Scrutiny Committees) to require that the Independent / Lay Member will always Chair the Audit Committee.

2.6.4 In the event that Council decides to increase the number of Scrutiny Committees, Council will need to decide which roles will warrant a senior salary.

## **2.7 Constitution.**

2.7.1 If the Council approves the changes to the scrutiny committee structure, then Section 7 (Scrutiny Committees) of the Council's Constitution will need to be amended. A draft amended version of Section 7 is attached to the report as Appendix 3. Council is asked to approve the amendments as set out on the Appendix 3.

2.7.2 Should any further consequential amendments to the Constitution be required as a result of the Council decision, the Council is asked to approve that the Solicitor to the Council be authorised to make such changes to this section of the Constitution in consultation with the Chair and Vice-Chair of the Democratic Services Committee.

## **Preferred Option**

2.8 Based on the evidence set out in Appendix 1, the recommendations of the Joint Chairs and Vice-Chairs Steering Group were as follows:

- (i) The Council should have 4 scrutiny committees as set out below:
- Audit Committee (to include Making It Happen);
  - Learning and Skills Scrutiny Committee;
  - Health and Care Scrutiny Committee;
  - Economy, Residents and Community Scrutiny Committee

There is in addition a Public Service Board Scrutiny Committee which has been established under separate arrangements, comprising Members and representatives from other organisations.

- (ii) That the role of the Finance Scrutiny Panel be reviewed with external assistance to determine a way forward.
- (iii) That as a general principle all matters would be considered at a full meeting of a Scrutiny Committee. However it was accepted that there may be a need to have an occasional task and finish working group, for specific purposes, but they would operate on a time limited basis.
- (iv) That the Scrutiny Committees (excluding the PSB Scrutiny Committee) should comprise 9 County Councillors, together with statutory co-opted Members where required (i.e Learning and Skills, Economy, Residents and Community, and Audit Committees will have statutory co-optees).
- (v) That meetings of the Scrutiny Committees (excluding the PSB Scrutiny Committee) be held at least monthly (Except for August and December)
- (vi) That the role of the Joint Chairs and Vice-Chairs Steering Group be reviewed once the scrutiny committee structure had been agreed.
- (vii) That scrutiny meetings should generally be held in public unless confidential matters were being discussed.
- (viii) That the Council should investigate the possibility of webcasting scrutiny committee meetings in future.

## **3 Comments from Other Services.**

### **3.1 Legal.**

The recommendations can be supported from a Legal point of view.

### **3.2 Finance.**

The budget has been set for a maximum of 18 senior salaries so the recommendations made above would not have any detrimental budgetary impact as it would be cost neutral.

#### 4 Statutory Officers' Comments

##### 4.1 Section 151

The view of the Section 151 Officer is as follows:

The Head of Financial Services Deputy Section 151 Officer notes the comment from finance that the proposal is within budget.

##### 4.2 Monitoring Officer

The view of the Monitoring Officer is as follows:

I note the Legal comments and have nothing to add to this report.

#### 5. RECOMMENDATION.

<b>Recommended to the County Council:</b>	<b>Reason for Recommendation:</b>
<b>(i) That the recommendations of the Joint Chairs and Vice-Chairs Steering Group set out in paragraph 2.8 (items (i) to (viii) above) be approved.</b>	<b>To complete the review of the Scrutiny Committee Structure.</b>
<b>(ii) That the Constitution be amended in accordance with Appendix 3 attached to the report. Any further changes to the draft Constitution in Appendix 3 required as a result of the debate in Full Council be delegated to the Solicitor to the Council in consultation with the Chair and Vice-Chair of the Democratic Services</b>	
<b>(iii) That the Council determines the payment of the additional senior salary from the options set out in Paragraph 2.6 above.</b>	

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y</b>	<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	
----------------------------------	--

<b>Person(s) To Implement Decision:</b>	<b>Wyn Richards, Head of Democratic Services</b>
<b>Date By When Decision To Be Implemented:</b>	<b>May 2018.</b>

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk

**Background Papers used to prepare Report:**

## Appendix 1

**Number of Working Group meetings from May 2016 to April 2018 where the subject matters fall within the remit of the proposed new committees:**

Learning and Skills	33
Health and Care	53
Economy, Residents and Communities	22
Audit	8

## Appendix 2

**Number of Meetings to which the Chair of Committees would be invited to attend.**

**The Committees shown are only those where the Chair receives a Senior Salary:**

<b>Committee / Working Group</b>	<b>Meetings April 2016 – March 2017</b>	<b>Meetings April 2017 - date</b>	<b>Total</b>
<b>Employment / Appeals</b>	4	4	
Appointments Sub-Cttee	2	3	
Shortlisting Sub-Cttee	1	5	
Appeals Sub-Committees	2	4	
	9	16	<b>25</b>
<b>Planning</b>	16	21	<b>37</b>
<b>Audit</b>	6	8	
Finance Scrutiny Panel	14	9	
Internal Audit WG	3	1	
Joint with Adult Social Care WG	7	0	
Joint with Education WG	0	4	
Joint Chairs Steering Group	8	9	
Finance and Performance WG	0	1	
	38	32	<b>70</b>
<b>Scrutiny Committee A / Place Scrutiny Cttee</b>	5	4	
Finance Scrutiny Panel	14	9	
Joint Audit / Adult Social Care WG	7	0	
Joint Chairs	8	9	
A1 WG	0	3	
A2 WG	0	2	
Adult Social Care WG	9	16	
HWRC WG	0	1	
Joint Scrutiny	0	1	
Place Group 1	2	0	
Place Group 2	1	0	
Place Group 3	1	0	
	47	45	<b>92</b>
<b>Scrutiny Committee B / People Scrutiny Cttee</b>	4	3	
Finance Scrutiny Panel	14	9	
Joint Audit / Education WG	0	4	
Joint Chairs	8	9	
Children's WG	0	7	
Education WG	19	8	
Joint Children / Education WG	0	1	



Leisure / Culture WG	0	1	
	45	42	<b>87</b>
<b>Democratic Services</b>	4	4	
Member Development WG	4	3	
Chair's Role WG	0	1	
	8	8	<b>16</b>
<b>Pensions and Investment</b>	5	6	<b>11</b>