

**SCRUTINY PANEL REVIEW PANEL 1
'GOVERNANCE'**

MINUTES

Tuesday, 26th September, 2013

PRESENT: Councillors: Young (Chair), Bagha, Byrne, Ann Chapman, Dhimi, Susan Emmet, Gallagher, Gordon (Vice-Chair), Gurmit Kaur Mann, Rajinder Mann, Rose and Stacey.

Also Present

Harjeet Bains - Scrutiny Review Officer, LBE.
Keith Fraser - Head of Scrutiny and Committees, LBE.
Lee Teasdale - Committee Administrator, LBE.

1. Apologies for Absence
(Agenda Item 1)

There were none.

2. Urgent Matters
(Agenda Item 2)

There were none.

3. Matters to be considered in Private
(Agenda Item 3)

There were none.

4. Minutes (09.07.2013)
(Agenda Item 4)

Resolved: That the minutes of the previous meeting of the Panel held on 9 July 2013 be agreed as a true and correct record.

5. Declarations of Interest
(Agenda Item 5)

There were none.

6. Public Engagement
(Agenda Item 6)

The Panel gave consideration to a report by the Head of Scrutiny and Committees which asked them to consider how the Council currently engages with the local community and asked them to make proposals for further improvements accordingly.

The Chair opened up the item for Panel Members to debate each separate section, the first areas considered were the procedures for the public to present petitions to Council and for the public to ask questions at Council.

Councillor Gallagher stated that members of the public had previously told him how impressed they had been by the procedure for presenting petitions and asking questions at meetings of the Council, and suggested that more time should maybe be given to questions and petitions over motions.

Councillor Chapman agreed with this, stating that questions by the public at Council should be given more time and that the motions raised were not always directly relevant to the workings of the Council.

Panel Members discussed this. It was considered that the 5 questions by the public currently allowed had proved sufficient as there hadn't been a meeting of the Council where that threshold had yet been reached.

Discussion then took place regarding petitions submitted under the Council's Petitions Scheme. No petitions had been received by Council from the public recently, and the most recent ones that had been received were initiated by Councillors. It was considered that the option to petition the Council under this scheme was maybe not advertised clearly enough to the public as a way of engaging with the democratic process. Councillor Byrne suggested that the Council website could promote petitions more, and that a link straight to petitions from the Council homepage could help.

Panel Members then considered the level of signatories required for petitions under the scheme and the amount of time allowed for them to be considered and debated. It was agreed that the current level of 1500 signatories on a petition for debate at Council should remain, but Panel Members considered from past experience that 30 minutes had often proved too short to allow for a full debate of the item and that more flexibility was needed. It was therefore agreed that a recommendation to allow more time for petitions to be considered by Council be put forward.

The possibility of public speaking time at Cabinet including the concept of a pre-Cabinet 'open forum' as initiated by Swindon Council was then considered. Panel Members felt that Cabinet as the Council's primary decision making body needed to remain a 'meeting held in public' rather than a 'public meeting'. There were reservations that the Cabinet could instead turn into a 'mini-Council'. When allowing individuals to speak, both sides of the argument should be heard, it was agreed that there should be a proper protocol for speaking at Cabinet meetings.

Further discussion took place regarding Cabinet reports. It was considered that by the time the reports were at the stage of being agreed by Cabinet, the reports were too far in the process to be properly subject to further public scrutiny. Therefore, instead, Portfolio Holders should always be encouraged to involve relevant ward Councillors and visit affected Ward Forums at earlier stages of the report creation process. The Overview and Scrutiny Committee always looked at the Forward Plan for upcoming reports that it was felt needed further scrutiny and would continue to do so.

Whilst it was considered that it would not be possible to write the need for Portfolio Holders to attend Ward Forums into the rules for governance, it was agreed that a recommendation could be made suggesting that they attend them where possible, particularly when controversial issues were being considered.

A discussion took place regarding the current public participation arrangements for Licensing and Planning, it was considered that the protocols for both worked well and should remain as at present.

Petitions holding an officer to account could be heard before the Council's Overview and Scrutiny Committee if they contained at least 3,000 signatures. It was considered that holding officers to public account was unreasonable, and that as the 'public faces' of the Council it should be relevant Portfolio Holders who are held to account. Where an officer is at fault, it should be dealt with as an internal disciplinary matter, the Portfolio Holder should be the person to 'put one's head above the parapet'.

It was also considered that the current threshold of 3,000 was considerably too high, and that to encourage public involvement with scrutiny, a low threshold of 300 be recommended to act as a stimulus to engagement.

The final item for consideration was public consultations. Having been recommended to view consultations on the Council's website before the meeting, Panel Members were asked for their opinions, the consensus was that they appeared as dry, dull, jargonistic and 'clunky to use'. It was considered that Councillors should be used as a 'focus group' for important draft consultations to ensure that they are relevant and user-friendly.

It was explained that departments were in charge of using 'Survey Monkey' software packages to create their own consultations, it was considered that this sometimes resulted in third sector organisations suffering 'consultation fatigue' due to the profusion of them that are received.

It was considered that quality could be improved and duplication reduced if it was recommended that a centralised cohort of officers working under the Chief Executive's office took the lead of consultations that would affect all wards within the borough. Those affecting specific wards (such as some highways consultations) could be still dealt with at a departmental level.

It was considered that an exigency process would have to be built in for consultations that needed to be sent out rapidly.

The Chair thanked the Head of Scrutiny and Committees on behalf of the Panel Members for his report.

Resolved: That

- (i) the report be received;
- (ii) it be recommended that the practicability of providing a direct link to petitions on the Council's internet homepage be explored;
- (iii) it be recommended that any petition presented to Full Council with a minimum of 1500 signatories should be allowed more time than the 30 minutes presently allowed for their petition to be considered;
- (iv) it be recommended that a proper protocol for any public speaking at meetings of the Cabinet be drafted;

- (v) Portfolio Holders be encouraged to attend Ward Forums with relevant forthcoming Cabinet items;
- (vi) it be recommended that the petitions to hold an officer to account at a meeting of the Council's Overview and Scrutiny Committee be replaced with a petition that would instead hold the relevant Portfolio Holder to account;
- (vii) it be recommended that the threshold for said petitions holding a Portfolio Holder to account at a meeting of the Council's Overview and Scrutiny Committee be reduced from the 3,000 currently set for holding an officer to account, to 300;
- (viii) it be recommended that Councillors be used as a form of 'focus group' on important consultations so that they can help ensure their relevance and user-friendliness; and
- (ix) it be recommended that the creating of consultations which are to be borough-wide be brought under centralised control.

7. Health and Wellbeing Board (Agenda Item 7)

The Panel gave consideration to a report by the Head of Scrutiny and Committees which asked them to review the current governance arrangements of the Board in conjunction with the role of the Health and Adult Social Services Scrutiny Panel.

The Council had been required, under the Health and Social Care Act, to set up a formally constituted Health and Wellbeing Board. This had replaced the partnership bodies previously in existence. The Board had been operating in shadow form during the last municipal year and had become formally constituted in April 2013.

The Board had held two meetings so far and was developing its operating practices.

Discussion took place regarding the relationship of the Health and Wellbeing Board to the Health and Adult Social Services Scrutiny Panel. It was explained that whilst the subject matters covered by both would occasionally be interrelated, they pursued them in their own distinct ways. Councillor Byrne, having attended meetings of both, corroborated this opinion.

It was explained that the Health and Adult Social Services Scrutiny Panel could make recommendations to the Health and Wellbeing Board should it see fit to. It was felt that this should be made explicit within the terms of reference.

It was considered that the Health and Adult Social Services Scrutiny Panel should be made more aware of the work being conducted by the Health and Wellbeing Board by included their Forward Plan as a standing agenda item, it was agreed that this could reduce potential duplication, ensuring they both had individual roles whilst providing the Scrutiny Panel with a wider picture of current issues being considered.

It was confirmed that the forthcoming Clinical Commissioning Group Intentions for 2013-2014 would be considered by both the Board and Panel.

Resolved: That

- (i) the report be received;
- (ii) the facility for the Health and Adult Social Services Scrutiny Panel to make recommendations to the Health and Wellbeing Board be noted within the Board's terms of reference; and
- (iii) it be recommended that a review of the Health and Wellbeing Board's Forward Plan be made a standing item at each meeting of the Health and Adult Social Services Scrutiny Panel.

8. Panel Operations in 2013/2014
(Agenda Item 8)

The Chair reminded the Panel that as part of the preparation for the Neighbourhood Governance item at the next meeting of the Panel they should seek to attend at least one Ward Forum meeting within the Borough (outside of their own ward) and at least one Ward Forum meeting in another Local Authority (such as Brent or Hounslow).

Resolved: That the report be received.

9. Date of Next Meeting
(Agenda Item 9)

Resolved: It was noted that the next scheduled meeting of the Panel is to take place on Thursday, 28 November 2013.

Councillor Anthony Young, Chair.

The meeting ended at 8.20pm.