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Joint Chairs and Vice Chairs Steering Group – 17 January 2017

MINUTES OF A MEETING OF THE JOINT CHAIRS AND VICE-CHAIRS STEERING GROUP HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON TUESDAY, 17 JANUARY 2017

PRESENT: County Councillors D R Jones (Chair), K W Curry, S C Davies, D R Jones, MC Mackenzie and Mr J Brautigam

Officers: Jeremy Patterson, Chief Executive, David Powell, Strategic Director, Resources, Clive Pinney, Solicitor to the Council, Peter Jones, Professional Lead, Corporate Insight, Wyn Richards, Scrutiny Manager, Liz Patterson and Lisa Richards, Scrutiny Officers

1.	APOLOGIES	JCSG1 - 2017
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Members: County Councillors L V Corfield and J G Morris
Officers: Paul Griffiths, Strategic Director, Place

2.	TERMS OF REFERENCE - STRATEGIC OVERVIEW BOARD AND COMMISSIONING AND PROCUREMENT BOARD	JCSG2 - 2017
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Documents:

- Terms of Reference, Strategic Overview Board and Commissioning and Procurement Board

Discussion:

- It had been intended that the Cabinet be present for a discussion on the terms of reference of the two Boards, but, due to a clash of commitments, this would have to be rearranged
- Although there may have been some merit in discussion of the terms by the Joint Chairs and Vice Chairs Steering Group, it was considered it would be more profitable to wait for a discussion with Cabinet as the views of the Steering Group were already well known.
- The WAO had raised concerns as part of the Governance Review that the Cabinet were, in effect, scrutinizing themselves. A formal report had not yet been received but the Management Team had been provided with feedback.
- The Chief Executive reported that there may be a need to split the Commissioning and Procurement Board into separate components to ensure that a more strategic view of commissioning is taken. There was a lack of focus on where the Board were heading and too much time was being spent on reviewing individual contracts.
- It was suggested that a small joint working group be appointed to review the terms of reference of both Boards.
- Further work would need to be undertaken by Democratic Services Committee, the Joint Chairs and Vice Chairs Steering Group and Cabinet regarding a review of the Constitution as it relates to scrutiny.
- The WAO had stated that it was not clear to the public who was the decision maker in Cabinet meetings. This had arisen following observation of oral comments made at Cabinet meetings by Group

Leaders and Scrutiny Chairs. It was difficult to assess how these comments were affecting decisions

- The Democratic Services Committee should undertake further work on forward work programmes of both Cabinet and Scrutiny to ensure that more strategic decision making is encouraged.
- In the view of the Wales Audit Office, the operation of the Cabinet was thought to be unusual compared to other Welsh authorities and needs to improve
- The Chairs commented that often their personal views were given to Cabinet as items were not always scrutinized beforehand
- The Chair of Place noted the difficulties regarding some Members' commitment to working groups
- It was unclear as to where the 'real' decisions were being made or what work had been undertaken before the decision was taken
- Scrutiny need not consider items where a clear policy has been followed. However there were two recent, major decisions where clear policies were in place – on one issue, the Cabinet had decided to follow a different direction. In such instances it could be the role of scrutiny to consider whether the policy is still applicable. Scrutiny must not become involved in implementation or operational matters but could undertake further work with the public to see how decisions have impacted on users of a particular service
- An issue was raised where no policy debate had taken place, but had been implemented because of budget pressures
- Decisions were being taken which had not appeared on the work programme – any decision, either by Cabinet or individual Portfolio Holders, should have been noted on the work programme

Outcomes:

Action	Completion Date	Action By
The Chairs of Place and People Scrutiny Committees, Audit Committee and Democratic Services Committee would be the representatives on the joint working group to review the terms of reference with Cabinet with the Vice Chairs acting as reserves	17 January 2017	
The first meeting would be arranged for the afternoon of 27 January 2017 following a Member's budget seminar	20 January 2017	WR

3.	DRAFT NOTES - FOR CONSIDERATION	JCSG3 - 2017
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Documents Considered:

- Notes of meeting held on 22 November 2016

Issues Discussed:

- Brecon High School overspend – the position has worsened. A meeting with the Head and Chair of Governors was held on 16 December and an oral update presented to Cabinet on 20 December 2016. A recovery plan

is to be submitted by 7 February 2017 but pre decision scrutiny was unlikely given the tight timescales. The Joint Chairs were concerned with the delays in dealing with this issue and yet there was still insufficient time to undertake pre decision scrutiny. The Chief Executive expressed a view that there were fundamental issues to be considered – the question of the overspend had been considered by Cabinet on a number of occasions and decisions deferred. The existing Council will be subject to purdah within a few weeks and no decisions will be taken until June. This is symptomatic of the current situation and needs to be addressed.

- It was suggested that consideration of the schools’ budget recovery plan be deferred to 28 February 2017 to allow pre decision scrutiny to be undertaken and that this be completed by a joint working group comprising Education Scrutiny Group and Audit or FSP members

Outcomes:

Action	Completion Date	Action By
To recommend to Cabinet that consideration of the Brecon High School and Ysgol Cedewain Recovery Plans be deferred to 28 February 2017 to allow pre decision scrutiny to be undertaken by a joint working group comprising members of the Education Scrutiny Group and Audit Committee or Finance Scrutiny Panel	7 February 2017	LP/LR

4.	DISCUSSION WITH THE CHIEF EXECUTIVE, STRATEGIC DIRECTORS REGARDING POTENTIAL SCRUTINY ITEMS	JCSG4 - 2017
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Documents Considered:

- None

Issues Discussed:

- Further work regarding commissioning around the proposed HTR LATC – particularly in regard to the budget and savings plans. Is it the best solution or merely the most palatable? Significant resource has been expended and it must be assessed whether the radical changes required will be deliverable.
- It had been suggested that a LATC would generate additional income but scrutiny should assess where this income may come from
- Terms and conditions of staff would be changed but the Chief Executive did not want to see a two tier work force. How effective are work processes and management processes. If there is an absence problem within the service this should be addressed now and not by amending terms and conditions.
- Significant savings were expected to be generated by Year 3 of the budget plan and if this is dependent on the LATC then there is an inherent risk to the Council. It was suggested that Place and Audit form a joint working group to scrutinize the reasoning behind the LATC and whether

the savings are achievable as the basis for establishing a LATC may have changed.

- There was concern that the Council continued to struggle where cultural change was required
- Members were concerned that the management of sick leave was no longer monitored by any committee
- Member attendance at working groups should also be monitored
- The long term sustainability of schools should also be scrutinized
- The Fair Funding Formula is also in need of a fundamental review

Outcomes:

Action	Completion Date	Action By
A joint working group comprising members of Place and Audit Committees be established to review the HTR LATC	17 March 2017	LR

5.	PARTICIPATION CYMRU - CONSULTATION PRINCIPLES	JCSG5 - 2017
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Documents:

- National Principles of Public Engagement in Wales

Discussion:

- Clear principles are laid out which could be adopted by scrutiny
- Scrutiny has not undertaken public engagement but the principles should be adopted as a matter of course
- It was unclear whether these principles had been adopted by the PTHB but the Council had agreed to use them

Outcomes:

Action	Completion Date	Action By
The National Principles of Public Engagement in Wales be adopted for use by scrutiny	17 January 2017	Joint Chairs and Vice Chairs Steering Group

6.	TERMS OF REFERENCE	JCSG6 - 2017
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Documents:

- Draft Pre-Decision Scrutiny Guidance

Discussion:

- The Scrutiny Manager had identified that Members needed some guidance regarding pre-decision scrutiny
- Help and support was needed to improve the process
- This would assist new Members following the election

- Members considered that greater scrutiny was needed during the development of options and that issues must be addressed at an earlier point
- Management Team should consider whether scrutiny can assess options appraisals and business cases as a matter of course

Outcomes:

Action	Completion Date	Action By
Reports to Cabinet seeking authorisation to proceed to an outline business case to be considered by Joint Chairs and Vice Chairs Steering Group where an assessment can be made as to whether this the item is included in the scrutiny work programme		WR

7.	RECOVERY PLAN - SCRUTINY OF ACTION PLAN	JCSG7 - 2017
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Documents:

- Action Plan

Discussion

- A number of recommendations are contained with an Action Plan arising from the Recovery Plan
- High level strategic actions are to be available from 23 January 2017 and it is proposed that these be scrutinized during the first two weeks of February by Audit Committee or Finance Scrutiny Panel or the Joint Audit / ASC Working Group
- Scrutiny should assess proposals as early as practicable.

Outcomes:

Action	Completion Date	Action By
The proposed scrutiny of the Action Plan be agreed	16 February 2017	WR/LP/LR

8.	PSB SCRUTINY PROPOSALS	JCSG8 - 2017
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Documents:

- Arrangements for the scrutiny of the PSB in Powys

Discussion

- A proposed membership was put forward for consideration – this would also have to be agreed by the PSB

- As the PSB Scrutiny Committee would be a formal committee, agendas, minutes etc would be available publicly
- There would no longer be a need for Scrutiny Chairs to attend the PSB as observers
- It was suggested that the Chairs of Audit and Place Scrutiny Committees be the Powys County Council representatives on the PSB Scrutiny Committee
- Resources for administrative support for the PSB Scrutiny Committee have still to be identified as neither Powys nor the PTHB have sufficient available resource to absorb this work
- The Joint Partnership Board and the Regional Partnership Board will also require scrutiny arrangements to be put in place and the PSB scrutiny arrangement may be used for that purpose.

Outcomes:

Action	Completion Date	Action By
The Chairs of Place Scrutiny Committee and Audit Committee be Powys County Council's representatives on the PSB Scrutiny Committee	17 January 2017	

9.	WORK PROGRAMME	JCSG9 - 2017
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Documents Considered:

- Work Programme

Issues Discussed:

- Scrutiny of Budget Recovery Plan Action Plan
- Wellbeing Assessment

Outcomes:

Action	Completion Date	Action By
The Work Programme be amended as follows	17 January 2017	WR
<ul style="list-style-type: none"> • Brecon High School and Ysgol Cedewain budget recovery plans be reinstated • HTR LATC be added • Budget Recovery Plan actions 1 – 8 to be included 	February 2017	LP/LR
	March 2017	LR
	February 2017	LP/LR
The Wellbeing Assessment to be circulated for comment and final agreement at the next meeting of the Joint Chairs and Vice Chairs Steering	28 February 2017	LR

Group		
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10.	PSB - DRAFT NOTES OF PREVIOUS MEETING(S)	JCSG11 - 2017
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The minutes of the last meeting of the PSB held on 1 December 2016 were not yet available.

11.	PSB DATES - FOR INFORMATION	JCSG12 - 2017
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2 February 2017
9 March 2017
27 April 2017
8 June 2017
20 July 2017
21 September 2017
26 October 2017
21 December 2017

12.	DATES OF NEXT MEETINGS - FOR INFORMATION	JCSG13 - 2017
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The next meeting would be on 28 February 2017.

Meetings in March and April would not now take place due to purdah

County Councillor D R Jones

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