TO: Mayor, Ladies and Gentlemen,

CURRENT AND FUTURE DEVELOPMENTS IN SCRUTINY

PURPOSE OF REPORT: To inform Councillors of new legislative developments / emerging issues that will affect Scrutiny at Merthyr Tydfil County Borough Council (MTCBC) and to propose that a Working Group be set up to review the current arrangements.

1.0 INTRODUCTION / FINDINGS

1.1 This report presents a summary of developments that will have an impact upon the Scrutiny function at MTCBC. New powers and responsibilities for local government Scrutiny are being introduced during 2009 with plans for further developments in 2010–2011. I set out below details of these developments as they will no doubt influence and affect the way in which Scrutiny will operate.

1.2 Scrutiny in its current format at MTCBC i.e. one Principal Scrutiny Committee and five Scrutiny Committees, has been in operation since May 2002 following the Local Government Act 2000 and the subsequent Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 (as amended).

1.3 Other than areas of responsibility and title changes in 2004 in line with directorate restructuring following the Transformational Strategic Plan, there has not been a review of the Scrutiny set-up at MTCBC since commencement in 2002.

1.4 Developments in Scrutiny - There are a number of challenges ahead for Scrutiny and these include the following:-

1.4.1 Scrutiny of Local Service Boards¹ Local Service Boards “are Wales’ new model for engaging the whole of the Wales public service in a new way of working by integrating services and responding more effectively to citizens' needs”. The setting up of Local Service Boards by WAG followed the Beecham review report in 2006 which was critical of the failure of public services to work together and collaborate for the benefit of the public.

The publication “Making the Connections - Local Service Boards in Wales”² states “The establishment of Local Service Boards should act as a catalyst for the development of a more citizen-focused approach to scrutiny and improvement at local level, as envisaged in Delivering Beyond Boundaries. The aim is to move to a multi-disciplinary scrutiny process which examines the effectiveness of the

² Making the Connections - Local Service Boards in Wales (January 2007)
public service response to citizens; in a fundamental, constructive and improvement-focused way... scrutiny should contribute to policy review and strategy development, and consider real-time and retrospective reporting of performance. The process should involve citizens, service users, advocates and other stakeholders and be tailored to the issue under scrutiny”.

At the time of writing this report the Scrutiny Section has been approached and asked how the current MTCBC Scrutiny arrangements can accommodate the Scrutiny function of the Merthyr Tydfil LSB. A response is not expected until after this report has gone to Council and a decision made.

1.4.2 Crime and Disorder Scrutiny powers - these regulations come into force in respect of Welsh local authorities on 1st October 2009. Further guidelines will be provided by W.A.G. but the provisions will put in place arrangements that ensure that every local authority has in place a committee with power to review and scrutinise, and make reports or recommendations, regarding the functioning of the responsible authorities (local authorities, fire and rescue authorities, police authorities, and the police). Early indications are that a Crime and Disorder committee can be within an existing committee i.e. a new or stand-alone committee does not need to be established.

1.4.3 Public Involvement in Scrutiny – national and local agendas point towards encouraging greater engagement of communities and local people in the scrutiny of the local authority. VAMT recently arranged a workshop at the Orbit Business Centre and asked that representatives from MTCBC attend to update their members (voluntary groups) on the scrutiny process at MTCBC. Voluntary organisations / third sector are being encouraged to use scrutiny as a mechanism to raise issues and request responses and they are often well placed to provide expertise, knowledge and advice on local issues, and can support the scrutiny process in a number of ways, for example by providing evidence, or being co-opted onto a committee.

1.4.4 The Local Democracy, Economic Development and Construction Bill contains a number of proposals notably introducing a new duty to promote democracy to reinforce local authorities’ position as the “democratic hub” of their local area. The Bill will also provide the Welsh Assembly Government with measure-making powers in the area of Scrutiny. This will be an opportunity for the Welsh Assembly Government to seek framework powers that will enable it to bring forward proposals for legislation in respect of governance and overview and scrutiny. The powers that are being sought would enable the Assembly to pass measures (probably during 2010-11) include:-

- Establishing joint scrutiny committees between neighbouring authorities so that services being delivered jointly across county boundaries might be subject to effective review.

- Introducing a duty to scrutinise the whole public sector on devolved functions in an area and a duty on other public bodies to provide information

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3 Crime and Disorder (Overview and Scrutiny) Regulations 2009.
4 (VAMT)Voluntary Action Merthyr Tydfil aims to support voluntary and community activity in the County Borough of Merthyr Tydfil.
5 Had third reading in House of Lords on 29th April 2009. The Bill will now go to the Commons for consideration. No date given (as at 6th May 2009) http://services.parliament.uk/bills/2008-09/localdemocracyeconomicdevelopmentandconstruction.html
to scrutiny committees on devolved functions. (At present, scrutiny committees have a power – but not a duty – to scrutinise anything which affects their locality. They can only require executive councillors and council officers to attend or provide information)

- Strengthening the role of the citizen through councillor calls for action, by which local communities can combine with their local councillor to ensure a matter is addressed by the local authority. *(This is of particular relevance to Scrutiny as it will give petitioners the right to ask that a ‘relevant officer’ of the Council be held to account in front of an appropriate committee of the Council (i.e. a Scrutiny Committee).)*

1.5 In addition to the new legislation and initiatives being introduced it is proposed that Scrutiny plays a greater role in quality assurance and performance management, bearing in mind the extreme financial pressures on the Authority. Performance management is a role of Scrutiny but to date work programmes have not included this area of scrutiny to any great extent.

2.0 CONCLUSIONS

2.1 There are a number of emerging issues that will inevitably require Councils to reconsider and adapt their Scrutiny structures. In respect of MTCBC it would be prudent to examine the current scrutiny arrangements now to determine whether they can accommodate these emerging issues and to ensure that the most appropriate structures and arrangements are in place in readiness.

2.2 In order to review the Scrutiny set-up at MTCBC I would suggest that it be appropriate if all political groups were involved in the review. To facilitate this an all party working group should be set up to progress the matter, whereafter Council would consider any proposals and recommendations the group came up with.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from this report.

4.0 RECOMMENDATIONS THAT:

4.1 Council notes the contents of this report.

4.2 A Scrutiny Review Working Group be established comprising the Leader of the Council together with the Leaders of each of the other political groups together with one Councillor from each of the respective groups, to review and critically examine the current Scrutiny Committee structure of the Council with the remit to make such proposals as are appropriate to ensuring that Scrutiny at MTCBC is ready for these new challenges.

4.3 That the Scrutiny Review Working Group presents their report with their recommendations to Council on the 16th September 2009.

Gareth Chapman
Deputy Chief Executive and Director of Customer Corporate Services
INTERNAL REPORT CONSULTATION:
The following officers have been consulted in respect of the proposals and recommendations set out in this report.

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