

SCRUTINY AND GOVERNANCE MANAGEMENT PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 6th December 2011 at 10.00 a.m.

Present: Councillors Ian Douglas (Chair), Stan Fisher, Hugh Hunter, Elaine Little, Helen Moonie and Winifred Sloan.

Attending: V. Andrews, Head of Legal and Administration; P. Linton, Performance and Change Management Manager; A. MacLeod, Business and Performance Manager; C. Downie, Public Communications Officer; and E. Wyllie, Committee Administrative Officer.

Also attending: Councillors John McDowall, Bill McIntosh and Phillip Saxton.

1. Minutes of previous meetings.

Decided: to note the Minutes of the previous meeting of 27th September 2011 (issued).

2. The Councillors' Code of Conduct.

There was submitted a report (issued) of 25th November 2011 by the Head of Legal and Administration

(1) advising

- (a) that the revised Councillors' Code of Conduct had been issued by the Standards Commission for Scotland in December 2010 and that, in February 2011, the Standards Commission had held a Roadshow event for Elected Members in the County Buildings in order to launch the revised Code;
- (b) that, in November 2011, the Standards Commission had issued their Guidance on the Code, which was designed to assist Councillors in their interpretation of the revised code; and
- (c) that, whilst the Guidance must be distinguished from the Code itself, the Code did provide that Councillors must observe any Guidance from the Standards Commission; and

(2) proposing

- (a) that, given a year had now passed since the introduction of the revised Code of Conduct and with the recent publication of the relevant Guidance, the time might be right for an update briefing/ training session for Members to introduce the guidance, in particular, and to remind Members of some of the key features of the Code itself; and
- (b) that in light of various concerns arising over recent times in relation to conduct at meetings, any briefing / training should emphasise the sections of the Code dealing with Respect (Key Principles) and Conduct at Meetings and an emphasis be placed on the sections of the Code dealing with 'Relationships with Council Employees'.

At this point, the Chair invited Councillor McIntosh to participate in the discussion of this item who proceeded to comment on unacceptable behaviour displayed at a recent meeting of the Council.

Thereafter, a full discussion took place in respect of the issues pertaining to conduct and respect and the use of training to address this. Members commented in relation to:- the scope of consultation in respect of Panel reports; public perception and objectivity; respective roles of Officers and Members; and whether there was potential for an independent person(s) to Chair a Panel dealing solely with ethical issues (as had previously existed).

The Head of Legal and Administration agreed that she could further explore the suggestion of an independent person chairing a Panel dealing with ethical issues and would consider further the questions relating to consultation and how this was presented within Panel reports.

Further discussion took place in relation to items presented to Council or Panels as 'not for publication' and whether a management system could be implemented which would allow Members to identify:-

- which elements of a particular report were deemed as being "private"; and / or
- if the status of such reports had subsequently changed and were now available within the public domain.

On this particular point, the Head of Legal and Administration commented on the current work being undertaken with regards to forthcoming data classification requirements which would encompass working practices and the controlling and sharing of information used across and out-with the Council and that such concerns raised by Members would be considered within this context.

The Chair thanked Councillor McIntosh for his input and he left the meeting at this point.

Decided:-

- (i) to note the issue by the Standards Commission for Scotland of Guidance on the Councillors' Code of Conduct;
- (ii) to request the Head of Legal and Administration, in conjunction with Organisational Development staff, to organise a briefing for all Elected Members in relation to the revised Code and the Guidance, with a particular emphasis on Key Principles (including Respect), Conduct at Meetings and Relationships with Council Employees; and
- (iii) to note that the Head of Legal and Administration would report to a future meeting of this Panel with feedback on suggestions made relating to the proposal for an independent person to Chair a Panel dealing with ethical issues, consultation processes and data classification requirements.

3. Panel Work Programme 2012.

There was submitted a report (issued) of 25th November 2011 by the Head of Legal and Administration seeking agreement for the Panel Work Programme for 2012 as detailed in the appendix of the Report, relating to:- decision-making / scrutiny; the Delivering Good Governance Framework; Members' training; and the development of the Annual report.

Decided:- to agree the 2012 work programme as contained in the appendix to the report subject to change depending on the outcome of the forthcoming Elections in May 2012 and any subsequent changes to decision-making structures.

4. **Scrutiny Processes.**

There was submitted a report (issued) of 29th November 2011 by the Head of Legal and Administration

- (1) advising of the work undertaken by this Panel throughout the course of the year in relation to scrutiny processes; that further consideration be given to the way forward in this regard and the possible impact on the current schedule of Panel meetings;
- (2) outlining
 - (a) that, based on previous discussions with Panel Members and Chairs of the Standing Scrutiny Panels, key issues had arisen as outlined within the report; and
 - (b) that, from the findings obtained from visits to other Councils and to address the key issues, measures were being proposed for further consideration; and
- (3) highlighting the terms of a document entitled 'Political Management Systems – Considering the Options' which had recently been issued by North Ayrshire Council following a survey undertaken by that Authority across Scotland and England earlier this year.

The Head of Legal and Administration referred to the document produced by North Ayrshire Council and also intimated that the Chief Executive was exploring options as a result of the outcome of individual discussions with all Members.

Thereafter, a full discussion took place and Members particularly commented on:-

- undertaking effective scrutiny and the need for robust mechanisms to support Members in this role;
- capacity building of Members;
- the current number of Scrutiny Panels with this arrangement working well as it engaged a wide range of Members in the scrutiny process;
- whether reducing the number of Panels and increasing the Membership would be an improvement;
- the advantages and disadvantages of the current timeframe between Leadership Panel and Scrutiny Panels, particularly relevant when considering Call-ins, and other options such as introducing a twin track system;
- the extent of Members' involvement in undertaking scrutiny reviews;
- the level of discussion at Leadership Panel meetings although taking cognisance of the use of briefings and the input from Portfolio-holders at an earlier stage of the process;
- the availability of information and timescales around this;
- measuring outcomes and tracking decisions and feeding this back through the Scrutiny process;
- corporate governance;
- performance management reporting and, as well as being scrutinised at the relevant Panel, obtaining an overview of how this was functioning;
- recording meetings and the use of technology to further streamline processes; and
- the possible use of a Member/Officer Group to examine all these options.

The Head of Legal and Administration commented on the scope of Scrutiny, such as reviews, performance reporting and the audit function, as well as the call-in facility, which were all integral parts of a Scrutiny Panel's business and, within this context, advised of the difficulties in obtaining a balance between resourcing Panels and providing support for Members and whether there were ways in which to ensure that all Members were fully engaged preceding the Leadership Panel stage.

The Performance and Change Management Manager indicated that, as suggested, he would obtain information from the Improvement Service on its Master Class Programme in relation to performance management to develop specific training support for Elected Members and commented on the need to focus on measuring outcomes rather than processes and the work being done to support this.

Decided:- having considered the various proposals and provided feedback

- (i) to agree that further work be undertaken by Officers to review the current Scheme of Delegation and Schedule of Panel meetings in relation to scrutiny processes; and
- (ii) to note that the outcome of the exercise would be reported to a future meeting of this Panel and thereafter submitted to a meeting of the Council for its consideration prior to the forthcoming Election in May 2012.

The meeting ended at 11.50 a.m.