

SCRUTINY AND GOVERNANCE MANAGEMENT PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr
on 16th April 2013 at 10.30 a.m.

- Present: Councillors Brian McGinley (Chair), Alec. Clark, Allan Dorans and John Hampton and Provost Helen Moonie.
- Apology: Councillor Hugh Hunter.
- Attending: V. Andrews, Head of Legal and Democratic Services; C. Monaghan, Head of Policy, Community Planning and Public Affairs; C. Gardner, Senior Strategic Planning and Performance Management Officer; and E. Wyllie, Committee Services Officer.
- Also attending: Councillors Brian Connolly and Kirsty Darwent (Chairs of Standing Scrutiny Panels).

1. Declaration of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

2. Minutes of previous meeting.

Decided: to note the Minutes of the previous meeting of 6th February 2013 (issued).

At this point, the Chair welcomed the Chairs of the Standing Scrutiny Panels to the meeting and invited them to participate in the discussion of the following two items.

3. Call-in arrangements – Annual Review and Statistics.

There was submitted a report (issued) of 8th April 2013 by the Head of Legal and Democratic Services providing statistical information relating to Call-ins during the period from April 2012 to March 2013 as outlined within Appendices 1 and 2 of the report.

A full discussion took place in relation to the relevance and purpose of this data and to what extent, if any, it gave a representation of the effectiveness of scrutiny processes although it was recognised that the information did at least provide an indication of the number of call-ins compared to the number of reports considered by the Leadership Panel as well as a flavour of the subsequent action taken in relation to these called-in items. It was debated whether current decision-making structures and, in particular, membership of Scrutiny Panels provided fair representation of the Council's political composition. It was generally recognised that scrutiny was conducted in a transparent and non-political manner within the constrictions of a political organisation. Consideration was given as to whether more call-ins might be requested by the Standing Scrutiny Panels themselves as provided for in Standing Orders.

Scrutiny mechanisms and how these could be improved and better utilised as well as perception of conflicts of interest were discussed. The public's perception of how scrutiny was undertaken was also raised. It was recognised that call-ins were only one element of scrutiny with other elements challenging Council performances although scrutiny was an area which could be further developed and improved with training being one way in which this could be partly achieved or supported. In this regard, it was noted that the Head of Legal and Democratic Services would enquire into the possibility of scrutiny training being delivered by an external provider, and offered, to all Elected Members.

Instead of being reported annually in this format, it was discussed how else this call-in data could be provided to Members of the Panel and the Chair commented on the development of the Panel's Annual Report which could incorporate this information and suggested that such a Report could also include:- direction of travel of the Panel; the work of Standing Scrutiny Panels over the year; and the formulation of an action plan. In order to develop this idea further, he suggested that, in conjunction with the Head of Legal and Democratic Services, an Annual Report structure could be mapped out and circulated to Members of the Panel and Scrutiny Panel Chairs for input and comments.

The Panel

Decided:

- (1) to note the statistics within the Appendices of the report and to agree to these being included within the Panel's Annual Report;
- (2) that the Chair and the Head of Legal and Democratic Services would prepare a framework for the Annual Report which would then be circulated to Members of the Panel and Scrutiny Panel Chairs for their contribution;
- (3) to request that the Head of Legal and Democratic Services enquire into the possibility of scrutiny training being delivered by an external trainer to all Elected Members; and
- (4) to request that the Head of Legal and Democratic Services continue to provide statistical information to future meetings of this Panel for consideration.

4. Scrutiny – Discussion Involving the Chairs of the Standing Scrutiny Panels.

Reference was made to the Minutes of 6th February 2013 (Page 146, paragraph 3) when it had been decided that further consideration be given to the role of scrutiny in conjunction with the Standing Scrutiny Panel Chairs based on the discussion that had taken place at the previous meeting as well as taking cognisance of a report which had been previously issued to a former meeting of this Panel of 27th April 2010 providing feedback from a scrutiny workshop held on 12th March 2010.

The Chair referred to the discussion which had taken place during the previous item on this agenda in relation to the different elements of scrutiny and stated that, in his view, five areas in relation to the scrutiny process had become apparent as follows:-

- independence;
- involvement of the public;
- scrutiny cycles and process;
- capacity issues relating to resourcing reviews; and
- capacity issues relating to conducting reviews.

A discussion took place on each of these elements and how these could be further developed. A number of areas which this Panel might perhaps consider further were raised, including the Scrutiny process, the remit of the Standing Panels having regard to the Raising our Ambitions paper, the Community Engagement Strategy and the Scheme of Delegation. The Head of Legal and Democratic Services clarified that this Panel's remit was concerned with an overriding view of scrutiny and governance processes rather than directing the work of Standing Scrutiny Panels. It was suggested that the remit of this Panel could be reviewed and it was noted that the forthcoming self-evaluation process on 'How Good is Our Council' would provide Members with the opportunity to comment on a range of high level questions and that any comments regarding performance and accountability around decision-making could be expressed through this exercise. It was also clarified that any proposed changes to the relationship between this Panel and the three Standing Scrutiny Panels would require further discussion in terms of remits and the Council's Scheme of Delegation.

The forthcoming scrutiny briefing for Elected Members scheduled to take place on 5th June 2013 was mentioned and it was suggested that it would be advantageous if Members could receive the Scrutiny training (as discussed at the previous item on the agenda) prior to attending this workshop. It was noted that Officers would endeavour to organise this training, open to all Elected Members, prior to the workshop bearing in mind that the workshop should not be delayed beyond summer recess if this was not feasible.

As a starting point to reviewing scrutiny processes, the Chair suggested that, in conjunction with the relevant Officers, the five key areas outlined above could be further developed as well as the relationship between this Panel and the three Standing Scrutiny Panels being reviewed and that he would return to Members with a series of action points around these key themes.

The challenging timescales for the production of the Annual Report incorporating any possible recommendations to the Council was noted and it was suggested by the Chair that the Annual Report might include the recommendation that the Panel undertake a review of the Scheme of Delegation as an ad hoc scrutiny review.

Having heard the Chair thank all those present for their input, the Panel

Decided: to agree

- (1) that the Chair, in conjunction with the relevant Officers, further develop the key themes identified and report back to Members on the action points emerging from these themes and a draft Annual Report as referred to at the previous item on the Agenda; and
- (2) to request that the Head of Legal and Democratic Services try and arrange the scrutiny training to take place prior to the June scrutiny workshop, if possible.

The Chair thanked the Standing Scrutiny Panel Chairs for their input and, the time being 11.40 a.m., Councillors Connolly and Darwent left the meeting.

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5. Minutes – Review of Current Practices.

Reference was made to the Minutes of 20th November 2012 (Page 1, paragraph 1(1)) when it was noted that the Head of Legal and Democratic Services would review the format of Minutes with input from Members of the Panel and that a report would be submitted to a future meeting of this Panel and there was submitted a report (issued) of 8th April 2013 by the Head of Legal and Democratic Services providing a review of the current practice relating to the format of Minutes and that consideration then be given as to how these would be dealt with at subsequent Panel meetings and the Council thereafter.

A full discussion took place in relation to minuting practices and it was recognised that the format of Minutes, particularly for this Panel and Scrutiny Panels, had recently evolved to include a flavour of the meeting and capture the essence of the scrutiny discussion which Members found preferable although there were differing opinions as to whether Members raising points or asking questions at meetings should be named in Minutes. Further discussion took place in relation to members of the public accessing Minutes and reports whether online or in paper format and it was noted that these issues were currently being explored including the extent of which members of the public accessed public records in paper format and what other methods could be utilised bearing in mind the Public Records (Scotland) Act 2011. The Head of Legal and Democratic Services stressed the increased resourcing burden on Officers as a result of the longer Minutes now being issued.

Having heard the Chair suggest that, following the six month trial period of the revised style of minuting, Members could be issued with questionnaires to ascertain their views on these revised practices, the Panel

Decided: to agree

- (1) that as part of its Annual Report to Council in June, the Panel would recommend to Council that, for all Panels, Panel Minutes be submitted to the subsequent meeting of the respective Panel for its consideration and approval and, thereafter, intimated to the next meeting of the Council for noting only (save for any matters which would require Council approval) and that an appropriate report to Council be prepared by the Head of Legal and Democratic Services including necessary amendments to Standing Orders;
- * (2) to recommend to Council that Council and Panel Minutes should incorporate the full Report by reference (including web link) and a full copy of each Report be retained with the Minutes as part of the Council Archives; and
- (3) that the format of Minutes continued to be developed on a trial basis over the next six months until after the October recess to allow both Members and Officers to further consider the implications of adopting a revised style as outlined within the report.

6. Delivering Good Governance.

Reference was made to the Minutes of 20th November 2012 (Page 1, paragraph 2) and there was submitted a report (issued) of 8th April 2013 by the Head of Policy, Community Planning and Public Affairs inviting Members to scrutinise the Council's Delivering Good Governance arrangements in relation to the fifth and sixth principles – Skills and Accountability – together with the feedback from the Members' survey in relation to these principles as well as an updated progress report on the improvements actions against these two principles as outlined within Appendix1 of the report.

The Head of Policy, Community Planning and Public Affairs advised that, for future years, the approach to scrutiny by this Panel, of the Delivering Good Governance Framework could be changed to provide a complete overview, from which the Panel could then highlight areas they wished to focus upon at subsequent meetings. She indicated that this would allow for a better way of reporting progress as well as presenting up to date data.

Clarification was sought in respect of the Covalent system and the benefits and purpose of this performance management system was explained.

In relation to Principle 5 on Skills, a discussion took place in respect of Elected Members training for new and existing Members and whether there were opportunities for mentoring and succession planning as well as nurturing relationships between Members and Officers. It was noted that both new and existing Members had a range of competencies which could be shared and developed.

In terms of Principle 6 on Accountability, a discussion took place in relation to reviewing community engagement processes and the role of this Panel and it was noted that the Annual Report could be the vehicle to raise any concerns as well as reporting mechanisms leading from comments made at this Panel whereby Officers progress matters raised. In terms of feedback from 'Your South Ayrshire' and whether community organisations could be better utilised on such occasions it was recognised that 'Your South Ayrshire' met Government guidance and that choices were limited in this regard. Further comments were made in relation to whether the Panel's Annual Report could be aligned with the Single Outcome Agreement and the SOLACE benchmarking exercise to ensure new developments were linked in. Officers committed to take such matters into account as appropriate within the context of the Report and the relevant Principles.

The Panel

Decided:- following review, to note the fifth and sixth principles of the framework, namely Skills and Accountability.

The meeting ended at 12.15 p.m.