

THE VALE OF GLAMORGAN COUNCIL

CABINET: 7TH MARCH, 2016

REFERENCE FROM DEMOCRATIC SERVICES COMMITTEE:
10TH FEBRUARY, 2016

“ DRAFT PROTOCOL RE SCRUTINY AND CABINET ROLES AND RESPONSIBILITIES (HDS) -

Members had been made aware from previous reports, of the all-Wales Scrutiny Improvement Study undertaken by the Wales Audit Office. As far as this Council was concerned, in response to the nine specific recommendations emerging from the Study, an Action Plan was prepared. That Action Plan had been the subject of update reports to both the Democratic Services Committee and the Scrutiny Committee Chairmen and Vice-Chairmen Group. That would continue to be the case.

The nine specific recommendations of the Auditor General had been reported previously and were covered in the Action Plan (which, in itself, was included as a separate agenda item).

The Action Plan included the drawing up of a Protocol designed to encompass a number of elements of the Wales Audit Office recommendations, including:

- the overall roles / responsibilities of Scrutiny and Cabinet Members (and, indeed, officers),
- the general arrangements in place governing the Scrutiny process,
- the need for correlation of internal (i.e. Council, Cabinet and Scrutiny) Work Programmes and correlation between those and external regulators' Work Programmes.

The draft Protocol was attached as Appendix A to the report. The draft was also being submitted to the Scrutiny Committee Chairmen and Vice-Chairmen Group.

The draft Protocol sought to set out parameters governing the following specific areas:

- Principles of Effective Scrutiny
- Role of the Scrutiny Committees
- Holding the Cabinet to Account
- Relationship Between Cabinet and Scrutiny

- Work Programmes and Agendas
- Ethos of a Scrutiny Committee Meeting
- Attendance by Cabinet Members at Scrutiny Committee Meetings
- Attendance by Officers at Scrutiny Committee Meetings
- Responses of Cabinet Members to Questions from Scrutiny Committees
- “Call-In” of a Cabinet Decision
- Recommendations made by Scrutiny Committees
- Meetings Between Scrutiny Committee Chairmen and Cabinet Members
- Public Speaking at Scrutiny Committee Meetings.

Within the Draft Protocol, the Head of Democratic Services specifically referred Members’ attention to Section 7, and, in particular, paragraphs which related to forward work programmes and to pre-Cabinet scrutiny. He advised that the protocol outlined the need for close correlation between the work programmes of not only Cabinet and Scrutiny, but also external regulators. He also informed Members that the recently updated Council Constitution reflected the fact that indicative Council, Cabinet and Scrutiny Annual Work Programmes would be published at the beginning of each Municipal Year and, thereafter, updated on a quarterly basis. In terms of pre-Cabinet scrutiny, he advised the Committee that the protocol recognised and reflected the need for a consistent and clear approach regarding what items were subject to pre-Cabinet scrutiny.

In referring to the Cabinet forward work programme, a Committee Member commented that Scrutiny needed more than 4 months’ notice as this was not long enough to inform the Scrutiny work programme. In reply the Head of Democratic Services stated that new procedures around the forward work programme would commence in May and this would improve the synergy between Cabinet and Scrutiny.

The Chairman then alluded to the “blurring” which could occur between pre-Cabinet scrutiny and consultation and he alluded to the benefits of pre-Cabinet scrutiny and, as Chairman of the Scrutiny Committee (Lifelong Learning), he stated that the Scrutiny Committee had been part of a number of consultation exercises. He then commented on observations that he made around the collective responsibility of Cabinet, on occasions, not being quite as clear as he would expect.

With regard to pre-Cabinet scrutiny, a Member stated that this needed to be very carefully planned and he alluded to his previous point that Cabinet needed to provide Scrutiny with more notice of items on its work programme. Another Member commented that he was in favour of pre-Cabinet scrutiny and he would like more Scrutiny involvement in policy formulation. He then queried whether there was a contradiction around this, in which Scrutiny would be asked to scrutinise decisions that it had already been involved in and he stated that the idea was for Cabinet to make decisions and then for

Scrutiny to question these. In reply to these points, the Head of Democratic Services stated there needed to be a balance between those items that were considered pre-Cabinet scrutiny and those which were not and he advised that legislation did stipulate that one of the roles of Scrutiny was to assist Cabinet with policy development. The Chairman also added that he did not have an issue with Scrutiny involvement in policy formulation and he commented that any recommendations made by Scrutiny would be a matter for Cabinet to determine. He also stated that if there was an alternative view held by Cabinet then Scrutiny would be able to discuss these, as the role of Scrutiny was to review decisions made. The Head of Democratic Services advised, that the new protocol stated that in instances where Cabinet had not accepted the views of Scrutiny, Cabinet would have to record reasons for this in their minutes and this would be recorded in the Scrutiny Committee decision- tracking.

Following this, a Member queried whether the production of this protocol was somewhat premature, given the changes to the Scrutiny arrangements that would come into effect from May. In reply to this, the Head of Democratic Services stated that as the protocol covered mainly generic points, the protocol was fairly “future proof” and would also cover the new working arrangements.

A Member, in referring to Paragraph 7.1 of the protocol, which related to Scrutiny being focussed on a limited number of in depth topics, stated that he felt this was key and that the Scrutiny Committees usually had too many agenda items. To this, the Chairman stated that in Scrutiny Committee (Lifelong Learning) meetings a lot of “information only” reports were received. The Head of Democratic Services added that the protocol provided for “information only” reports to be discontinued (albeit they could still be issued to Members outside the formal committee process). He also commented that the work programme of each of the new Scrutiny Committees would need to be closely aligned to specific outcomes (linked to the Wellbeing and Future Generations Act), so reports needed to indicate how they contributed to the relevant Council objective(s). He further advised that other performance data would still be collected for Management Information purposes; the aim being to streamline this process to which, the format of new scorecards were currently being looked into by officers and, in due course, would be considered by Members.

With reference to Section 12 of the protocol, which related to a ‘Call-In’ of a Cabinet decision, the Committee felt that Cabinet Members should be in attendance when any decisions that came under their portfolio had been ‘called-in’ and similarly for the Member, who had “called-in” a decision, should also be in attendance to present their ‘Call-In’. Finally, the Committee noted that the protocol would be reviewed again in 12 months’ time which would allow for the new Scrutiny arrangements to “bed in”.

RESOLVED

- (1) T H A T the draft Protocol be endorsed and submitted to Cabinet and Council for consideration.
- (2) T H A T the Protocol, if endorsed by Cabinet and Council, be reviewed 12 months following implementation.

Reason for decision

- (1) To further apprise Members of actions being taken in respect of the specific recommendations and various other elements contained in the Wales Audit Office Scrutiny Improvement Study.
- (2) To consider any parts of the protocol that may need to be revised.”

Attached as Appendix – [Report to Democratic Services Committee: 10th February, 2016](#)