

POLICY REVIEW & PERFORMANCE
SCRUTINY COMMITTEE

9 July 2013

POTENTIAL JOINT SCRUTINY ARRANGEMENTS FOR THE PRE-DECISION
SCRUTINY OF CITIZEN HUBS IN ELY/CAERAU AND SPLOTT/TREMORFA

Purpose of report

1. To seek approval from Committee for the establishment of a sub-committee to meet alongside similar sub-committees of other relevant scrutiny committees in September 2013, to provide efficient and effective joint pre-decision scrutiny of plans to establish two new "Citizen Hubs" – one in Ely/Caerau, and one in Splott / Tremorfa.

Background

2. Two reports are planned to go to Cabinet in September (or possibly October) 2013 concerning the establishment of the Council's next two "Citizen Hubs" – one in Splott/Tremorfa, and one in Ely/Caerau. The topic may be of interest to two or more of the Council's five scrutiny committees (specified below).

Issues

3. Citizen Hubs are at the front line of Customer Management, and hence would fall within the remit of the Policy Review and Performance Scrutiny Committee.
4. In Splott, the venue for a potential Citizen Hub is likely to be at the STAR Centre or Splott Pool. The Cabinet's paving report of 11 April 2013 noted that *"initial assessments have shown that a prerequisite requirement would be the combination of services and revenue streams that are currently funding Star Leisure and Splott Pool. It is important that community consultation clearly identifies that the new facility will replace the current offer made at the existing*

two facilities.” The matter will therefore be of significant interest to the Council’s Economy & Culture Scrutiny Committee, partly as both buildings fall within the terms of reference of that Committee, but also as the future of both buildings was actively discussed during the Committee’s budget scrutiny discussions in February 2013.

5. Many of the Hubs’ potential customers may be seeking welfare, housing or other advice, and hence the topic may be of interest to Community and Adult Services Scrutiny Committee. The development of the Splott Citizens’ Hub may also raise issues relating to the Housing Revenue Account, which will also be of interest to Community and Adult Services Scrutiny Committee.
6. These three Committees appear to have the clearest interest in the matters under consideration, but the Chairs of the Council’s other two Scrutiny Committees (Children & Young People and Environmental) will also be consulted on what interest they may have in the matter.

Options

7. Initial discussion amongst scrutiny officers and advice from Legal Services has identified six potential solutions to this matter. These options are set out below, along with a note of their respective strengths and weaknesses:

(i) Option 1

One Committee scrutinising the issue on behalf of all. Chairs of other Committees could attend and speak, but could not participate in the “Way Forward” discussion.

- Strength: Efficient way of scrutinising
- Weakness: May not be deemed sufficiently inclusive

(ii) Option 2

A joint task and finish (T&F) inquiry of all five Committees could be set up (similar to the arrangements adopted for scrutiny of the LDP).

- Strength: Inclusive and efficient

- Weaknesses: T&Fs meet in private, rather than in public. T&Fs are not constituted to provide formal pre-decision scrutiny.

(iii) Option 3

The same report could go to two or more Committees meeting separately for pre-decision scrutiny.

- Strength: Inclusive
- Weaknesses: Wasteful of busy Scrutiny Members', Cabinet Members' and officers' time. Different Committees may make potentially conflicting recommendations.

(iv) Option 4

A joint meeting of several scrutiny committees could be arranged.

- Strength: Inclusive and extensive
- Weaknesses: An extra meeting, of potentially 47 Members (43 Councillors and four co-optees). As a "formal meeting", Members agreeing not to attend (in the interests of keeping numbers manageable) may have their non-attendance recorded against them.

(v) Option 5

A Joint Scrutiny Committee could be formally constituted to scrutinise this (and any other) specific matter.

- Strength: Has the strengths of option 4, but avoids the risk of the meeting becoming too big to manage
- Weakness: The establishment of a joint scrutiny committee, its terms of reference and appointment of Members would need approval by full Council. It is suggested that this would not be suitable for a short-term scrutiny which needs to commence within a relatively short timescale.

(vi) Option 6

Each interested scrutiny committee could appoint a sub-committee and a joint meeting could be arranged for all such sub-committees to scrutinise these proposals. Each scrutiny committee could formally delegate all scrutiny powers to enable its sub-committee to scrutinise this matter on its behalf and to make

appropriate recommendations to Cabinet and then report back to the full Committee for information.

Strengths of this approach are that:

- a. It will enable thorough consideration by the appointed Members of each of the participating Committees, but will minimise the amount of collective time in busy Scrutiny members' calendars
- b. It will avoid the risk of the meeting becoming too big to manage which is often raised as a concern when two or more full Committees meet in joint session.
- c. It will allow for timely pre-decision scrutiny of the proposals prior to consideration by Cabinet in September / October, without requiring prior approvals from full Council or the full Committee concerned (once the sub-committee has been established).
- d. As an extra "formal" meeting, Members who are not able to attend the scrutiny in September can choose not to sit on the sub-committee, with no record of non-attendance being registered.
- e. It will also be an efficient way of canvassing views from across all participating Committees, and of providing clear and unambiguous advice to the Cabinet Member and officers.

A possible weakness to this approach, it is that the scrutiny powers will be delegated into the hands of a small number of Members from each participating Committee. To address any concerns in this respect, it is suggested that any Members who are not appointed onto the sub-committee but wish to provide input nevertheless, could provide any comments in advance to one of their sub-committee Members, so that they can explore any such issues at the meeting.

8. The Council's five Scrutiny Chairs were consulted on this matter at their Liaison Forum on 19 June 2013, and confirmed their preference for option 6 (sub-committees meeting jointly). The Chairs agreed that each Scrutiny Committee with an interest in these proposals should be asked to appoint a sub-committee, with full delegated powers to scrutinise the Citizen Hubs proposals and make recommendations to Cabinet prior to its consideration of this matter in September

/ October, and to appoint five of its Members to such sub-committee. It was noted that the sub-committees would be subject to the rules on political proportionality.

9. The date of the joint meeting of sub-committees is to be confirmed, but would be scheduled shortly prior to the relevant Cabinet meeting to facilitate comments and observations that can be fed into the Cabinet decision. As a “one item” meeting, it is hoped that the meeting will not be overly long.

Way Forward

10. Members are requested to approve the establishment of a sub-committee of this Committee, with full delegated scrutiny powers in respect of the Citizen Hubs proposals, and to appoint five Members to this Sub-Committee, reflecting the rules on political proportionality. Paul Keeping (Operational Manager, Scrutiny Services) will attend Committee to answer any questions that Members may have.
11. The Operational Manager (Scrutiny Services) will facilitate the joint meeting, and liaise with Members of the sub-committees in advance of the meeting.

Legal Implications

12. The legislation governing this matter is Part II of the Local Government Act 2000 (the LGA 2000), and section 21 in particular; and regard must also be had to any relevant provisions of the Scrutiny Procedure Rules.
13. The Scrutiny Procedure Rules, Rule 15 provides that arrangements for the scrutiny of matters within the remit of more than one Scrutiny Committee should be agreed by the relevant Scrutiny Committee Chairs, who should then report back to their Scrutiny Committees. As noted in paragraph 8 above, the relevant Scrutiny Chairs have considered this matter at their Liaison Forum and agreed to pursue Option 6 (joint meetings of sub-committees of the scrutiny committees concerned) as the recommended way forward. Accordingly, this report recommends the establishment of a sub-committee of the Policy Review and Performance Scrutiny Committee, delegation of relevant powers and appointment of sub-committee members.

14. The Local Government Act 2000 (sections 21(6), (7) and (12)) empowers a Scrutiny Committee to appoint a sub-committee, to determine the number of members of its sub-committee and their term office, and to delegate any of its functions to that sub-committee. Any such sub-committee can only discharge the functions delegated by its 'parent' committee, but there is no legal impediment to any two or more such sub-committees meeting together and exercising their respective functions alongside each other. It should be noted that, whilst such sub-committees may meet together, each sub-committee would strictly be making its own recommendations and would be free to take a different view from any other sub-committee.
15. Members should also note that sub-committees are subject to the same legal provisions as their 'parent' committees with regard to:
 - (i) public access to their meetings and documents (set out in Part VA of the Local Government Act 1972);
 - (ii) the duty to proportionally allocate seats to political groups (pursuant to section 15 of the Local Government and Housing Act 1989); and
 - (iii) the power to require Cabinet members and officers to answer questions and to invite other persons to attend their meetings, (pursuant to Section 21(11) and (13) of the LGA 2000).
16. In respect of the other options set out in this report, Members may wish to note the following:
 - (i) Option 1 (one Committee scrutinises on behalf of all three Committees) - it should be noted that the scrutinising Committee would only be authorised to make recommendations in respect of matters within its own terms of reference (unless extension of its terms of reference is agreed by full Council).
 - (ii) Option 2 (a Joint Task and Finish Group of all Committees) - it should be noted that the Task and Finish Group could not exercise any formal powers of scrutiny, which are the preserve of the Scrutiny Committees, that is, the Task

and Finish Group can only inform the scrutiny process and make recommendations to the relevant Scrutiny Committees (Scrutiny Procedure Rules, Rule 1). Any report or recommendations to the Cabinet or Council would need to be made by the relevant Scrutiny Committee (Section 21(2) LGA 2000).

(iii) Option 3 (separate consideration by each relevant Committee) and Option 4 (joint meeting of all relevant Scrutiny Committees) - there are no legal impediments to either of these options, but Members will note the practical problems noted in this report.

(iv) Option 5 (establishment of a new 'formally constituted' Joint Scrutiny Committee), would require the approval of full Council (as a new scrutiny committee forming part of the Council's 'executive arrangements', pursuant to section 21(1) and (2) of the LGA 2000.) Council would also need to approve the joint scrutiny committee's terms of reference and appoint its members, in the usual way.

17. It is understood that the key objective in this matter is to establish, as quickly as possible, a member forum comprising no more than 15 scrutiny committee members from all scrutiny committees concerned, with delegated scrutiny powers, for the specific purpose of undertaking scrutiny of Citizen Hubs proposals prior to consideration by the Cabinet in September. The recommended sub-committee option (Option 6 in this report) appears to be the quickest and simplest way to achieve these objectives within this timescale.

Financial Implications

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations

for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

The Committee is recommended to:

- i. Establish a sub-committee of the Policy Review and Performance Scrutiny Committee ('the Policy Review and Performance Scrutiny Sub-Committee' or 'the Sub-Committee') to meet in joint session with sub-committees of other scrutiny committees interested in scrutinising the Citizen Hubs proposals;
- ii. Delegate to the Sub-Committee, for the purpose of scrutinising the Citizen Hubs proposals in Ely/Caerau and Splott/Tremorfa, all scrutiny powers and duties which are delegated to the Policy Review and Performance Scrutiny Committee;
- iii. Appoint five Members from the Policy Review and Performance Scrutiny Committee ('the PRAP Scrutiny Committee') to sit on the Sub-Committee; and
- iv. Instruct the Sub-Committee to report back for information on the discharge of its powers and duties to a future meeting of the PRAP Scrutiny Committee.

Mike Davies

Head of Service

Scrutiny, Performance and Improvement

3 July 2013