

# COUNTY COUNCIL

## 18<sup>th</sup> JANUARY 2017

### Public Service Board Scrutiny

#### Executive Board Recommendation:

- That the Policy & Resources Scrutiny Committee be designated as the Authority's Scrutiny Committee for the purposes of scrutinising the work of the Carmarthenshire Public Service Board and that this function be reflected in Article 6 of the Council's Constitution.

#### Reasons:

- To designate a Scrutiny Committee to scrutinise the work of Public Service Board.
- The Well-being of Future Generations (Wales) Act 2015 requires the Authority to designate a Scrutiny Committee to be responsible for Scrutinising decisions made by the Public Service Board.

**Relevant scrutiny committee consulted:** NOT APPLICABLE  
**Executive Board decision required:** YES (22nd December 2016)  
**Council Decision required:** YES

**Executive Board Member Portfolio Holder:** Cllr. Pam Palmer (Communities)

<b>Directorate:</b> Chief Executive's	<b>Designations:</b>	<b>Tel Nos. / E-Mail Addresses:</b>
<b>Name of Head of Service:</b> Linda Rees Jones	Head of Administration & Law	01267 224010 <a href="mailto:lrjones@sirgar.gov.uk">lrjones@sirgar.gov.uk</a>
<b>Report Author:</b> Gaynor Morgan	Democratic Services Manager	01267 224026 <a href="mailto:gmorgan@sirgar.gov.uk">gmorgan@sirgar.gov.uk</a>

**EXECUTIVE SUMMARY**

**COUNTY COUNCIL**

**18<sup>th</sup> JANUARY 2017**

**Public Service Board Scrutiny**

Public services boards have replaced the former Local Service Boards, and are specifically required to:

- a) Undertake a well-being assessment for the area
- b) Set local well-being objectives as part of a well-being plan
- c) Take all reasonable steps to meet those objectives

The Well-being of Future Generations (Wales) Act 2015 requires a designated overview and scrutiny committee of a local authority to have a key role in assuring democratic accountability of the Public Services Board via its prescribed role as outlined in the Act namely:-

**35. Overview and scrutiny committee of local authority**

(1) Executive arrangements by a local authority under Part 2 of the Local Government Act 2000 (c. 22) must ensure that its overview and scrutiny committee has power –

- (a) to review or scrutinise decisions made, or other action taken, by the public services board for the local authority area in the exercise of its functions;
- (b) to review or scrutinise the board's governance arrangements;
- (c) to make reports or recommendations to the board with respect to the board's functions or governance arrangements;
- (d) to consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly;
- (e) to carry out such other functions in relation to the board as are imposed on it by this Act.

(2) An overview and scrutiny committee must send a copy of any report or recommendation made under subsection (1)(c) to –

- (a) the Welsh Ministers;
- (b) the Commissioner;
- (c) the Auditor General for Wales.

- (3) An overview and scrutiny committee may, for the purpose of exercising a power mentioned in subsection (1), require one or more of the persons who may attend a meeting of the public services board (see paragraph 7 of Schedule 3), or anyone designated by such a person, to attend a meeting of the committee and provide it with explanations of such matters as it may specify.
- (4) Where a local authority has more than one overview and scrutiny committee, the references in this Part to its overview and scrutiny committee are to the committee that the local authority designates for the purposes of this section.

The designated scrutiny committee is specifically expected to:-

- Formally receive the Wellbeing Assessment and Wellbeing Plan from the Public Services Board
- Act as a statutory consultee for the Wellbeing Assessment and Wellbeing Plan
- Review the Wellbeing Plan if directed to by the Welsh Minister (who has the power of referral but not approval)

Chapter 6 of the Welsh Government Shared Purpose: Shared Future: Statutory Guidance 3 states that:-

*“174. In order to assure democratic accountability there is a requirement for a designated local government scrutiny committee of the relevant local authority to scrutinise the work of the public services board. It will be for each local authority to determine its own scrutiny arrangements for the public services board of which it is a member. For example, existing legislative powers can be used to put in place joint arrangements, such as ‘co-opting’ persons who are not members of the authority to sit on the committee, and where appropriate to appoint joint committees across more than one local authority area.*

*175. While it will continue to be entirely legitimate for a subject scrutiny committee (such as a children and young people’s scrutiny committee) to scrutinise the public services board’s work in relation to a specific issue, it is important that one committee takes an overview of the overall effectiveness of the board. This is the reason one committee must be designated to undertake this work.”*

The Welsh Government has commissioned Public Governance Wales to produce Ministerial Guidance for Local Government Scrutiny Committees and this is awaited.

**DETAILED REPORT ATTACHED?**

**NO**

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report.

Signed: Linda Rees Jones      Head of Administration & Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

### 2. Legal

The Authority is under a statutory duty to designate a Scrutiny Committee to scrutinise the work of the Public Service Board.

Article 6 of the Council's Constitution requires amendment to include functions in respect of the Well-being of Future Generations (Wales) Act 2015 and specifically designation of a Scrutiny Committee with responsibility to scrutinise the work of the Carmarthenshire Public Service Board.

# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Linda Rees Jones      Head of Administration & Law

1. **Scrutiny Committee** – N/A (*The Policy & Resources Scrutiny Committee was the Committee which had an overview of the Local Service Board*)

2. **Local Member(s)** – N/A

3. **Community / Town Council** – N/A

4. **Relevant Partners** – N/A

5. **Staff Side Representatives and other Organisations** – N/A

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THESE ARE DETAILED BELOW:**

Title of Document	File Ref No. / Locations that the papers are available for public inspection
Article 6 Carmarthenshire Council Constitution	<a href="http://www.carmarthenshire.gov.wales/media/1160415/Article-6.pdf">http://www.carmarthenshire.gov.wales/media/1160415/Article-6.pdf</a>
Well-being of Future Generations (Wales) Act 2015	<a href="http://www.legislation.gov.uk/anaw/2015/2/pdfs/anaw_20150002_en.pdf">http://www.legislation.gov.uk/anaw/2015/2/pdfs/anaw_20150002_en.pdf</a>
SPSF 3: Collective role (Public Services Boards)	<a href="http://gov.wales/docs/desh/publications/161111-spsf-3-collective-role-en.pdf">http://gov.wales/docs/desh/publications/161111-spsf-3-collective-role-en.pdf</a>
Public Service Board Scrutiny (Executive Board – 22nd December 2016)	<p><b>Cymraeg</b>  <a href="http://democratiaeth.sirgar.llyw.cymru/ieListDocuments.aspx?CId=131&amp;MIId=557&amp;Ver=4">http://democratiaeth.sirgar.llyw.cymru/ieListDocuments.aspx?CId=131&amp;MIId=557&amp;Ver=4</a></p> <p><b>English</b>  <a href="http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&amp;MIId=557&amp;Ver=4">http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&amp;MIId=557&amp;Ver=4</a></p>