

## Report of the Chair of Council

Council – 26 July 2012

### SCRUTINY ARRANGEMENTS 2012/13

<b>Purpose:</b>	To ensure that overview and scrutiny arrangements are effective by:  a) setting out the general approach for overview and scrutiny;  b) updating the Council Constitution in respect of overview and scrutiny
<b>Policy Framework:</b>	Council Constitution
<b>Reason for Decision:</b>	To ensure that the Council Constitution is consistent with new overview & scrutiny arrangements recently agreed by Council.
<b>Consultation:</b>	Constitution Working Group Legal and Finance
<b>Recommendation(s)</b>	It is recommended that:  1) The approach outlined in this report is endorsed 2) The proposed Scrutiny Protocol be adopted. 3) The word "Overview" is dropped from the titles of the Council bodies described in paragraph 1.1 of this report.
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#### 1. Background

1.1 Council on 24<sup>th</sup> May agreed that the overview and scrutiny function would be delivered through the following bodies:

- Overview & Scrutiny Programme Board
- Stronger and Safer Communities Overview & Scrutiny Board
- People Overview & Scrutiny Board
- Place Overview & Scrutiny Board

1.2 The terms of reference for these bodies is attached at appendix 1 for information.

- 1.3 The purpose of this report is to support the introduction of these new bodies in order to ensure that they can operate as effectively as possible. It will do this firstly by setting out the general approach for overview and scrutiny work and secondly by providing an updated version of the overview and scrutiny protocol in the constitution.

## 2. General Approach

- 2.1 Overview and scrutiny in Swansea has improved significantly over recent years. Good practice, led by Child and Family Services Overview and Scrutiny, and developed across all the Boards, has received recognition from external inspectors and, in June 2011, a national award from the Centre for Public Scrutiny. The new structure presents an opportunity to build on this good practice to introduce further effective ways of working.
- 2.2 The work of overview and scrutiny will continue to be led by overview and scrutiny boards that will:
- Hold Cabinet Members to account through question and answer sessions
  - Produce reports, chairs letters and recommendations
  - Receive relevant reports
  - Deal with referrals from Council
  - Follow up on previous overview and scrutiny work
  - Undertake pre-decision scrutiny
  - Set up and monitor overview and scrutiny panels as required
  - Agree and manage work plans
- 2.3 Effective questioning strategies have been an important aspect of the recent work of overview and scrutiny. It is expected that the new Boards will continue to ensure that their work is robust and effective through the use of these strategies although it will be for each Board to determine the particular approach to be used.
- 2.4 While the number of Boards has reduced, the level of activity will remain at least the same. Instead of being done primarily at formal board meetings, detailed work will take place via task and finish groups called Panels. There will be two main types of Panel:
- **Inquiry Panels:** Set up to undertake in depth inquiries into areas of concern.
  - **Performance Panels:** Set up to provide in-depth monitoring and challenge for clearly defined service areas.
- 2.5 Boards will establish Panels with clear terms of reference and a clear time limit. Each Panel will have a chair who will be responsible for leading the work and reporting back.
- 2.6 Councillors will be appointed to a Panel depending on the subject, councillors' experience and interests. Normally councillors will be

members of the parent Board but other non executive councillors can also be added.

- 2.7 The use of Panels will ensure that overview and scrutiny is both flexible and responsive and can focus the issues of greatest priority.
- 2.8 The role of the Programme Board will be to coordinate the work programme as a whole and ensure that it is effective and that duplication is avoided. This Board will also be responsible for coordinating the following cross cutting issues as they relate to the work of the Boards including the community strategy / single integrated plan, Swansea's Local Service Board and the Council budget.
- 2.9 The Programme Board will also have an important role in promoting public engagement in the work of overview and scrutiny. This will include use of consultations mechanisms such as Swansea Voices, direct involvement in the work of the Boards and Panels and through online engagement such as through social media.

### **3. The Revised Overview & Scrutiny Protocol**

- 3.1 A full revised version of the protocol is attached at appendix 1 for agreement. Apart from some minor technical amendments, the most notable changes include:

- Reference to the new boards
- Inclusion of information about in-depth inquiries
- Details of the arrangements for pre-decision scrutiny previously agreed by Council

- 3.2 Constitution Working Group discussed the protocol in June and have proposed the following further changes that have also been incorporated into the revised version:

- Reference to 'Overview and scrutiny' replaced with 'Scrutiny' including in the names of the Boards
- Removal of the requirement for scrutiny reports to be presented to Council for information as a matter of course
- Requirement for Board chairs to chair all scrutiny panels
- Requirement for scrutiny panel meetings to be open to the public as a 'default'

### **4. Financial Implications**

- 4.1 None.

### **5. Legal and Constitutional Implications**

- 5.1 The Local Government Act 2000 requires that executive arrangements by a Local Authority must include provision for the appointment of one or more Overview and Scrutiny Committees. Guidance from the National Assembly (on executive arrangements) states that the precise

arrangements for overview and scrutiny (including the number, membership and remit of the committees) are a matter for local choice. The proposed revisions to the constitution are consistent with this guidance and the other relevant provisions of the Local Government Act 2000.

- 5.2 The Local Government (Wales) Measure 2011 contains a number of provisions relating to overview & scrutiny. Guidance from the Welsh Government has recently been received may necessitate further amendments to the Council Constitution / Overview & Scrutiny Protocol.

**Background papers:** 'Constitutional Matters' report to Council, 24<sup>th</sup> May 2012

**Appendices:** Scrutiny Protocol