

## Report of the Chair

Scrutiny Programme Committee – 9 June 2014

### ROLE OF THE SCRUTINY PROGRAMME COMMITTEE

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| <b>Purpose</b>                        | To ensure understanding about the role of the Scrutiny Programme Committee.  |
| <b>Content</b>                        | This report provides a description of the Council's overview and scrutiny arrangements. The terms of reference of the Scrutiny Programme Committee are attached. |
| <b>Councillors are being asked to</b> | Discuss the role of the Board as required  |
| <b>Lead Councillor</b>                | Councillor Mike Day, Chair of the Scrutiny Programme Committee   |
| <b>Lead Officer</b>                   | Dean Taylor, Director – Corporate Services   |
| <b>Report Author</b>                  | Brij Madahar, Overview & Scrutiny Coordinator<br>Tel: 01792 637257<br>E-mail: <a href="mailto:brij.madahar@swansea.gov.uk">brij.madahar@swansea.gov.uk</a>       |

#### 1. Introduction

- 1.1 The main aim of scrutiny is to act as a 'critical friend' to the Cabinet and other decision makers in order to promote better services, policies and decisions. Councillors involved in scrutiny will hold the Council's executive to account and examine the work of Council departments, as well as other public services.
- 1.2 The Scrutiny Programme Committee (first established in October 2012) is the Council's single Overview & Scrutiny Committee and is responsible for managing all scrutiny activity within the Authority through a single work plan. Although certain work is undertaken by the committee (e.g. holding Cabinet Members to account) detailed scrutiny of specific topics is carried out by establishing informal panels (for in-depth activities) or one-off working group meetings. This provides for greater flexibility within the scrutiny work programme and engagement of all non-executive councillors in the scrutiny process, regardless of committee membership.
- 1.3 Any Panel / Working Group topics that are agreed by the committee are advertised to all non executive councillors and expressions of interest sought. The membership of Panels / Working Groups, as well as a lead councillor for this work (known as 'convener'), will then be determined by the committee.

1.4 In conjunction with the committee the Chair of the Scrutiny Programme Committee maintains overall responsibility for agreed scrutiny activities, monitoring activities and outcomes to ensure that the work programme is being delivered effectively, and in accordance with any timetable set out.

## 2. Role of the Programme Committee

2.1 The role of this committee in general is to:

- Establish and manage the informal scrutiny panels and working groups to undertake the detailed work of scrutiny – these to be open to all back bench councillors
- Appoint ‘Scrutiny Conveners’ to chair the various scrutiny panels / working groups
- Manage the Scrutiny Work Programme and monitor outcomes
- Hold Cabinet Members to account in a formal public setting
- Meet the Council’s statutory responsibilities for overview and scrutiny, including performing the Crime and Disorder scrutiny function
- Coordinate pre-decision scrutiny
- Respond to urgent issues and referrals from Council
- To undertake any scrutiny not delegated to a panel / working group
- Agree any scrutiny reports that make recommendations to Cabinet, Council and other bodies

2.2 Terms of Reference (taken from the Council Constitution) are attached at **Appendix 1**.

## 3. Scrutiny Conveners

3.1 Scrutiny Conveners are appointed by the Scrutiny Programme Committee to lead specific activities (Panels and/or other informal Working Groups) and are responsible for:

- convening (or chairing) meetings of the relevant Panel / Working Group
- ensuring that the Panel / Working Group undertakes work to the specifications and timescales agreed by the committee
- reporting back to the committee with findings, conclusions and recommendations as appropriate

A role description for conveners is attached at **Appendix 2** (taken from ‘New Scrutiny Arrangements’ Council Report – 18 October 2012)

3.2 The Programme Committee may appoint conveners from outside of the membership of the committee. In this case conveners will attend the committee by invitation of the chair / vice-chair to provide updates and/or present final reports on the work of the panels.

- 3.3 Councillors who are appointed as conveners will be responsible for ensuring that Panels are operating effectively. If there are any issues with regard to membership (e.g. attendance / representation of different political groups) these should be raised with the chair of the Scrutiny Programme Committee. The Chair of the Scrutiny Programme Committee will consult informally with group leaders in the first instance and then, if necessary, raise the issue as an item for the Scrutiny Programme Committee to consider.

#### **4. Financial Implications**

- 4.1 There are no additional financial implications associated with this report.

#### **5. Legal 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.

**Background Papers:** None

#### **Appendices:**

1. Scrutiny Programme Committee Terms of Reference
2. Scrutiny Convener Role Description

Legal Officer: Nigel Havard  
Finance Officer: Carl Billingsley

## **Scrutiny Programme Committee Terms of Reference**

### **1 General**

1.1 The Scrutiny Programme Committee will have the following general responsibilities:

- a. Holding members of the Council's executive to account.
- b. Monitoring the performance of public services, policies and partnerships.
- c. Contributing to corporate and partnership policy and strategy development.
- d. Conducting in depth inquiries into service and policy areas.
- e. Involving the public in service improvement and policy development.
- f. Considering the opinions of external inspectors.
- g. Making reports and recommendations to Council or Cabinet on the discharge of any functions of the authority as appropriate.
- h. To undertake reviews as directed by Council.
- i. Preparing and publishing a regular work plan.
- j. Contribute to an overall strategic work programme for scrutiny that will be reported regularly to Council.
- k. Observing the principles of effective scrutiny as set out in the Protocol for Scrutiny.

1.2 The Committee will have responsibility for coordinating the scrutiny of the following:

- a. The community strategy / single integrated plan.
- b. Swansea's Local Service Board.
- c. The Council budget.
- d. Central / corporate functions of the local authority.
- e. Groups and organisations with which the Council has formed links through grant funding, compacts, subscription or service level agreements.
- f. External bodies which are able to levy a statutory precept upon the Authority.
- g. The Treasury Management Strategy Statement, Annual Report, Mid Term Report and Quarterly Progress Reports.

### **2 Scrutiny Panels**

2.1 The Committee may establish Panels / working groups for the purpose of undertaking in depth inquiries or for looking at the performance of particular areas of service delivery.

2.2 Each Panel / working groups will be led by a Scrutiny Convener who will be responsible for:

- a. Convening meetings of the relevant Panel
- b. Chairing meetings of the relevant Panel
- c. Ensuring that the Panel undertakes work to the specifications and timescales agreed by the parent board
- d. Reporting back to the parent Board with findings, conclusions and recommendations as appropriate

2.3 Councillors will be appointed to a Panel on the following basis:

- a. At least two political groups on the Council to be represented on the Panel.
- b. Membership of Panels will be open to any non executive members of the Council regardless of whether they are a member of the Scrutiny Committee.
- c. New panels will be advertised to all non executive members and expressions of interest sought. The membership of panels will be determined by the Committee.

### **3 Scrutiny Work Programme**

3.1 The Scrutiny Programme Committee will be responsible for coordinating the work of the Scrutiny panels. Other tasks linked to the delivery of the work programme include:

- a. Monitoring the delivery of the scrutiny strategic work programme;
- b. Preparing and agreeing the scrutiny annual report as required by Council;
- c. Dealing with business relating to regional / national scrutiny meetings (for example in relation to the Welsh Local Government Association or the Centre for Public Scrutiny);
- d. Considering reports relevant to the development and improvement of the Council's Scrutiny function;
- e. Dealing with consultation and implementation of national policy changes relevant to scrutiny;
- f. Preparing and publishing a regular work plan;
- g. Making reports and recommendations to Council, Cabinet or the Democratic Services Committee on the discharge of any functions of the authority as appropriate.

### **4 Service and Policy Areas**

4.1 Areas of responsibility cover all functions of the Council and specifically:

- a. All of the functions of the Council as a Social Services Authority under all relevant legislation;

- b. All functions of the Council under the Children Act (1989 and 2004);
- c. All of the functions of the Council as a Planning Authority under the Town and Country Planning Acts and all other relevant legislation including countryside, nature conservation and rights of way matters, in force from time to time;
- d. Acting as the Council's designated Crime and Disorder Committee for the purposes of the Police & Justice Act 2006;
- e. All of the functions of the Council as a Housing Authority under the Housing Acts and all other relevant legislation;
- f. Outcomes of reviews undertaken by outside agencies or audit bodies;
- g. Items where Welsh Government Guidance suggests that matters should be considered by scrutiny.

## **5. Cabinet Portfolios**

- 5.1 The work of the committee will not be limited to any particular Cabinet portfolio(s). Invitations to attend meetings, reports, letters and recommendations will be directed to the relevant Cabinet Member(s) as each issue requires.

### Scrutiny Convener Role Description

#### 1. General

- 1.1 The Scrutiny Convener will be responsible for a portfolio of scrutiny topics that they will manage and deliver. These topics, allocated by the Council's Scrutiny Programme Committee, will not be confined to a single subject or department. The scrutiny work led by these conveners will be done through informal task and finish groups / panels and the conveners will chair the meetings of these groups. Conveners will be accountable to the Scrutiny Programme Committee.

#### 2. Providing leadership

- 2.1 To provide confident and effective management of the topics for which they are responsible.
- 2.2 To promote the role of scrutiny within and outside the council, liaising effectively both internally within the Council and externally with the Council's partners.
- 2.3 To contribute to the development of a balanced scrutiny work programme.
- 2.4 To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues.
- 2.5 To demonstrate an objective and evidence based approach to scrutiny and to facilitate the identification of conclusions and recommendations accordingly.
- 2.6 To evaluate the impact and added value of scrutiny activity and identify areas for improvement.
- 2.7 To promote cross party working.
- 2.8 To keep any relevant deputies fully involved and informed to ensure they are able to cover the conveners' role as required

#### 3. Managing the work programme

- 3.1 To ensure that the work programme is delivered.
- 3.2 To report on progress against the work programme to Council, and others as appropriate.
- 3.3 To liaise with officers, other members and community representatives to resource and deliver the work programme.

## **4 Effective meeting management**

- 4.1 To set agendas containing clear objectives and outcomes for meetings.
- 4.2 To manage the progress of business at meetings, ensuring that meeting objectives are met.
- 4.3 To ensure that the necessary preparation is done beforehand.
- 4.4 To ensure that all participants have an opportunity to make an appropriate contribution

## **5 Community leadership**

- 5.1 Where necessary to act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function.
- 5.2 To build understanding and ownership of the scrutiny function within the community.
- 5.3 To involve fully external stakeholders for example, service users, expert witnesses and partners in scrutiny activity.
- 5.4 To support the involvement and development of scrutiny members
- 5.5 To encourage high performance from all scrutiny councillors in task and finish groups.
- 5.6 To assess individual and collective performance within task and finish groups and facilitate appropriate development.

## **6 Values**

### **6.1 To be committed to the values of the Council and the following values in public office:**

- a. Openness and transparency;
- b. Honesty and integrity;
- c. Tolerance and respect;
- d. Equality and fairness;
- e. Appreciation of cultural difference;
- f. Sustainability.