



Report of the Chair

Scrutiny Programme Committee – 15 September 2020

Annual Scrutiny Work Programme Review 2019/20

Purpose:	Being the last scheduled Committee meeting of the 2019/20 council year, this report is to help councillors: <ul style="list-style-type: none">• look back at the work done this year• reflect on the experience• look forward to the new council year, and work programme.
Content:	The work programme for 2019/20 is described and reviewed. The work completed by the Committee is attached together with a summary of the established Scrutiny Panels and Working Groups.
Councillors are being asked to:	<ul style="list-style-type: none">• consider progress, achievements, and the effectiveness of the scrutiny work programme, and scrutiny practice• consider how well the Committee has worked this year• start thinking about the new work programme for the year ahead
Lead Councillor(s):	Councillor Peter Black, Chair of the Scrutiny Programme Committee
Lead Officer(s):	Tracey Meredith, Chief Legal Officer
Report Author:	Brij Madahar, Scrutiny Team Leader Tel: 01792 637257 E-mail: brij.madahar@swansea.gov.uk
Legal Officer:	Debbie Smith
Finance Officer:	Paul Cridland

1. Introduction

- 1.1 The Scrutiny Programme Committee is responsible for developing the Council's scrutiny work programme, and managing the overall work of scrutiny to ensure that it is as effective as possible.

- 1.2 At the end of each council year it is good practice for the Committee to look back on the year's work and consider its effectiveness. This report is to help councillors take stock of the work done this year and reflect on the experience. The Committee may also wish to start thinking about future scrutiny topics.
- 1.3 The Committee will recognise that there have been two significant factors affecting the delivery of the work programme, and work of scrutiny, over the past year:
- a) Resources: The departure of one of the Council's Scrutiny Officers in October 2019 affected capacity to support planned activities. Consequently, the proposed inquiry on Procurement, and a number of Working Groups were put on hold in order to re-direct support to on-going activities and minimise impact on planned Performance Panel activities.
 - b) COVID-19: Because of the pandemic, scrutiny activities were temporarily suspended in March 2020. As a consequence of the wide-ranging impact of COVID-19, although resumed from June, scrutiny activity has been focused on the Council's COVID-19 response and recovery, not business as usual.

This has also meant that it has been sometime since the Committee has monitored the agreed work programme (March), which it ordinarily would keep an overview of at each monthly meeting.

- 1.4 The Committee will also note the extended length of the 2019/20 municipal year due to COVID-19, covering activities between May 2019 and September 2020. The Council AGM will take place on 1 October 2020.
- 1.5 Councillor Mary Jones was Chair of the Committee up to 4 June 2020, therefore much of the work reflected in this report was managed under her leadership.

2. Scrutiny Arrangements

- 2.1 The broad aim of the scrutiny function is to engage non-executive councillors in activities to:
- provide an effective challenge to the executive
 - help improve services, policies, and performance
 - engage the public in its work
- 2.2 Current scrutiny arrangements, agreed by Council in October 2012, aimed to achieve the following:
- All work to be managed by a single Scrutiny Programme Committee through a single work plan. This will ensure that work is cross cutting and not restricted to departmental silos.

- Specific work will be undertaken both through the Committee and by establishing informal panels (for in-depth activities) or working groups.
- The Chair of the Scrutiny Programme Committee shall maintain overall responsibility for the work and timetable for scrutiny, and ensuring that the work is carried out, in conjunction with the committee itself.
- All backbench councillors should have the opportunity to participate in scrutiny work regardless of committee membership.

3. Work Planning

3.1 The Committee has needed to ensure that the work of scrutiny is:

- manageable, realistic and achievable given resources available
- relevant to council priorities
- adding value and having maximum impact
- coordinated and avoids duplication

3.2 The annual Scrutiny Work Planning Conference took place on 10 June 2019, attended by 21 scrutiny councillors, 2 co-opted members, and the Chair of the Audit Committee who was also invited to participate.

3.3 Those in attendance were asked to think about what topics scrutiny should focus on in the year ahead, considering whether anything important was missing from the existing plan / current thinking, and achieving a balance of scrutiny across all Cabinet portfolios.

3.4 A range of perspectives were considered, including:

- Review of last year's work plan
- The Council's corporate priorities & strategic challenges (provided by Adam Hill – Deputy Chief Executive)
- Suggestions from councillors, staff and public

3.5 Those present shared views about the work programme and their priorities for the year ahead. Taking into account feedback from the conference, the Committee considered what should be included in the work programme. This was guided by the overriding principles that:

- the work of scrutiny should be strategic and significant
- focussed on issues of concern, and
- represent a good use of scrutiny time and resources.

3.6 The Committee recognised the importance of aligning scrutiny work more closely to the corporate priorities, but retaining a balance so there is room to look at issues of community concern. The Committee also wanted to ensure that there was a good coverage of scrutiny activity across all cabinet portfolios.

- 3.7 A proposed work programme was discussed by the Committee in July 2019 i.e. the topics that should be examined through various panels and working groups as well as a plan for future committee meetings. The Committee recognised the need to prioritise scrutiny activities, aligned with available scrutiny time and resources, to sharpen focus on the quality of scrutiny and impact. The agreed work programme for 2019/20 is attached as **Appendix 1**. It includes topic suggestions that were more appropriate for referral to Performance Panels.
- 3.8 Non-executive councillors who are not members of the committee were given the opportunity to participate in panels and other informal task and finish groups. New scrutiny topics, once agreed, were advertised to all non-executive councillors and expressions of interest sought. The membership of panels and working groups were then determined by the Committee.

4. Summary of Work Completed

- 4.1 The work of scrutiny has been carried out primarily in three ways – through the Committee itself and by establishing informal panels (for in-depth activities) or one-off working groups.

4.1.1 Formal Committee Meetings

- 4.1.2 A report was provided to each meeting, up to March 2020, to enable the Committee to maintain an overview of agreed scrutiny activities (including the work undertaken by the informal Panels and Working Groups established), monitor progress, and coordinate work as necessary.

- 4.1.3 As well as developing and managing the overall work programme and keeping an oversight on all scrutiny activities, the Committee has again focussed on holding Cabinet Members to account by holding formal questioning sessions and providing challenge on a broad range of policy and service issues over the course of the year. It also provided a place where the Committee could follow up on any recommendations made to cabinet members by recent Scrutiny Working Groups. This has resulted in the Committee communicating findings, views and recommendations for improvement through chair's letters to Cabinet Members. A copy of this year's completed Committee work plan is attached as **Appendix 2**.

- 4.1.4 The work can be summarised as follows:

- Cabinet Member Questioning Sessions

The Committee held 9 out of 12 Cabinet Members to account by holding a series of question sessions throughout the year. This has enabled the Committee to explore their work, looking at priorities, actions, achievements and impact. 8 out of the 10 cabinet portfolios

were covered. Sessions planned for April and May with remaining Cabinet Members had to be cancelled.

- Final Inquiry Reports

The Committee formally agrees any final inquiry reports, produced by Panels, for submission to Cabinet for decision. The following inquiry reports were agreed (status of cabinet response noted):

Inquiry	Report to Cabinet	Cabinet Decision	Recommendations		
			Agreed	Partly	Rejected
Equalities	19 Sep 2019	21 Nov 2019	18	0	0

- Chair's Letters - these are an established way for scrutiny to communicate findings, views and recommendations for improvement directly to Cabinet Members (and other decision-makers), reflecting discussion at meetings. Letters sent by the Committee and working groups, and those by panels that required action from the Committee, and responses were published within the Scrutiny Programme Committee agenda for discussion.

Response times are monitored and currently (as at 7 Sep) show that:

- the average response time is 21 days (against target of 21 days)
 - of the 45 letters which required a response 69% have been responded to within time.
- Scrutiny Dispatches – the Committee produced a regular summary of the headlines from the work of scrutiny for council and the public, which focussed on impact and how scrutiny is making a difference. It was reported to Council in November and March. Scrutiny Dispatches is used as a mechanism for internal and external communication of activity, and a valuable way to support and shape media coverage in the future. A further report that was planned for May was not produced.
 - Pre-decision Scrutiny – Taking into account strategic impact, public interest, and financial implications, the Committee carries out pre-decision scrutiny, unless delegated to relevant Panels. Five cabinet reports were subject to pre-decision scrutiny:

Report	Cabinet Member	Cabinet Meeting	Undertaken by
Enterprise Resource Planning (ERP) System	Business Transformation & Performance	19 Sep 2019	Committee
Housing Commissioning Review Option Appraisal Report	Homes, Energy & Service Transformation	21 Nov 2019	Committee
Foreshore Sites - Public	Investment,	9 Jan	Committee

Consultation and Procurement Responses Summary and Next Steps.	Regeneration & Tourism	2020	
Annual Budget	Economy & Strategy (Leader)	20 Feb 2020	Service Improvement & Finance Panel
COVID-19 Emergency Surge Hospital	Economy & Strategy (Leader)	27 Apr 2020	Committee

- Call-in of Cabinet decisions – None
- Referrals from Council (or other bodies) – None

Other Reports discussed:

- Housing Commissioning Review Progress
- Annual Corporate Safeguarding Report
- Scrutiny Annual Report for 2018/19 (reported to Council 24 Oct 2019)
- Scrutiny Performance Panel conveners provided progress reports on the work and impact of their Panels

Planned work not covered:

- Crime & Disorder Scrutiny (Safer Swansea Partnership) – Annual (meeting planned for April was cancelled)
- Children & Young People’s Rights Scheme – Annual Report
- Sustainable Swansea Programme – Annual Report

4.2.1 Informal Scrutiny Panels and Working Groups

4.2.2 A number of Scrutiny Panels were established to carry out in-depth inquiries or undertake in-depth monitoring of particular services:

- a) Inquiry Panels: to undertake discrete in-depth inquiries into specific and significant areas of concern on a task and finish basis. These would be significant topics where scrutiny can make a real difference. Inquiry panels are expected to take no longer than six months to complete and would produce a final report at the end of the inquiry with conclusions and recommendations for Cabinet (and other decision-makers), informed by the evidence gathered.

The following Inquiry Panels met over the last year:

Inquiry	Status
Equalities (convener: Cllr Louise Gibbard): How effectively is the Council meeting and embedding the requirements under the Equality Act 2010 (Public Sector Duty for Wales)?	Final report presented to Cabinet on 19 Sep 2019. Cabinet response agreed 21 Nov 2019. Follow up meeting to be arranged.
Procurement (convener: Cllr Chris Holley): What is the Council doing to ensure it procures locally, ethically, and greenly while being cost effective and transparent in its practices?	Pre-inquiry planning meeting held 24 Oct 2019 to agree focus of inquiry. Evidence gathering to be agreed. Work placed on hold due to resources.

Follow up of Previous Scrutiny Inquiries – Inquiry Panels reconvene to follow up on the implementation of agreed recommendations and cabinet action plans, and the impact of their work. A meeting will usually be held around 6-12 months following cabinet decision, with a further follow up arranged if required. The following previous scrutiny inquiries were followed up during the year:

Inquiry	Monitoring Status
Regional Working (convener: Cllr Lyndon Jones)	Complete
Natural Environment (convener: Cllr Peter Jones)	Complete

- b) **Performance Panels:** to provide in-depth monitoring and challenge for clearly defined service areas. Performance Panels are expected to have on-going correspondence with relevant cabinet members in order to share views and recommendations, arising from monitoring activities, about services. Performance Panel conveners provide a regular update to the Committee to enable discussion on key activities and impact.

Aligned to a new corporate priority and following on from the Natural Environment Scrutiny Inquiry, the Committee established an additional Performance Panel to focus on the Council's commitments on the natural environment and biodiversity. This meant that 7 Performance Panels met over the last year (frequency of meetings in brackets), with reduced frequency of the Public Services Board Panel:

Performance Panel	Convener*
Service Improvement & Finance (monthly)	Cllr Chris Holley
Schools (monthly)	Cllr Lyndon Jones
Adult Services (monthly)	Cllr Peter Black
Child & Family Services (every two months)	Cllr Paxton Hood-Williams
Development & Regeneration (every two months)	Cllr Jeff Jones
Natural Environment (quarterly)	Cllr Peter Jones
Public Services Board (<i>multi-agency Panel</i>) (twice yearly)	Chair of SPC (formerly Cllr Mary Jones up to 4 Jun 2020)

* Performance Panels were asked to confirm their convener for the municipal year (with the exception of the Public Services Board Panel whose chairing is fixed)

4.2.3 Working Groups - Although the majority of scrutiny work would be carried out through the Committee and panels, the Committee can also establish informal Working Groups of councillors. This has supported flexible working where it had been agreed that a matter should be carried out outside of the Committee but did not necessitate the establishment of a Panel. This method of working is intended to be light-touch – effectively a one-off focused meeting to consider a specific report or information, resulting in a letter (or report) to the relevant Cabinet Member(s) with views and recommendations.

An additional Performance Panel also meant reduced capacity to support Working Groups. 4 one-off Working Groups were included in the work programme.

1 Working Group meeting took place during the last year to look at the Council's preparedness for Brexit (convener: Cllr Peter Jones).

The other 3 Working Groups were placed on hold due to resources:

- Employee Health & Wellbeing (convener: Cllr Cyril Anderson)
- Road Safety (convener: Cllr Steve Gallagher)
- Digital Inclusion (convener: Cllr Lesley Walton)

4.2.4 Scrutiny of Regional Bodies:

Education through Regional Working (ERW):

Swansea scrutiny is involved in an informal regional scrutiny arrangement with the six councils participating in the 'Education Through Regional Working' (ERW) school improvement consortium. A Scrutiny Councillor Group has been meeting bi-annually since 2016 in order to provide challenge to ERW, coordinate scrutiny work across the region and ensure a consistent approach. The Group decided that it would increase frequency of meetings to quarterly from 2019/20. Swansea is represented by the chair of the Scrutiny Programme Committee and convener of the Schools Performance Panel. Meetings took place in June 2019 (hosted by Pembrokeshire Council), September 2019 (hosted by Ceredigion Council) and January 2020 (hosted by Powys Council). The Group has not met since due to the pandemic. The Swansea Scrutiny Team is providing the support for this group as the Council's contribution to ERW.

The Committee will be aware of changes afoot with regional school improvement arrangements and expected move to a four council partnership (based on the Swansea Bay City Deal footprint) from April 2021. A discussion about scrutiny arrangements will be needed in due course, whether continuation of informal meeting or otherwise.

Swansea Bay City Region City Deal:

The Joint Scrutiny Committee, approved by Council in July 2018, involves three councillor representatives from each of the four Councils involved in the City Deal, meeting to scrutinise the work of the Joint Committee responsible for delivering the City Deal Programme. Swansea's Councillor Representatives are: Jan Curtice, Phil Downing & Jeff Jones. The venue of meetings has been rotated around the four Councils. Although scheduled to meet quarterly meetings, additional meetings have been arranged. Meetings took place in June, September, October, and January. As per Joint Agreement, the Scrutiny Committee is serviced by Neath Port Talbot Council. Again, meetings since January 2020 have been affected by COVID-19.

- 4.2.5 **Appendix 3a** provides a timetable of all scrutiny activities carried out in 2019/20. Lead councillors and officers are also noted within.
- 4.2.6 **Appendix 3b** provides a snapshot of progress with all of the informal Panels and Working Groups established by the Committee and their current position.
- 4.2.7 Although much of the work of scrutiny is carried out by informal panels and working groups these meetings are accessible to the public. Agendas, reports and letters relating to all such scrutiny activities are published, in the same manner as the Committee, on the Council's modern.gov online platform:
<https://democracy.swansea.gov.uk/ieDocHome.aspx?bcr=1&LLL=0>

5. Public Requests for Scrutiny / Public Engagement

- 5.1 In accordance with the Local Government (Wales) Measure 2011 the Scrutiny Programme Committee has a protocol to deal with requests for scrutiny from individual councillors (who are not members of the committee) and/or members of the public.
- 5.2 Also, councillor calls for action (CCfA) specifically enable councillors to refer issues of local importance to an overview and scrutiny committee, however as a means of "last resort" in a broad sense, with issues being raised at a scrutiny committee after other avenues have been explored.
- 5.3 In accordance with these protocols, the chair of the Scrutiny Programme Committee is required to consider any requests received and bring about a proposal about how to deal with these to the committee for consideration.
- 5.4 Summary of activity over the year, to date:
 - One public / councillor request for scrutiny was received relating to Gull Nuisance and dealt with by the Natural Environment Performance Panel

- On five out of eight occasions questions were submitted to the Committee by members of the public for raising during Cabinet Member Q & A Sessions
- 47% of Committee meetings had public observers (eight out of 17 meetings)
- 47% of Committee meeting agendas had some form of public input (this includes questions being asked during Public Question Time at four meetings)
- 59% of Committee meetings generated media coverage (this related to the discussion within meetings on seafront development, CCTV in Swansea, Pension Fund investment in fossil fuel companies, possible development of a solar farm, traffic / safety around schools including air pollution, student property developments in the city, Brexit, pre-decision scrutiny of COVID-19 emergency hospital build, and COVID-19 Council response and recovery)

6. The Scrutiny Experience

- 6.1 At the conclusion of the year's work it is good practice to reflect on achievements and issues that have arisen. Committee members are encouraged to share their views on how their experience has been (positive and negative), and whether there are aspects of practice / process that could be improved.
- 6.2 The following questions may be worth considering:
- What has worked particularly well?
 - What has not worked so well?
 - Has scrutiny focused on the right things?
 - What could be improved about the Committee?
 - What would help you develop as a scrutineer?
- 6.3 A range of relevant statistics about scrutiny activity, covering the last year, are attached as **Appendix 4** to help the Committee consider, to some degree, the performance of scrutiny. For example, councillor attendance at the Committee (not including co-optees) is 74%, across 17 meetings held to date this year.
- 6.4 An informal meeting was held on 24 August that provided opportunity for committee members to reflect on the work of the Committee and work programme and identify any improvement and development issues. A separate report (**see Item 7**) describes some proposals about the focus of the Committee and adjustment to the overall work programme, for Committee agreement.
- 6.5 Based on self-evaluation and reflection, the Committee can consider whether, and what, other action should also be taken to improve scrutiny.

- 6.6 Also attached (**Appendix 5**), as a point of reference, is a recent discussion paper published by the Wales Audit Office called 'Six Steps to Better Scrutiny in Wales' and their six-point checklist to help improve the way decision-makers are held to account. It brings together some common themes and issues identified following their audit work across all 22 authorities during 2018. This sort of document, along with the previously published 'Characteristics of Effective Scrutiny', serve as a useful way to measure the effectiveness of our practice.
- 6.7 A number of scrutiny improvement objectives and action plan was agreed by the Committee in January 2019. This included actions to address the three proposals for improvement made by the Wales Audit Office following its review of the Council's scrutiny arrangements in 2018. The Committee should review and consider progress against the action plan - shown in **Appendix 6**. In doing so, the Committee should consider what the important improvement objectives and issues should be, going forward. The review of the current improvement plan shows only a small number of outstanding actions:
- Development and delivery of a scrutiny training and development programme (as suggested by Wales Audit Office).
 - Developing a method of direct post-meeting evaluation from those attending scrutiny meetings (Cabinet Members, officers, external persons etc.) that will help strengthen our evaluation of the impact and outcomes scrutiny activity.
 - Developing a specific Facebook page for scrutiny that should improve visibility of the work of scrutiny and sharing of stories, and active public engagement.

7. Developing Future Work Programme

- 7.1 Post-Council AGM, a remote work planning conference / consultation event could be arranged for 13 October, in place of the scheduled Committee meeting as has been typical in recent years, subject to no specific business needing to be considered by the Committee on this date. All scrutiny councillors would be invited to participate in this event to gather views on the programme and actual scrutiny topic suggestions. This will help the Committee to consider and identify priorities for scrutiny for the coming year.
- 7.2 It is suggested that given the delayed start to the 2020/21 municipal year, and the time that should be devoted to work planning, the next scrutiny work programme aims to identify activities to take us up to the end of the current Council term (May 2022), not just to the end of the next municipal year (which may only be 6/7 months away). The Committee can keep priorities under constant review and make changes accordingly as and when required.
- 7.3 As well as new topics the Committee will need to consider the continuation of current activities in the future Work Programme because of their importance or because work may be incomplete.

7.4 Carry Over:

- a) The following work will need to be carried over from the current work plan, as it is incomplete:
 - Follow up of Previous Scrutiny Inquiries
 - Equalities
- b) The following topics are outstanding from the current work programme. Taking account of feedback at the Work Planning Conference and new topic suggestions, the Committee will need to decide whether these topics should be retained in the next Work Programme:
 - Procurement (as an Inquiry)
 - Employee Health & Wellbeing (as a Working Group)
 - Road Safety (as a Working Group)
 - Digital Inclusion (as a Working Group)

7.5 Ongoing Activities:

- a) Unless the Committee makes changes, it is assumed that the following work will continue on the terms already agreed:
 - Performance Panels
 - Service Improvement & Finance
 - Schools
 - Adult Services
 - Child & Family Services
 - Development & Regeneration
 - Natural Environment
 - Public Services Board (*multi-agency Panel*)
 - Regional ERW Scrutiny Councillor Group
- b) In addition, the Council has agreed involvement in the Swansea Bay City Region City Deal Joint Scrutiny Committee, which will continue unless otherwise agreed by Council.

7.6 Pre-decision scrutiny – the Committee is invited to consider the available information on future cabinet business and any opportunities for pre-decision scrutiny, taking into account strategic impact, public interest, and financial implications (see Cabinet Forward Plan attached as **Appendix 7**). Any requests will require discussion with relevant Cabinet Member(s) to confirm timescales and window of opportunity for scrutiny involvement. Pre-decision scrutiny enables scrutiny to develop understanding about, and ask questions on, proposed cabinet reports to provide ‘critical friend’ challenge and influence decision-making. This will be carried out by the Committee unless delegated to relevant

Panels as appropriate. This work will need to be scheduled into respective work plans.

7.7 The Committee is invited to share ideas about any other topics that might need to be looked at by scrutiny in future.

7.8 Following a Work Planning Conference in October, the next meeting of the Scrutiny Programme Committee (17 November) would then focus on reflection on feedback from the Conference, and other relevant considerations / views, and agreement of a work programme for 2020/21, and possibly beyond.

8. Scrutiny Annual Report

8.1 The key achievements from the scrutiny work carried out over the past year and its impact will be featured in the Scrutiny Annual Report which will be published in the next few months.

9. Financial Implications

9.1 Any costs that arise out of work plan activities, for example expenses for witnesses or transport costs, are not envisaged to be significant and will be contained within the existing Scrutiny Budget.

10. Legal Implications

10.1 There are no specific legal implications raised by this report.

Background papers: None

Appendices:

Appendix 1: The Agreed Work Programme 2019/20

Appendix 2: Scrutiny Programme Committee - Completed Work Plan 2019/20

Appendix 3a: Work Programme 2019/20 – Timetable of Activity

Appendix 3b: Progress Report – Current Scrutiny Panels and Working Groups

Appendix 4: Scrutiny Performance Data

Appendix 5: Wales Audit Office Publication - 'Six Steps to Better Scrutiny in Wales' and six-point checklist

Appendix 6: Scrutiny Improvement Objectives / Action Plan - Progress

Appendix 7: Cabinet Forward Plan