



Report of the Chair

Scrutiny Programme Committee – 17 November 2020

Scrutiny Work Programme 2020/22

Purpose	This report explains the background and purpose of the scrutiny work programme. The report invites the Committee to consider the scrutiny work programme for the year ahead taking into account feedback from the recent Scrutiny Work Planning Conference.
Content	A proposed work programme is attached, which shows the topics that would be examined by scrutiny through various Panels and Working Groups. A plan for future Committee meetings is also proposed.
Councillors are being asked to	<ul style="list-style-type: none">• agree the Scrutiny Work Programme for 2020/22 (<i>appendix 3</i>), including Inquiry topic, Performance Panel and Working Group topic priorities• agree the proposed Committee work plan (<i>appendix 4</i>)• plan for the Committee meetings ahead• consider the information on future cabinet business and any opportunities for pre-decision scrutiny (<i>appendix 5</i>)
Lead Councillor	Councillor Peter Black, Chair of the Scrutiny Programme Committee
Lead Officer	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 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

1.3 At the same time the Committee must ensure that the work of scrutiny is:

- manageable, realistic and achievable given resources available to support activities
- relevant to council priorities and focused on significant areas
- adding value and having maximum impact
- coordinated and avoids duplication

2. **Methods of Working**

2.1 The work of scrutiny is undertaken primarily in three ways – through the Committee itself and by establishing informal Panels (for in-depth activities) or one-off Working Groups:

- **Formal Committee meetings** – as well as developing and managing the overall work programme and keeping an oversight on all scrutiny activities, the Committee will provide challenge on a broad range of policy and service issues over the course of the year. Matters considered at Committee meetings will typically be ‘one-off’ opportunities for questions, which will result in the Committee communicating findings, views and recommendations for improvement through chairs letters to Cabinet Members, and where appropriate by producing reports.
- **Informal Panels** – Scrutiny Panels are established, with conveners and members appointed by the Committee, to carry out in-depth inquiries or undertake in-depth monitoring of particular services. The use of Panels helps to ensure that scrutiny can be flexible and responsive to issues of concern:
 - 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 will 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.

A pre-inquiry meeting is arranged at the start of any proposed inquiry. Councillors will receive a detailed presentation of the subject matter, with advice from relevant Cabinet Members / officers, and existing research and information available. This will enable the Panel to determine whether an in-depth inquiry is necessary and inform decisions about its focus. If so, the Panel will develop and report appropriate terms of reference (including the key question / line of inquiry, and timescales) to the Committee

for agreement. Alternatively, the Panel may agree that no further work is needed, but can submit opinion and proposals to Cabinet Member(s) as required.

Inquiry Panels will reconvene to follow up on implementation of agreed recommendations and cabinet action plans, and the impact of their work – usually 6-12 months following cabinet decision, with a further follow up arranged if required.

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, holding them to account for service performance. Performance Panel conveners are required to provide the Committee with regular progress reports on the work and impact of their Panels.

- **Informal Working Groups** – Although the majority of scrutiny work is carried out through the Committee and Panels, the Committee can also establish informal Working Groups of councillors. This supports flexible working where a matter should be examined outside of the Committee but does not necessitate the establishment of a Panel. This method of working is intended to be light-touch – effectively a one-off meeting to consider a specific report or information, resulting in a letter to relevant Cabinet Member(s) with views and recommendations, or report to Cabinet as deemed necessary.

2.2 These arrangements help to achieve more focused scrutiny activity and provide flexibility to deal with things in different ways, depending on the issue, and improve impact.

2.3 Non-executive councillors who are not members of the Committee have the opportunity to participate in Panels and other informal task and finish groups. New topics, once agreed, are advertised to all non-executive councillors and expressions of interest sought. The membership of Panels and Working Groups is then determined by the Committee. More than one political group should be represented on each Panel / Working Group. These bodies also need to be of a manageable size in terms of team working and effective questioning. A minimum of 3 members should be present at all meetings.

2.4 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, letters relating to all such scrutiny activities will be 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>

3. Work Planning Conference

3.1 A remote Scrutiny Work Planning Conference took place on 13 October 2020 and was attended by 31 scrutiny councillors, 1 co-opted member, and the Chair of the Audit Committee, who was also invited to participate. The conference papers are attached (**Appendix 1**).

3.2 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 current thinking, and achieving a balance of scrutiny across all Cabinet portfolios.

3.3 A range of perspectives were considered, including:

- Review of last year's work plan
- Corporate priorities & strategic challenges
- Suggestions from councillors and public

3.4 Those present shared views about the work programme and their priorities for the year ahead. A summary of the topics suggested at the conference is attached as **Appendix 2**. Consideration has been given as to how these can be incorporated into the work programme.

3.5 The Committee now needs to discuss and agree the work programme. This should be guided by the overriding principle that the work of scrutiny should be strategic and significant, focussed on issues of concern, and represent a good use of time and resources.

3.6 The Committee should recognise 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 should also consider whether there would be good coverage of scrutiny activity across all cabinet portfolios.

4. Proposed Scrutiny Work Programme 2020/22

4.1 Overall Programme

4.1.1 Taking into account work already committed and feedback from the conference, overall scrutiny work programme proposals are set out in **Appendix 3** for consideration. This also shows topic suggestions that would be more appropriate for referral to Performance Panels or could be looked at by the Committee. This is effectively a plan for the next 18 months, rather than the next year, given the delayed start to the current municipal year.

4.1.2 Prioritisation of scrutiny activities is vital in view of limited scrutiny time and resources. Aligning the amount of scrutiny with available resources helps to sharpen the focus on the quality of scrutiny and impact. The Committee should recognise that a limited number of Panels and

Working Groups can be supported in any given year, keeping a degree of flexibility to adapt to issues that may emerge during the year.

4.1.3. The following paragraphs break down the proposed work programme by specific ways of working.

4.2 Scrutiny Programme Committee:

4.2.1 The proposed Committee work plan for the year ahead is attached as **Appendix 4**.

4.2.2 Following the decision of the Committee in September, the Committee work plan moves away from routine monthly Cabinet Member Q & A sessions to create space to pick up on specific issues of concern for focussed discussion at Committee meetings. The work plan retains a Q & A session with the Leader of the Council, with other Cabinet Members to be called on an 'as and when required' basis. The work plan also now incorporates scrutiny of the Public Services Board. The Committee will also be able to follow up on any recommendations which may have been made to cabinet members by Scrutiny Working Groups.

4.2.3 The Committee work plan will remain under constant review to ensure it is robust and effective. An updated work plan timetable will assist forward planning and help the Committee to manage workload and review progress made. Committee members should review and confirm items for the next and future meetings giving specific consideration to who should attend and confirm expectations so that meetings are always well planned and prepared for, e.g. information required and key questions that the committee wishes to ask. The Committee will have the opportunity to review priorities and introduce issues of concern as and when they arise, e.g. pre-decision scrutiny or call-in which may require extra meetings.

4.2.4 Pre-decision scrutiny – this is carried out by the Committee unless delegated elsewhere. 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 5**). 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.

4.3 Proposed Panel and Working Groups - taking into account feedback from the Work Planning Conference and relevant considerations (e.g. what makes a good work programme and good topic for scrutiny, resources to support activities) the following Panels and Working Groups are proposed.

4.4 Inquiry Panels:

4.4.1 The Committee is asked to agree the continuation of the following in-depth task and finish Inquiry Panel:

1. Procurement

This Panel was placed on hold during the last year due to resources, but can now be re-convened. The Panel was able to hold an initial planning / scoping session and drew up terms of the reference with the following key question:

What is the Council doing to ensure it procures locally, ethically, and greenly while being cost effective and transparent in its practices?

Given the passage of time and impact of the pandemic, the Panel will need to review the terms of reference / key question and update as necessary.

4.4.2 A second possible inquiry topic has been identified that could explore **Anti-Social Behaviour**. This inquiry would follow completion of inquiry into Procurement but until then the topic will remain under review and subject to change depending on emerging issues / changing priorities.

4.4.3 The following previous inquiries will need to be followed up during the course of the year, to monitor implementation of agreed recommendations and assess the impact of this work. The Panel will be reconvened to carry out the follow up:

- **Equalities**

4.5 Performance Panels:

4.5.1 Public Services Board scrutiny will now be carried out by the Committee, instead of a Performance Panel. It is proposed that the other previously established Performance Panels continue but with a change in frequency as shown below.

Performance Panels will enable regular and structured monitoring of performance within these key areas:

1. Service Improvement & Finance (monthly) 2. Education (monthly) 3. Adult Services (every six weeks)	4. Child & Family Services (every six weeks) 5. Development & Regeneration (every two months) 6. Natural Environment (every two months)
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4.5.3 Existing Performance Panels have been asked to confirm their convener for the municipal year and will be reported to the Committee.

4.6 Working Groups:

4.6.1 The following Working Groups are proposed for the year ahead:

1. Workforce 2. Digital Inclusion	3. Bus Services 4. Healthy City
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Reserve List:

- Road Safety
- Active Travel
- Accessibility for the Disabled / Elderly

4.6.2 Working Groups are limited to a single meeting (or two if there are exceptional reasons) in order to have a 'quick' look at an issue. It will typically involve getting information from and having discussion with the relevant Cabinet Member and Director / Head of Service, and where necessary input from others. At the conclusion of the Working Group it will either write to the Cabinet Member with its views and recommendations, or prepare a report for Cabinet decision. Additionally any Working Group could give rise to an inquiry need. If, as a result of discussion and consideration of the issues, the Working Group feel that an in-depth inquiry is necessary it can recommend this to the Committee, with rationale, for consideration. The Committee will need to respond accordingly as and when that happens.

4.6.3 Working Groups will be convened one at a time unless resources allow for more than one topic to be supported. The Committee may wish to indicate a priority order for topics identified. Alternatively, the level of interest received from scrutiny councillors, when advertising this work, could determine priority.

4.7 Regional Scrutiny:

4.7.1 **Education through Regional Working** - Swansea scrutiny is also involved in an informal regional scrutiny arrangement with the six councils participating in the 'Education Through Regional Working' (ERW) school improvement consortium. A Scrutiny Councillors Group exists to provide challenge to ERW, coordinate scrutiny work across the region and ensure a consistent approach. The Swansea Scrutiny Team is providing support for this Group as the Council's contribution to ERW. Swansea is represented by the chair of the Scrutiny Programme Committee and convener of the Education Performance Panel. The next meeting is taking place remotely on 26 November 2020.

4.7.2 **City Deal** – Swansea scrutiny is also involved in the Swansea Bay City Region Joint Scrutiny Committee established during 2018/19. This formal arrangement 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. As per the Joint Committee Agreement, the Committee is serviced by Neath Port Talbot Council.

5. Public Requests for Scrutiny / Councillor Calls for Action

- 5.1 In accordance with the Local Government (Wales) Measure 2011 the Scrutiny Programme Committee has agreed arrangements to deal with requests for scrutiny from individual councillors (who are not members of the committee) and/or members of the public.
- 5.2 Councillors who are not on the Scrutiny Programme Committee who have suggestions for scrutiny during the course of the year should make these known to the chair of the Scrutiny Programme Committee (or Scrutiny Team) for consideration. However a more formal route exists for a Councillor Call for Action (CCfA). CCfAs 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 Members of the public are able to make requests for scrutiny by contacting the Chair or Scrutiny Team in writing detailing the issue of concern, its impact, and suggested action.
- 5.4 In accordance with the agreed protocol for both councillor calls for action and public requests for scrutiny the chair of the Scrutiny Programme Committee will consider any requests received and bring about proposals to deal with these to the committee for consideration.

6. Support

- 6.1 The work of the Committee, Panels and Working Groups will have the dedicated support of a member of the Council's Scrutiny Team. This lead scrutiny officer will assist with work planning and project-manage scrutiny activities and help to ensure that things runs smoothly, for example by:
 - directly supporting meetings
 - contacting and arranging witness sessions
 - carrying out research and arranging evidence gathering
 - liaison with departments, partners and the public
 - carrying out and assisting with any consultation and public engagement exercises
 - helping to keep the work to time
 - capturing and reflecting back the ideas, evidence gathered and any key issues that have been highlighted
 - assisting in the drafting of scrutiny letters and reports
 - promoting work using social media and other methods of communication

- 6.2 The Corporate Management Team and Service Departments are also an essential source of advice and support. Engagement with departments will be important in providing context for areas of work, knowledge about policies and service delivery, and technical expertise.
- 6.3 The Committee acknowledges the current pressures on the Council as it focuses on the impact of the pandemic, response and recovery. COVID-19 has had a significant impact, and may continue to affect resources and normal working across the Council for some time. As such, the Committee will recognise that resource constraints may have an impact on the level of scrutiny activity and delivery of the work programme. Whilst the global health crisis continues, being proportionate and flexible will be important as we work through the programme.

7. Monitoring the Work Programme

- 7.1 A report will be provided to each Committee meeting so that the Committee can maintain an overview of agreed scrutiny activities, monitor progress, and coordinate work as necessary.
- 7.2 In particular the Committee will monitor progress of work undertaken by the informal Panels and Working Groups and findings to ensure that this work is effective and has the required visibility. Performance Panel conveners will be asked to provide on a regular basis updates to enable discussion on key activities and impact.
- 7.3 To ensure awareness and avoidance of any issue of duplication it is beneficial for the Committee to receive information about the work plans of the Council's Policy Development Committees. **Appendix 6** shows available information about these work plans. The Committee will be updated as work plans are confirmed. Any issues regarding possible overlap / duplication will be discussed between the chair of the Scrutiny Programme Committee and relevant Policy Development Committee chair. For the same reason the work plan of the Audit Committee is attached for information as **Appendix 7**.
- 7.4 The work programme will be kept under constant review by the Committee, with changes made as necessary. The Committee will always retain the flexibility to adapt and re-prioritise the work of scrutiny, to ensure the continued relevance of the programme.

8. Next Steps

- 8.1 Subject to the Committee's agreement of a work programme expressions of interest will be sought from scrutiny councillors to participate in new activities. The Committee will then agree membership and appointment of conveners as necessary. Based on the work programme proposals contained within this report, this will mean agreeing membership for:

- 1 Inquiry Panel
 - Procurement (membership was already confirmed during 2019/20 but can be refreshed in case others wish to join the 10 members)
- 4 Working Groups
 - Workforce (this could build upon the Working Group on Employee Health & Wellbeing that was advertised in 2019/20)
 - Digital Inclusion (a Working Group was originally held in March 2017 therefore a convener and members have already been appointed but further interest will be invited)
 - Bus Services
 - Healthy City

8.2 The next scheduled Committee meeting is on Tuesday 15 December. The meeting will focus on scrutiny of the Public Services Board and will enable the Committee to discuss the Public Services Board Annual Report and associated issues. The chair of the Public Services Board, relevant Cabinet lead and lead officer(s) will be invited to report to the Committee. The Committee will need to think about identifying key themes that they wish to focus on and developing questions for this session.

8.3 Following a request made to the Chair, the Committee will also undertake pre-decision scrutiny on a report bound for cabinet on 17 December concerning the Proposed Lease to Mumbles Community Council under the Community Asset Transfer Policy (shown in the Cabinet Forward Plan – appendix 5). It relates to the proposed development of a new Skatepark by the Community Council.

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: Scrutiny Work Planning Conference Papers

Appendix 2: Scrutiny Work Planning Conference Feedback

Appendix 3: Draft Scrutiny Work Programme 2020/22

Appendix 4: Scrutiny Programme Committee - Work Plan 2020/21

Appendix 5: Cabinet Forward Plan

Appendix 6: Policy Development Committee Work Plans 2020/21

Appendix 7: Audit Committee Work Plan 2020/21