



## Report of the Chair

Scrutiny Programme Committee – 18 May 2021

### Annual Scrutiny Work Programme Review 2020/21

<b>Purpose:</b>	Being the last scheduled Committee meeting of the 2020/21 council year, this report is to help councillors: <ul style="list-style-type: none"><li>• look back at the work done this year</li><li>• reflect on the experience</li><li>• look forward to the new council year, and work programme.</li></ul>
<b>Content:</b>	The agreed work programme for 2020/22 is described and reviewed. The work completed by the Committee over the past year is attached together with a summary of the established Scrutiny Panels and Working Groups.
<b>Councillors are being asked to:</b>	<ul style="list-style-type: none"><li>• consider progress, achievements, and the effectiveness of the scrutiny work programme, and scrutiny practice</li><li>• consider how well the Committee has worked this year</li></ul>
<b>Lead Councillor(s):</b>	Councillor Peter Black, Chair of the Scrutiny Programme Committee
<b>Lead Officer(s):</b>	Tracey Meredith, Chief Legal Officer
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#### 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 Although, in November 2020, the Committee agreed a work programme to cover the period until May 2022, it is nevertheless good practice at the end of each council year 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.

1.3 The Committee will recognise that the pandemic has continued to affect the delivery of the work programme, and work of scrutiny.

1.4 The Committee will also note the short length of the 2020/21 municipal year due to the pandemic, covering activities between October 2020 and May 2021. The Council AGM is taking place on 20 May 2021.

## **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 13 October 2020. For the first time the event was held on-line via MS Teams. It was attended by 31 scrutiny councillors (compared to 21 the previous year), 1 co-opted member, and the Chair of the Audit Committee, who was also invited to participate. Given the delayed start to the 2020/21 municipal year it was considered prudent to plan scrutiny work for the next 18 months, taking things up to May 2022.

- 3.3 Those in attendance were asked to think about what topics scrutiny should focus on, 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 the Corporate Management Team)
  - Suggestions from councillors and the public
- 3.5 Those present shared views about the work programme and their priorities for scrutiny. 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 November 2020 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. Taking into account work already committed and feedback from the conference, the agreed work programme for 2020/22 is shown at **Appendix 1**. It also included topic suggestions that were more appropriate for referral to Performance Panels or to be picked up at Committee meetings.
- 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 The following key changes were agreed at the start of the municipal year:

- The Committee work plan moving away from routine monthly Cabinet Member Q & A sessions to a more targeted approach, creating space to pick up on specific issues of concern, and any gaps in the overall programme, for focussed discussion at Committee meetings. There was retention of a Q & A session with the Leader of the Council, with other Cabinet Members to be called on an 'as and when required' basis.
- Incorporating scrutiny of the Public Services Board into the work of the Committee, removing the need for a standalone Performance Panel to carry out this work
- To ensure the Committee incorporates into its work plan specific follow up on any recommendations made to cabinet members by Scrutiny Working Groups.

4.1.3 A report was provided to each meeting 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.

4.1.4 As well as developing and managing the overall work programme and keeping an oversight on all scrutiny activities, a range of service / policy issues have been discussed by the Committee. 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**.

4.1.5 The work can be summarised as follows:

- **Cabinet Member Questioning Sessions**

A session with the Leader of the Council was held in January 2021. This enabled the Committee to hold the Leader to account and explore his work, looking at priorities, actions, achievements and impact. The Committee focussed on COVID-19, Brexit, the Council Budget, Partnership / Regional Working, and City Centre Regeneration.

- **Specific Topics of Focus**

- **COVID-19 Update on Response / Recovery Plan:** Monitoring and challenging Council action in relation to the COVID-19 response and recovery. There was continued discussion on the local impact of the pandemic, dealing with the immediate issues / challenges, as well as short, medium and long term planning, with

the Leader of the Council and members of the Corporate Management Team. The Committee has been focussing on progress with the Council's Recovery and Transformation Plan 'Swansea – Achieving Better Together'.

- **Public Services Board:** The Committee considered the PSB Annual Report 2019/20 and heard about the work, achievements, and performance of the PSB from Cllr. Andrea Lewis (newly-appointed Joint Chair of the PSB), Cllr. Clive Lloyd (former PSB Chair for the period of the annual report), Deputy Chief Fire Officer, Roger Thomas (PSB Vice-Chair), and Adam Hill (Swansea Council Deputy Chief Executive). This was an overview of progress made by the PSB, and the current situation.

- **Active Travel Consultation Process:** Following public request for scrutiny, with concerns about the implementation of active travel schemes and questions about the extent of public consultation carried out, the Committee discussed this matter with the Cabinet Member for Environment Enhancement & Infrastructure Management and with input from lead officers. The session was held to help understand what consultation processes the Council utilises and why; and whether, in light of experience, that could be improved, and any wider learning points for the future.

- **Children & Young People's Rights Scheme:** Since adoption and launch of the Scheme by Cabinet in 2014, the Committee has been reviewing progress each year, supported by the production of an annual report. This scrutiny ensures monitoring and challenge to work undertaken, compliance with the Council's duty to have due regard to the United Nations Convention on the Rights of the Child (UNCRC), the way the CYP Rights Scheme is being implemented and embedded across the Council, and assessing its impact on children and young people. The Committee was provided with a progress report reflecting on period September 2018 – March 2020, as well as a 'bridging' report looking back at last year and impact of the pandemic. This was discussed with the Cabinet Member for Children Services with input from lead officers.

- **Delivery of Homelessness Strategy:** The Committee considered progress with the implementation of the Homelessness Strategy 2018-22, since adoption by Cabinet in November 2018. Consideration of how the new Strategy has delivered improvement to services, advice and support, both in preventing homelessness and dealing with it where it exists; and what impact the pandemic has had. This was discussed with the Cabinet Member for Homes, Energy & Service Transformation with input from lead officers.

- **Crime & Disorder Scrutiny - Safer Swansea Community Safety Partnership:** The Committee is the authority's designated Crime & Disorder Scrutiny Committee. In discharging this role, the Committee is holding its annual session on 18 May focusing on the

performance of the Safer Swansea Partnership, looking at partnership priorities, activities, and impact. Lead representatives from both South Wales Police and the Council, who are involved in the joint-chairing arrangement for the Safer Swansea Partnership Steering Group, will attend to present information and take questions on the work of the Safer Swansea Partnership.

- Chair’s Letters - these are an established way for scrutiny, across all activities, 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, Inquiry Panels and Working Groups, and those by Performance Panels where action required from the Committee, and responses to letters were published within the Scrutiny Programme Committee agenda for discussion.

Response times are monitored and currently (as at 11 May) show that:

- the average response time is 23 days (against target of 21 days)
- of the 20 letters which required a Cabinet Member response 55% have been responded to within time.

- 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. Two cabinet reports were subject to pre-decision scrutiny:

<b>Report</b>	<b>Cabinet Member</b>	<b>Cabinet Meeting</b>	<b>Undertaken by</b>
<b>Proposed Lease to Mumbles Community Council under the Community Asset Transfer Policy</b>	Delivery & Operations Investment, Regeneration & Tourism	21 Jan 2021	Committee
<b>Annual Budget</b>	Economy & Strategy (Leader)	18 Feb 2021	Service Improvement & Finance Panel (with contribution from other Panels)

At the time of writing a third cabinet report is to be examined, by the Service Improvement & Finance Panel:

Development of 71/72 The Kingsway & 69/70 The Kingsway – Business Case (FPR7) – Cabinet Meeting 20 May

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

Other Reports discussed:

- Scrutiny Annual Report for 2019/20 (reported to Council 2 Mar 2021)

- Scrutiny Performance Panel conveners provided progress reports on the work and impact of their Panels

4.1.6 Looking ahead to future Committee meetings, a **DRAFT** Committee work plan is attached for Committee agreement, based on previously identified topics – see **Appendix 3**.

**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.

4.2.3 The following key changes were agreed at the start of the municipal year:

- Changing the frequency of the Adult Services & Child & Family Services Performance Panels, aligning them both to a 6-weekly cycle, reflecting their equal importance.
- Increasing the frequency of the Natural Environment Performance Panel from quarterly to every two months, reflecting the growing seriousness of issues around biodiversity and climate change and their importance.
- Removing the Public Services Board Performance Panel – this work now carried out by the Committee.

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 Panel, carried over from 2019/20, was going to be resumed during the last year but has been delayed due to the pandemic and its impact on resources.

Inquiry	Status
<p><b>Procurement</b> (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?</p>	<p>Pre-inquiry planning meeting originally held 24 Oct 2019 to agree focus of inquiry. Meeting planned for 24 Jun 2021 to review the key question and terms of reference, and agree evidence gathering.</p>

**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
<b>Equalities</b> (convener: Cllr Lyndon Jones)	Follow up meeting held 28 Jan 2021. Further follow up tba Nov 2021

- 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.

Performance Panel	Convener*
<b>Service Improvement &amp; Finance</b> (monthly)	Cllr Chris Holley
<b>Education</b> (monthly)	Cllr Lyndon Jones
<b>Adult Services</b> (6-weekly)	Cllr Susan Jones
<b>Child &amp; Family Services</b> (6-weekly)	Cllr Paxton Hood-Williams
<b>Development &amp; Regeneration</b> (every two months)	Cllr Jeff Jones
<b>Natural Environment</b> (every two months)	Cllr Peter Jones

\* Performance Panels were asked to confirm their convener for the municipal year

Unless the Committee makes changes, it is assumed that the all Performance Panels will continue as already agreed.

- 4.2.4 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 is considered that a matter should be carried out 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 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.

4 one-off Working Groups were included in the work programme.

2 Working Group meetings took place during the last year to look at:

- **Workforce** (convener: Cllr Cyril Anderson) – March 2021
- **Digital Inclusion** (convener: Cllr Lesley Walton) – May 2021



The other 2 Working Groups are being planned for:

- **Bus Services** (convener: Cllr Lyndon Jones) – meeting planned for July 2021
- **Healthy City** (convener: Cllr Mary Jones)

If time and resources allow during the next municipal year, additional Working Groups could be arranged, with reference to the identified reserve list of topics.

#### 4.2.5 Scrutiny of Regional Bodies:

##### **Education through Regional Working (ERW):**

Swansea scrutiny is involved in an informal regional scrutiny arrangement with the four (formerly 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. Meeting frequency was recently increased to quarterly. Swansea is represented by the chair of the Scrutiny Programme Committee and convener of the Education Performance Panel. Chairing is rotated each meeting between the councils. Remote Meetings took place in November 2020 (chaired by Carmarthenshire Council), and March 2021 (chaired by Swansea Council). 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. The Councillor Group will be contributing its views about future scrutiny arrangements that will be necessary to scrutinise the new regional body, whether through an informal or formal mechanism. The next meeting is planned for 28 June 2021.

##### **Swansea Bay City Region City Deal:**

The Swansea Bay City Region 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. Although originally scheduled to meet quarterly meetings, additional meetings are being arranged as required. Remote Meetings took place in October 2020 and February 2021. As per Joint Agreement, the Scrutiny Committee is serviced by Neath Port Talbot Council. The next meeting is planned for 25 May 2021.

#### 4.2.6 **Appendix 4a** provides a timetable of all scrutiny activities carried out in 2020/21. Lead councillors and officers are also noted within.

4.2.7 **Appendix 4b** provides a snapshot of progress with all of the informal Panels and Working Groups established by the Committee and their current position.

4.2.8 Although a work programme has been agreed, with activities identified to take things up to the end of the current Council term (May 2022), the Committee can keep priorities under constant review and make changes accordingly as and when required. The Committee will always retain the flexibility to adapt and re-prioritise the work of scrutiny, to ensure the continued relevance of the programme. Whilst the pandemic continues and may affect resources and normal working across the Council this may have an impact on scrutiny activity and delivery of the work programme. Being proportionate and flexible will be important as we work through the programme.

4.2.9 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 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. 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.

4.2.10 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 Active Travel Consultation Process and was dealt with by the Committee.
- On two out of six occasions, questions were submitted by members of the public to the Committee, as part of Public Question Time, with some of these people speaking at the meeting.
- As video of remote Committee meetings are published on-line we can see on average meetings are generating around 40-50 views.
- 66% of Committee meeting agendas included some form of public input (this includes questions being asked during Public Question Time at two meetings)
- 33% of Committee meetings generated media coverage (this related to the discussion within meetings on the transfer of land on Swansea seafront for a new skate park, and Active Travel)

## 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 6** to help the Committee consider, to some degree, the performance of scrutiny. For example, councillor attendance at the Committee (not including co-optees) is 90% (up from 74% during 2019/20), across seven meetings held to date this year.

6.4 Committee members are encouraged to reflect on the work of the Committee and work programme, and identify any improvement and development issues. Based on self-evaluation and reflection, the Committee can consider whether, and what, action should be taken to improve scrutiny.

6.5 Committee members will be aware that a number of scrutiny improvement objectives and action plan were 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 has regularly reviewed and considered progress against the action plan, last in September 2020. The review of the current improvement plan showed only a small number of outstanding actions:

- Development and delivery of a scrutiny training and development programme (as suggested by Wales Audit Office) – this will be arranged post-May 2022 for the new Council.
- 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 – this will be developed in the next few months.
- Developing a specific Facebook page for scrutiny that should improve visibility of the work of scrutiny and sharing of stories, and active public engagement – this will be progressed during the next year.

## **7. Scrutiny Annual Report**

7.1 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.

## **8. Financial Implications**

8.1 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.

## **9. Legal Implications**

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

**Background papers:** None

### **Appendices:**

Appendix 1: The Agreed Work Programme 2020/22

Appendix 2: Scrutiny Programme Committee - Completed Work Plan 2020/21

Appendix 3: Scrutiny Programme Committee - DRAFT Work Plan 2021/22

Appendix 4a: Work Programme 2020/21 – Timetable of Activity

Appendix 4b: Progress Report – Current Scrutiny Panels and Working Groups

Appendix 5: Cabinet Forward Plan

Appendix 6: Scrutiny Performance Data