



Report of the Chair of the Scrutiny Programme Committee

Scrutiny Programme Committee – 18 July 2023

Scrutiny Work Programme 2023/24

Purpose	This report explains the background and purpose of the Scrutiny Work Programme. The report invites the Committee to consider and agree 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 2023/24 (<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 Roach

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
- adding value and having maximum impact
- coordinated and avoids duplication

2. **Methods of Working**

2.1 The work of Scrutiny in Swansea 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 ‘Chair’s 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 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 the 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 Scrutiny Work Planning Conference took place on 13 June 2023 and was attended by 21 Scrutiny Councillors, one of the Statutory Education Scrutiny co-opted members, and the Chair of the Governance & Audit Committee. The Conference papers are attached (**Appendix 1**).
- 3.2 Those in attendance were provided with good practice advice in relation to work planning and were asked to think about what topics Scrutiny should focus on in the year ahead, considering whether anything important was missing from the previous Programme, and achieving a balance of Scrutiny across all Cabinet portfolios.
- 3.3 A range of perspectives were considered, including:
- Review of last year's Programme
 - Council priorities & strategic challenges (provided by Martin Nicholls – Chief Executive)
 - Topic suggestions already submitted and issues in the media
- 3.4 Those present shared views about the work programme and their priorities for the year ahead. A summary of the topics raised during discussion 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, where Scrutiny can make a difference.
- 3.6 The Committee should recognise the importance of aligning Scrutiny work 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 2023/24

4.1 Overall Programme

4.1.1 Taking into account work already committed and feedback from the Conference, overall Scrutiny Work Programme proposals for the year ahead are set out in **Appendix 3** for consideration. It shows the proposed Inquiry Panel and Working Groups that would be established for the year ahead. It also shows arrangements for Performance Panels (including some of the topics which should be considered within their work plans), and topics which the Committee itself would lead on. NB – each Performance Panel will have its own work plan, developed by the Convener / Members and agreed by the Panel. The Work Programme document also shows the coverage of topics across Cabinet portfolios and links to Council priorities (Corporate Well-being Objectives), as these are important considerations.

4.1.2 Prioritisation of Scrutiny activities is vital in view of limited 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 As well as keeping an oversight on all Scrutiny activities, the Committee plan covers a broad range of policy and service topics and aims to ensure coverage of Scrutiny across all Cabinet portfolios and address any gaps in the overall Work Programme. In addition to a structured Q & A session with the Leader of the Council, other Cabinet Members can be called on an 'as and when required' basis to discuss issues of concern relating to specific Portfolio Responsibilities, for focussed discussion at Committee meetings. The Committee is also the designated Council Committee for Scrutiny of Swansea Public Services Board, and Crime & Disorder Scrutiny. It will also monitor priority areas such as Tackling Poverty and Corporate Safeguarding, 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 always review and confirm items for the next and future meetings considering 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 **Anti-Social Behaviour** Inquiry which commenced during 2022/23 will need to be completed. It is expected to report in September / October.

4.4.2 The Committee is asked to agree the establishment of the following in-depth task and finish Inquiry Panel, which would commence after the Anti-Social Behaviour Inquiry has been completed:

- **Community Assets**

Once membership and a convener have been appointed the Panel's first task will be to hold an initial planning / scoping session, with briefing on the issue, to then draw up terms of reference and key question to be explored. It could potentially focus on how effective the process of Community Asset Transfer has been and benefits, looking at relevant examples such as Parks & Community Centres, and lessons. Once the planning stage is complete, the inquiry will be evidence gathering, with the last stage being to develop the final report.

4.4.3 The following previous Inquiry will need to be followed up during 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:

- **Procurement** (meeting planned for 24 Oct)

4.5 Performance Panels:

4.5.1 There will be a reduction in the number of Performance Panels previously established (from six to five). It is proposed to merge the Service Improvement & Finance Panel and the Development & Regeneration Panel, to form a new Service Improvement, Regeneration & Finance Panel which will meet monthly. To enable a manageable Panel work plan some items previously considered by the Panel(s) will be picked up by the Committee. This change will create some flexibility / additional capacity in the Programme, e.g., potential for more one-off Working Groups.

4.5.2 Performance Panels will enable regular and structured monitoring of performance within these key areas (frequency of meetings in brackets):

Performance Panel
1. Service Improvement, Regeneration & Finance (monthly)
2. Education (monthly)
3. Adult Services (every six weeks)
4. Child & Family Services (every six weeks)
5. Climate Change & Nature (every two months)

4.5.3 Performance Panel meetings will meet on an on-going basis during the Council term until otherwise agreed by the Committee. Performance Panels are invited to re-confirm its Convener at the first meeting of each municipal year, except for the year of a Council election.

4.6 Working Groups:

4.6.1 Initial Working Group topics have been identified, with others to follow depending on progress in delivering these during the year ahead. The following Working Groups are proposed for the year ahead:

- **Customer Contact**
- **Public Rights of Way**
- **Community Growing**

Reserve List:

- Public Engagement
- Healthy City

4.6.2 Working Groups are typically limited to a single meeting in order to have a 'quick' look at an issue. It will usually involve getting information from and having discussion with the relevant Cabinet Member and Director / Head of Service, and where necessary input from others. There is capacity however, if deemed necessary, to convene further meeting(s) before it can conclude.

4.6.3 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.

4.6.4 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 revise the priority order for topics identified. Alternatively, the level of interest received from Scrutiny Councillors, when advertising this work, could influence priority.

4.7 Joint / Regional Scrutiny:

4.7.1 **Partneriaeth** - A Joint Scrutiny Councillor Group, comprising of Education Scrutiny Chairs and Vice Chairs, or equivalent from Swansea, Carmarthenshire, and Pembrokeshire Councils, will scrutinise the work of the new regional Education Partnership which will support the delivery of school improvement, and ensure greater public accountability over decisions made. Scrutiny will seek reassurance and consider if the Partnership is operating according to the Joint Committee Agreement, and its Business Plan, and is being managed effectively. The Partneriaeth Joint Committee, comprises the Leaders of the three Councils, as the strategic decision-making body. The Swansea Scrutiny Team provide the organisational support for the Scrutiny of Partneriaeth. For Swansea, the Chair of the Scrutiny Programme Committee, and Convener of the Education Performance Panel attend meetings of the Joint Scrutiny Councillor Group.

4.7.2 **Swansea Bay City Region City Deal** – Swansea Scrutiny is also involved in the Swansea Bay City Region Joint Scrutiny Committee, approved by Council in July 2018. This arrangement involves three Councillor representatives from each of the four Councils involved in the City Region, meeting to scrutinise the work of the Joint Committee responsible for delivering the City Deal programme. As per the Joint Committee Agreement, the Scrutiny Committee is serviced by Neath

Port Talbot Council. Swansea Scrutiny Councillor representatives are currently: Jan Curtice, Victoria Holland & Chris Holley.

4.7.3 South West Wales Corporate Joint Committee – Following establishment of the Corporate Joint Committee (CJC), which involves Swansea, Neath Port Talbot, Carmarthenshire and Pembrokeshire Councils, as well as Brecon Beacons and the Pembrokeshire Coast National Park Authorities, a CJC Overview & Scrutiny Sub-Committee consisting of three elected members from each Council which will meet at least quarterly. The Joint Overview & Scrutiny Committee, which is serviced by Neath Port Talbot Council, will scrutinise the decisions / actions of the CJC as it discharges its functions and performance in relation to policy objectives and targets. The CJC will exercise functions relating to strategic land use planning, regional transport planning and the exercise of economic well-being powers. Swansea Scrutiny Councillor representatives are currently: Peter Black, Wendy Lewis & Mike White.

4.7.4 The Scrutiny Programme Committee will need to ensure that there is no duplication between local and regional Scrutiny. A regular update on regional Scrutiny activity will be provided to Committee members to ensure awareness. Regional Scrutiny arrangements will not, however, preclude Councillors within constituent Councils discussing the impact of the regional body on their Council and locality, and holding Cabinet Members to account for their involvement / Council's involvement and engagement in regional bodies, and relevant local decision-making.

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 year should make these known to the Chair of the Scrutiny Programme Committee (and/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. This can be via the Council's website: www.swansea.gov.uk/raiseanissuetoscrutiny or email to scrutiny@swansea.gov.uk.

- 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 where necessary 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 run smoothly, for example by:

- directly supporting meetings
- liaison with Cabinet Members, departments, partners and the public
- contacting and arranging witness sessions
- carrying out research and arranging evidence gathering
- 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 should recognise that resource constraints may have an impact on Scrutiny activity and delivery of the Work Programme. Being focussed, 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 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 relevant Council bodies. The work plan of the Governance & Audit Committee is attached for information as **Appendix 6**. Information about the work plans of the Council's new Service Transformation Committees is also attached as **Appendix 7**. Any issues regarding possible overlap / duplication will be discussed between the Chair of the Scrutiny Programme Committee and relevant Chairs.

7.4 The Scrutiny 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 in response to changing circumstances and/or urgent issues which may arise in-year, 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 activities. The Committee will then agree membership and appointment of conveners as necessary.

8.2 The next scheduled Committee meeting is on Tuesday 19 September. As part of Committee sessions looking at Cabinet Member Portfolio Responsibilities, arrangements are being made for the Committee to focus on 'Active Travel' for this meeting, with Councillor Andrew Stevens and relevant officers, enabling questions and discussion. Arrangements are also being made for continued Scrutiny of Swansea Public Services Board at this meeting (last session was held in February). The Committee should think about the key themes that they wish to focus on and develop questions for this session.

8.3 The business in the proposed Committee work plan is set out tentatively against future Committee dates. Dates indicated for specific topic are subject to change dependent on the availability of lead Cabinet Member(s) / Officer(s) and other relevant considerations. An updated Committee work plan will be reported to each meeting.

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

11.1 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 2023/24

Appendix 4: Draft Scrutiny Programme Committee Work Plan 2023/24

Appendix 5: Cabinet Forward Plan

Appendix 6: Governance & Audit Committee Work Plan 2023/24

Appendix 7: Service Transformation Committee Work Plans 2023/24