



## Report of the Chair

Scrutiny Programme Committee – 13 May 2019

### Annual Work Programme Review 2018/19

<b>Purpose:</b>	<p>The Annual Meeting of Council has recently been moved to 9 May. Although technically this now becomes the first meeting of a new municipal year this would have been the last scheduled meeting of the Committee of the 2018/19 council year. This report is to help councillors:</p> <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>	<p>The work programme for 2018/19 is described and reviewed. The work completed by the Committee is attached together with a summary of the established Scrutiny Panels and Working Groups.</p>
<b>Councillors are being asked to:</b>	<ul style="list-style-type: none"><li>• consider the effectiveness of the scrutiny work programme and practice</li><li>• consider how well the Committee has worked this year</li><li>• start thinking about the new work programme for 2019/20</li></ul>
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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 A 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.

## **2. Scrutiny Arrangements**

- 2.1 The broad aim of the scrutiny function is to:

- help improve services
- provide an effective challenge to the executive
- engage members in the development of policies, strategies and plans
- engage the public

- 2.2 The council's 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 11 June and was attended by 20 scrutiny councillors, and 2 co-opted members.

- 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 programme
- The Council's corporate priorities & strategic challenges (provided by Phil Roberts – Chief Executive)
- Suggestions from councillors, staff, and public gathered from annual scrutiny surveys

3.5 Those present shared views about the work programme and 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 2018 i.e. the topics that should be examined through various panels and working groups as well as a plan for future committee meetings. The agreed work programme for 2018/19 is attached as **Appendix 1**.

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 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 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. 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 all 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.

- Crime & Disorder Scrutiny

The Scrutiny Programme Committee is designated as the Council's Crime & Disorder Committee under the Police & Justice Act 2006. The Committee met with Police and Council leads about the Safer Swansea Partnership to discuss progress on Safer Swansea Partnership Performance with questioning on plans, performance, and challenges.

- 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
Regional Working	21 Jun 2018	16 Aug 2018	11	0	0
Natural Environment	21 Mar 2019	awaited			

- 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 where required action from the Committee, and responses were published within the Scrutiny Programme Committee agenda for discussion.

Response times are being monitored and currently (as at 3 May) show that:

- the average response time is 20 days (against target of 21 days)
  - of the 33 letters which required a response 67% 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 February. Scrutiny Dispatches is used as a mechanism for internal and external communication of activity, and valuable way to support and shape media coverage in the future.
  - 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. Eight cabinet reports were subject to pre-decision scrutiny:

<b>Report</b>	<b>Cabinet Member</b>	<b>Cabinet Meeting</b>	<b>Undertaken by</b>
More Homes Parc Yr Helyg Site Options Appraisal	Homes & Energy	21 Jun 2018	Committee
Cultural Services Commissioning Review	Investment, Regeneration & Tourism	21 Jun 2018	Service Improvement & Finance Panel
The Future Structure and Delivery of the Ethnic Minority Achievement Unit	Education Improvement, Learning & Skills	19 Jul 2018	Schools Panel
Outcome of Residential Care & Day Services for Older People Consultation	Care, Health & Ageing Well	20 Sep 2018	Adult Services Panel
Homelessness Strategy and Action Plan 2018-2022	Homes & Energy	15 Nov 2018	Committee
Swansea Central Phase 1 Project Update and FPR7	Economy & Strategy (Leader)	29 Nov 2018	Service Improvement & Finance Panel
Small School Review & School Organisation Linked to the Welsh Education Strategic Plan	Education Improvement, Learning & Skills	20 Dec 2018	Schools Panel
Budget	Economy & Strategy (Leader)	14 Feb 2019	Service Improvement & Finance Panel

- Call-in – since the adoption of a new Call-in process by Council in July 2018, 1 cabinet report has been subject to call-in:

Report	Cabinet Member	Cabinet Meeting	Undertaken by
21st Century Schools Programme - New Build For Gorseinon Primary School	Homes & Energy	21 Jun 2018	Committee

- Referrals from Council (or other bodies) – None

Other Reports discussed:

- Scrutiny Improvement & Development Objectives
- Swansea Bay City Deal Joint Scrutiny Committee
- Wales Audit Office Report – Overview & Scrutiny: Fit for the Future?
- Consultation on Draft Homelessness Strategy and Action Plan 2018-2022
- Annual Corporate Safeguarding Report
- Scrutiny Annual Report for 2017/18 (reported to Council 25 Oct 2018)
- Children & Young People’s Rights Scheme – Compliance & Progress
- Wales Audit Office Reports to Scrutiny
- Sustainable Swansea: Commissioning Reviews - Annual Post Implementation Update
- Scrutiny Improvement Action Plan (Wales Audit Office Report – Overview & Scrutiny: Fit for the Future? & Improvement Objectives)
- Scrutiny Performance Panel conveners provided progress reports on the work and impact of their Panels.

#### 4.2.1 Informal Scrutiny Panels and Working Groups

4.2.2 A number of Scrutiny Panels were 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 ensured that scrutiny was both 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 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:

<b>Inquiry</b>	<b>Status</b>
Natural Environment (convener: Cllr Peter Jones): What should Swansea Council be doing to maintain, enhance and promote its natural environment and biodiversity, and in doing so promote the resilience of eco-systems?	Final Report presented to Cabinet on 21 March 2019 Cabinet response awaited – expected June 2019
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 stage – expected July 2019

**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:

<b>Inquiry</b>	<b>Monitoring Status</b>
Child & Adolescent Mental Health Services (convener: Cllr Mary Jones)	Complete
Tackling Poverty (convener: Cllr Sybil Crouch)	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.

Six Performance Panels have been established and met over the last year (frequency of meetings in brackets):

<b>Performance Panel</b>	<b>Convener</b>
Service Improvement & Finance (monthly)	Cllr Chris Holley
Schools (monthly)	Cllr Mo Sykes
Adult Services (monthly)	Cllr Peter Black
Child & Family Services (every two months)	Cllr Paxton Hood-Williams
Development & Regeneration (every two months)	Cllr Jeff Jones

Public Services Board ( <i>multi-agency Panel</i> ) (quarterly)	Chair of SPC (Cllr Mary Jones)
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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.

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

<b>Working Group</b>	<b>Convener</b>
Homelessness (carried over from 2017/18)	Cllr Peter Black
Community Cohesion & Hate Crime (carried over from 2017/18)	Cllr Louise Gibbard
Air & Noise Pollution	Cllr Joe Hale
Welfare Reform	Cllr Louise Gibbard
Environmental Enforcement	Cllr Jeff Jones
Local Flood Risk Management (meets annually)	Cllr Peter Jones
Anti-Social Behaviour	Cllr Terry Hennegan
Tourism	Cllr Peter Jones

#### 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 and coordinate scrutiny work across the region to ensure a consistent approach. Swansea is represented by the chair of the Scrutiny Programme Committee and convener of the Schools Performance Panel. Meetings took place in September 2018 (hosted by Neath Port Talbot Council) and January & March 2019 (hosted by Swansea Council). The Swansea Scrutiny Team is providing the support for this group as the Council's contribution to ERW.



## Swansea Bay City Region City Deal:

A Joint Scrutiny Committee was established earlier this year – approved by Council in July 2018 - which 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 November, January, March, and April. As per Joint Agreement, the Committee is serviced by Neath Port Talbot Council.

- 4.2.5 **Appendix 3a** provides a timetable of all scrutiny activities carried out in 2018/19. 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:
- no public / councillor requests for scrutiny were received
  - on two out of ten occasions questions were submitted to the Committee for raising during Cabinet Member Q & A Sessions.
  - 50% of Committee meetings had public observers (seven out of 14 meetings)
  - 43% of Committee meeting agendas have had some form of public input (this includes questions being asked during Public Question Time at two meetings)
  - 50% of Committee meetings generated media coverage (this related to the pre-decision scrutiny of More Homes Parc Yr Helyg Site Options Appraisal; a number of Cabinet Member Q & As; Call-in of New Build for Gorseinon Primary School, and Crime & Disorder Scrutiny)

## 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, is attached as **Appendix 4** to help the Committee consider, to some degree, the performance of scrutiny. Member attendance at the Committee (not including co-optees) is 78%, equivalent to at least 10 out of 13 Councillors being present across the 14 meetings held, to date, this year.

6.4 An Improvement & Development Workshop was held on 2 May to provide committee members with time to reflect on the past year and experience, and discuss any improvement and development issues, including scrutiny practice / process. Views from councillors not on the Committee were also invited ahead of the workshop so that any views could be considered.

Members reflected positively on:

- Inquiry Panels - well supported and work well, allow a lot of ground to be covered, high level of external / public engagement (leading to more vibrant scrutiny), and produces results
- Performance Panels – the bedrock of the scrutiny work programme, allowing time and space to explore performance in some detail
- The support provided officers in the Scrutiny Team.

The main points arising from the workshop discussion are summarised, as follows:

- Desire for a further Scrutiny Performance Panel to be established with focus on 'Natural Environment' to improve scrutiny alignment with Council priorities / Corporate Plan and monitor the delivery of the Council's commitments around natural environment & biodiversity. Members recognised the need to create capacity within the work programme for this, e.g. reducing frequency of 1 or more other Performance Panels and reducing the quantity of Working Groups, so that the work of scrutiny can be supported.
- Schools Performance Panel – possible re-naming, as the Education Performance Panel.
- Performance Panels being asked by the Committee to take responsibility for the appointment of their convener.
- Future appointment of ad hoc conveners - ensuring that all political groups have opportunities and are engaged, but take into account wishes of minority party councillors. The Committee should reflect on existing 'balance' of conveners to help inform future appointments.
- Cabinet Member Q & A Sessions – better to identify 1 or 2 key issues to explore with Cabinet Members in a bit more depth at future sessions, more than an overall look at portfolio responsibilities.
- Budget scrutiny – need to improve on current process and so there is more time / better opportunity to review and comment – part of bigger picture to improve pre-decision scrutiny, and have early engagement in cabinet decisions, with a clear scrutiny stage.
- Working Groups – need to think carefully about future topics that can be reasonably delivered in one-meeting, or have fewer topics that could be a bit more involved.
- Need to always ensure scrutiny is holding the executive to account – and ensure Cabinet Members are being called to meetings, rather than reliance on officers to present information / answer questions.
- Resources – must be priority on resources for scrutiny to do its job
- Need more corporate support to improve public engagement in scrutiny
- Council Chamber – not ideal venue for scrutiny meetings.
- Some councillors find it difficult to participate in scrutiny because of time commitment necessary.

- 6.5 Based on the self-evaluation and reflection, the Committee should consider whether, and what, action should be taken.
- 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 over the past year. 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. 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 last year. Progress against the action plan is shown in **Appendix 6**.

## **7. Developing the Work Programme for 2019/20**

7.1 A Work Planning Conference will take place on 10 June (in place of the scheduled Committee meeting) that will help the Committee to consider and identify priorities for scrutiny for the coming year. All scrutiny councillors will be invited to participate in this. As well as new topics the Committee will need to consider the continuation of current activities in the Work Programme for 2019/20 because of their importance or because work may be incomplete.

7.2 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
  - Regional Working (October 2019)
  - Natural Environment (Feb – Apr 2020)

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 Work Programme for 2019/20:

- Community Regeneration (possible Inquiry)
- Residents Parking (Working Group)
- Digital Inclusion (Working Group)
- Archives (Working Group)

c) Similarly the following topics were placed in a reserve list of Working Groups:

- Culture & Heritage
- Tenant Participation
- Co-production
- Procurement

### 7.3 Ongoing Activities:

a) Unless the Committee makes changes, the following work will continue on the terms already agreed:

- Performance Panels
  - Service Improvement & Finance
  - Schools
  - Adult Services
  - Child & Family Services
  - Development & Regeneration
  - Public Services Board (*multi-agency Panel*)
- Working Groups
  - Local Flood Risk Management (*the Committee has previously agreed that this Working Group should meet annually to review flood risk plans*)
- 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.

7.4 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.

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

7.6 Following the Work Planning Conference on 10 June, the next meeting of the Scrutiny Programme Committee is expected to be 8 July 2019. At the July meeting the Committee will reflect on feedback from the Conference, and other relevant considerations, and agree the work programme for 2019/20.

## **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 2018/19

Appendix 2: Scrutiny Programme Committee - Completed Work Plan 2018/19

Appendix 3a: Work Programme 2018-19 – 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