



Report of the Chair

Scrutiny Programme Committee – 19 July 2022

Role of the Scrutiny Programme Committee

Purpose:	Being the first meeting of the municipal year (and Council term), to ensure understanding about the role of the Scrutiny Programme Committee and discuss effective working.
Content:	This report provides a description of the Council's Overview and Scrutiny arrangements. The Terms of Reference of the Scrutiny Programme Committee are attached.
Councillors are being asked to:	<ul style="list-style-type: none">• Discuss the role of the Committee and effective working as required.• Renew the Committee's co-option of Scrutiny Performance Panel convenors, where not already members of the Committee.• Renew the co-option of partner organisations to enable representatives to participate in the Committee's on-going Scrutiny of Swansea Public Services Board.
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
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 The main aim of scrutiny is to act as a 'critical friend' to the Cabinet and other decision makers to promote better services, policies and decisions. Councillors involved in scrutiny will hold the Council's executive to account and examine the work of Council departments, as well as other public services.

- 1.2 The Scrutiny Programme Committee (first established in October 2012) is the Council's single Overview & Scrutiny Committee and is responsible for managing all scrutiny activity within the Authority through a single work plan.
- 1.3 Although the Committee itself undertakes certain work, detailed scrutiny of specific topics is carried out, where necessary, with the Committee establishing informal Inquiry and Performance Panels (for in-depth activities) or one-off Working Group meetings. This provides for greater flexibility within the Scrutiny Work Programme and engagement of all non-executive councillors in the scrutiny process, regardless of committee membership, and participation in topics that match their areas of interest.
- 1.4 Any Panel / Working Group topics that are agreed by the Committee are advertised to all non-executive councillors and expressions of interest sought. The membership of Panels / Working Groups, as well as a lead councillor for this work (known as 'convener'), will then be determined by the Committee, or as otherwise agreed by the Committee (see para. 4.3 regarding appointment of Performance Panel conveners).
- 1.5 In conjunction with the Committee, the Chair of the Scrutiny Programme Committee maintains overall responsibility for agreed scrutiny activities, monitoring such activities and outcomes to ensure that the work programme is being delivered effectively, and in accordance with any timetable set out.

2. Role of the Scrutiny Programme Committee

- 2.1 The role of this Committee in general is to:
 - establish and manage the informal Scrutiny Panels and Working Groups to undertake the detailed work of scrutiny – these to be open to all back bench councillors
 - appoint 'Scrutiny Conveners' to chair the various Scrutiny Panels / Working Groups
 - manage the Scrutiny Work Programme and monitor outcomes
 - hold Cabinet Members to account in a formal public setting
 - meet the Council's statutory responsibilities for Overview and Scrutiny, including performing the Crime and Disorder Scrutiny function, and Scrutiny of the Public Services Board
 - coordinate pre-decision scrutiny and call-in of Cabinet reports
 - respond to urgent issues and referrals from Council
 - undertake any scrutiny not delegated to a Panel / Working Group
 - agree any Scrutiny Inquiry reports that make recommendations to Cabinet, Council and other bodies

2.2 Terms of Reference, as contained within the Council Constitution, are attached at **Appendix 1** for information and awareness.

3. Membership

3.1 In addition to the 13 councillors, the Committee includes in its membership a place for four statutory education scrutiny representatives. This is in accordance with the Parent Governors Representatives and Church Representatives (Wales) Regulations 2001.

3.2 This is to enable the involvement of parent governors (1 x primary and 1 x secondary) and church representatives (where there are faith schools managed by the authority) in the scrutiny of education matters, with voting rights. They will also be entitled to sit on any relevant Panels and Working Groups focusing on education issues. If the Committee deals with matters which do not relate wholly or in part to any education functions then the co-opted Members shall not vote on those other matters though they may stay in the meeting and speak.

3.3 The statutory education scrutiny representatives (appointed on a 4-year term in May 2022) currently are:

- Beth Allender (Primary Parent Governor - Ysgol Gynradd Gymraeg Tirdeunaw)
- Dr. Elizabeth Lee (Secondary Parent Governor - Gowerton School)
- Vacancy* (Church in Wales)
- Vacancy* (Catholic Church)

*invitation to participate in scrutiny is regularly sent to the local Church organisations

4. Scrutiny Conveners

4.1 The Scrutiny Programme Committee has the power to appoint scrutiny conveners to lead specific activities (Panels and/or other informal Working Groups) who would then be responsible for:

- convening (or chairing) meetings of the relevant Panel / Working Group to provide leadership
- effective meeting management to ensure that work is undertaken and completed as directed by the Scrutiny Programme Committee and any agreed terms of reference
- reporting back to the Committee with findings, conclusions and recommendations as appropriate

A role description for conveners is attached for information at **Appendix 2** (taken from 'New Scrutiny Arrangements' Council Report – 18 October 2012)

- 4.2 The Committee may appoint conveners from outside of the membership of the Committee, who would be invited to provide updates and/or present final reports to the Committee on the work of the Panels / Working Groups.
- 4.3 For Performance Panels, which are effectively meeting on an on-going basis, the Committee has previously agreed that Panels should be asked to appoint / confirm its convener at the start of each municipal year, except in the year of a Council election, when it would be prudent for the Committee to do so.
- 4.4 The Committee has also agreed the principle that Performance Panels conveners should be co-opted (in a non-voting capacity) to enable their attendance and participation at Committee meetings, where there are conveners not already members of the Committee. The involvement of Performance Panel conveners at the Committee is important because they will have knowledge and expertise about specific services and can add value to the work of Committee particularly when those areas may be discussed. Co-option also enables better co-ordination between the work of the Committee and Performance Panels. The formal co-option of Performance Panel conveners, whoever is appointed, needs to be confirmed by the Committee each year.
- 4.5 Councillors who are appointed as conveners will be responsible for ensuring that Panels are operating effectively. If there are any issues with regard to membership (e.g., attendance / representation of different political groups) these should be raised with the chair of the Scrutiny Programme Committee. The Chair of the Scrutiny Programme Committee will consult informally with group leaders in the first instance and then, if necessary, raise the issue as an item for the Scrutiny Programme Committee to consider.

5. Public Services Board Scrutiny

- 5.1 The Committee is expected to carry out scrutiny of Swansea Public Services Board (PSB). The Committee is asked to renew the co-option of the following partner organisations, so that non-executive partner representatives, who they nominate, can continue to participate in any future Committee sessions, on the scrutiny of the Public Services Board. This would enable contribution to the PSB scrutiny from:
- Swansea Bay University Health Board (Non-executive Board Member)
 - SCVS (non-executive Management Committee Member)
 - Mid & West Wales Fire & Rescue (Member of the Performance, Audit and Scrutiny Committee)
 - Member of the South Wales Police and Crime Panel
 - Natural Resources Wales (Non-executive Board Member)
 - Probation Service (non-executive)

6. Effective Working

6.1 The Committee is encouraged to consider how it can work more effectively, for example in its preparation for meetings, and think about its approach to issues including the following:

- Developing Questions and Questioning Strategy
- Use of short Pre-meetings / Post meetings
- Team / Inclusive Working and Communication
- Decorum at meetings
- Meeting times / length
- Any other practical considerations

7. Review of Council Constitution

7.1 The Council Constitution is subject to annual review and good governance requires that each Head of Service look at relevant elements of the Constitution to check that they are up to date and consider whether any changes are necessary. The Scrutiny Team Leader will review all elements of the Constitution relating to scrutiny (including Scrutiny Procedure Rules) and report any issues / proposed amendments.

8. Integrated Assessment Implications

8.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

8.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

8.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

8.2 An IIA screening has been undertaken noting there are minimal impact assessment implications associated with this report (IIA can be viewed in Appendix 3). The work of Scrutiny is open to the public, promoted via Council media channels, and enable all citizens to ask questions, raise issues and/or input views. Each scrutiny inquiry and report will be subject to its own IIA process.

9. Financial Implications

9.1 There are no financial implications associated with this report.

10. Legal Implications

10.1 The Local Government Act 2000 requires that executive arrangements by a Local Authority must include provision for the appointment of one or more Overview and Scrutiny Committees. Guidance from the Welsh Government (on executive arrangements) states that the precise arrangements for overview and scrutiny (including the number, membership, and remit of the committees) are a matter for local choice.

Background Papers: None

Appendices:

Appendix 1 - Scrutiny Programme Committee Terms of Reference

Appendix 2 - Scrutiny Convener Role Description

Appendix 3 – IIA Screening Form

Scrutiny Programme Committee Terms of Reference

1 Scrutiny Programme Committee

- a) The Scrutiny Programme Committee will have the following general responsibilities:
- i) Holding members of the Council's executive to account.
 - ii) Monitoring the performance of public services, policies and partnerships.
 - iii) Contributing to corporate and partnership policy and strategy development.
 - iv) Conducting in depth inquiries into service and policy areas.
 - v) Involving the public in service improvement and policy development.
 - vi) Considering the opinions of external inspectors.
 - vii) Making reports and recommendations to Council or Cabinet on the discharge of any functions of the authority as appropriate.
 - viii) To undertake reviews as directed by Council.
 - ix) Preparing and publishing a regular work plan.
 - x) Contribute to an overall strategic work programme for scrutiny that will be reported regularly to Council.
 - xi) Observing the principles of effective scrutiny as set out in the Protocol for Scrutiny.
- b) The Committee will have responsibility for coordinating the scrutiny of the following:
- i) The community strategy / single integrated plan.
 - ii) Swansea's Local Service Board.
 - iii) The Council budget.
 - iv) Central / corporate functions of the local authority.
 - v) Groups and organisations with which the Council has formed links through grant funding, compacts, subscription or service level agreements.
 - vi) External bodies which are able to levy a statutory precept upon the Authority.
 - vii) The Treasury Management Strategy Statement, Annual Report, Mid Term Report and Quarterly Progress Reports.

2 Scrutiny Panels

- a) The Committee may establish Panels / Working Groups for the purpose of undertaking in depth inquiries or for looking at the performance of particular areas of service delivery.

- b) Each Panel / Working Group will be led by a Scrutiny Convener who will be responsible for:
 - i) Convening meetings of the relevant Panel / Working Group.
 - ii) Chairing meetings of the relevant Panel / Working Group.
 - iii) Ensuring that the Panel / Working Group undertakes work to the specifications and timescales agreed by the parent board.
 - iv) Reporting back to the parent Board with findings, conclusions and recommendations as appropriate.

- c) Councillors will be appointed to a Panel / Working Group on the following basis:
 - i) At least two political groups on the Council to be represented on the Panel / Working Group.
 - ii) Membership of Panels / Working Groups will be open to any non-executive members of the Council regardless of whether they are a member of the Scrutiny Committee.
 - iii) New Panels / Working Groups will be advertised to all non-executive members and expressions of interest sought. The membership of Panels / Working Groups will be determined by the Committee.

3 **Scrutiny Work Programme**

The Scrutiny Programme Committee will be responsible for coordinating the work of the Scrutiny Panels / Working Groups. Other tasks linked to the delivery of the work programme include:

- a) Monitoring the delivery of the scrutiny strategic work programme;
- b) Preparing and agreeing the scrutiny annual report as required by Council;
- c) Dealing with business relating to regional / national scrutiny meetings (for example in relation to the Welsh Local Government Association or the Centre for Governance & Scrutiny);
- d) Considering reports relevant to the development and improvement of the Council's Scrutiny function;
- e) Dealing with consultation and implementation of national policy changes relevant to scrutiny;
- f) Preparing and publishing a regular work plan;
- g) Making reports and recommendations to Council, Cabinet or the Democratic Services Committee on the discharge of any functions of the authority as appropriate.

4 **Service and Policy Areas**

Areas of responsibility cover all functions of the Council and specifically:

- a) All of the functions of the Council as a Social Services Authority under all relevant legislation;
- b) All functions of the Council under the Children Act (1989 and 2004);
- c) All of the functions of the Council as a Planning Authority under the Town and Country Planning Acts and all other relevant legislation including countryside, nature conservation and rights of way matters, in force from time to time;
- d) Acting as the Council's designated Crime and Disorder Committee for the purposes of the Police & Justice Act 2006;
- e) All of the functions of the Council as a Housing Authority under the Housing Acts and all other relevant legislation;
- f) Outcomes of reviews undertaken by outside agencies or audit bodies;
- g) Items where Welsh Government Guidance suggests that matters should be considered by scrutiny.
- h) Acting as the Council's designated scrutiny committee for scrutinising Swansea Public Services Board for the purposes of the Well-being of Future Generations (Wales) Act 2015.

5 **Cabinet Portfolios**

The work of the Committee will not be limited to any particular Cabinet portfolio(s). Invitations to attend meetings, reports, letters and recommendations will be directed to the relevant Cabinet Member(s) as each issue requires.

Scrutiny Convener Role Description

1. General

- 1.1 The Scrutiny Convener will be responsible for a portfolio of scrutiny topics that they will manage and deliver. These topics, allocated by the Council's Scrutiny Programme Committee, will not be confined to a single subject or department. The scrutiny work led by these conveners will be done through informal task and finish groups / panels and the conveners will chair the meetings of these groups. Conveners will be accountable to the Scrutiny Programme Committee.

2. Providing leadership

- 2.1 To provide confident and effective management of the topics for which they are responsible.
- 2.2 To promote the role of scrutiny within and outside the council, liaising effectively both internally within the Council and externally with the Council's partners.
- 2.3 To contribute to the development of a balanced scrutiny work programme.
- 2.4 To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues.
- 2.5 To demonstrate an objective and evidence based approach to scrutiny and to facilitate the identification of conclusions and recommendations accordingly.
- 2.6 To evaluate the impact and added value of scrutiny activity and identify areas for improvement.
- 2.7 To promote cross party working.
- 2.8 To keep any relevant deputies fully involved and informed to ensure they are able to cover the conveners' role as required

3. Managing the work programme

- 3.1 To ensure that the work programme is delivered.
- 3.2 To report on progress against the work programme to Council, and others as appropriate.
- 3.3 To liaise with officers, other members and community representatives to resource and deliver the work programme.

4 Effective meeting management

- 4.1 To set agendas containing clear objectives and outcomes for meetings.
- 4.2 To manage the progress of business at meetings, ensuring that meeting objectives are met.
- 4.3 To ensure that the necessary preparation is done beforehand.
- 4.4 To ensure that all participants have an opportunity to make an appropriate contribution

5 Community leadership

- 5.1 Where necessary to act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function.
- 5.2 To build understanding and ownership of the scrutiny function within the community.
- 5.3 To involve fully external stakeholders for example, service users, expert witnesses and partners in scrutiny activity.
- 5.4 To support the involvement and development of scrutiny members
- 5.5 To encourage high performance from all scrutiny councillors in task and finish groups.
- 5.6 To assess individual and collective performance within task and finish groups and facilitate appropriate development.

6 Values

- 6.1 To be committed to the values of the Council and the following values in public office:
 - a. Openness and transparency;
 - b. Honesty and integrity;
 - c. Tolerance and respect;
 - d. Equality and fairness;
 - e. Appreciation of cultural difference;
 - f. Sustainability.