

## **1 Appointment**

- 1 The Council will establish the Scrutiny Programme Committee set out in Article 6 and will appoint Members to them at the Annual Meeting of Council;
- 2 The Committee, at its first meeting following the Annual Meeting of Council, will elect a Chair and Vice Chair from amongst its Members.

## **2 Membership**

- 1 No Member of the Executive may be a Member of the Scrutiny Programme Committee.
- 2 The Committee shall be entitled to co-opt non-voting Members for either a topic or a term up to the next Annual Meeting of Council.
- 3 As required by law and guidance from the Welsh Government, Scrutiny Committee's dealing with education matters must include in their membership voting representatives of religious faiths and of parent governors. Membership of the Scrutiny Programme Committee will therefore include:
  - 1 x Parent Governor Representative from a Primary School;
  - 1 x Parent Governor Representative from a Secondary School;
  - 1 x Catholic Church Representative (LA Maintained Faith Schools);
  - 1 x Church in Wales Representative (LA Maintained Faith Schools).
- 4 These Statutory Co-optees shall only have a vote at the Committee, and relevant Scrutiny Panels and Working Groups, on items relating to the overview and scrutiny of education functions. However, they may remain and speak on any other matter.
- 5 In accordance with the Police & Justice Act 2006, the Authority's designated crime and disorder committee may also co-opt additional members to serve on the committee to add value and expertise to the committee's work. Co-optees can be appointed with or without voting rights, at the discretion of the Committee.

## **3 Prohibition of Whipped Votes and Declaration of Party Whips**

- 1 "Prohibition of Whipped Votes and Declaration of Party Whips" be added to the Order of Business for Overview and Scrutiny Committees (and associated Scrutiny Panels etc.).
- 2 The item should appear on each agenda following 'Minutes'.

- 3 At each meeting of an Overview and Scrutiny Committee (and associated Scrutiny Panels etc), each member of the Committee must declare any prohibited party whip which the member has been given in relation to the meeting.
- 4 The minutes of each meeting of an Overview and Scrutiny Committee shall record all such declarations of prohibited party whips made at the meeting”.

## **4 Frequency of Meetings**

- 1 There shall be at least one meeting of the Programme Committee in each municipal year. The Committee is scheduled to formally meet 4 weekly.
- 2 Council will approve meetings of Council Bodies for the year.
- 3 The Committee at its first meeting of the municipal year (other than any following directly after the First Annual Meeting of Council or Annual Meeting of Council) has the right to alter the time of their meetings but not the day for the ensuing Municipal Year. Should the need arise to alter the time or day for a specific meeting beyond this, then the agreement of all Councillors sitting on the Committee shall be obtained.

## **5 Scrutiny Process**

- 1 In practical terms the work of scrutiny follows four stages:
  - a) Work planning to identify issues and decide how to examine them;
  - b) Making recommendations through consultation and research;
  - c) Making recommendations to the Cabinet, to Council and to other decision making bodies;
  - d) Following up to check that agreed actions have been taken and an impact made.

## **6 Work Planning & Agenda Setting**

- 1 **Work Planning**
  - a) The aims of work planning are:
    - i) To identify issues of concern or ways in which overview & scrutiny can contribute to the overall aims of the Council;
    - ii) To agree which overview and scrutiny activity is best suited to dealing with each issue;
    - iii) To plan how work can be carried out within available resources and within reasonable timescales.
  - b) The Scrutiny Programme Committee is responsible for setting the annual work plan. It will take into account the wishes of Members on that Committee who are not Members of the largest political group on the Council and anything referred to that body from Council. The Committee will also consider any referrals from Cabinet Members and Council.

- c) At the beginning of the year the Scrutiny Programme Committee will agree an outline work plan for the year in consultation with the relevant senior officers and taking into account the views of the public and of partner agencies. As part of this process every Member of the Council will be surveyed to identify topics of public concern. The aim should be to identify significant topics that meet a genuine need or address a significant concern and where overview & scrutiny can make a real difference.
- d) The most recent version of the work plan will be reported to each meeting of the Committee for the purpose of reviewing its content, considering the inclusion of new items and planning ahead to the next meeting. This will also ensure that the work plan is publicly available.
- e) The work of scrutiny should be of genuine benefit to the Council and offer value for money. There should be no duplication, therefore, between scrutiny work programmes and the work of service units. To avoid duplication:
  - i) The relevant director will ensure that the scrutiny committee is aware of any internal or external inspection or review that may overlap with its own work;
  - ii) The scrutiny committee may not duplicate existing inspections or reviews but may ask for briefings to be provided and/or for action plans to be reported to the board on a regular basis;
  - iii) The scrutiny committee may also undertake work that complements any review or inspection having first sought the advice of the relevant director.

## 2 **Agenda Setting**

- a) Individual agenda items, other than standing items, are to be determined in the first instance by the work plan agreed by the scrutiny committee. Additional items may be added or planned items deferred, at the discretion of the chair.
- b) Other than the usual standing items, agendas should be limited to 1 or 2 substantial items wherever possible.
- c) The primary purpose of scrutiny is to add value to the work of the Council. For this reason any items 'to note', in other words that do not require a specific response from the board, will be placed at the end of the agenda as 'For Information'. If possible these items should be circulated by email separately instead of being included on the agenda.
- d) At the last meeting of the scrutiny committee an annual review of the work plan will be considered. This will provide an opportunity for the work of the year to be evaluated and for possible further work plan items to be suggested. Information from the annual review will be fed into the Scrutiny Annual Report which is required to be reported to Council.

## 3 **In-depth Inquiries**

- a) Scrutiny is expected to carry out in-depth inquiries of service and policy areas. In-depth inquiries (also referred to as reviews) would be major pieces of work, where scrutiny can make a real difference in addressing significant areas of concern.
- b) These inquiries will contribute to service improvement and the development of policy/strategy through a planned programme of evidence gathering (including community engagement) leading to reports with conclusions and recommendations to Cabinet and Council (and other bodies) as appropriate.
- c) Scrutiny Panels (working as Task and Finish Groups) would normally be established to carry out the detailed work of inquiries, alongside scheduled Committee activities. Panels would provide more flexibility for evidence gathering (e.g. interviewing witnesses, engaging service providers/users, looking at detailed information), undertaking research activities (e.g. community consultation, surveys, focus groups, visits), and planning the final reports. Panels would normally be made up of a small number of Members but can involve others as considered appropriate.
- d) An in-depth inquiry would be expected to take up a significant amount of time and commitment (up to 6 months). For the planning of an in-depth inquiry a full scoping report will be produced which sets out all the details of how the inquiry be undertaken as part of the preparation of this report to ensure the most effective evidence gathering process.

## **7 Gathering Evidence**

- 1 The Committee will gather evidence in connection with any activity they undertake as part of their agreed work plan. The Committee shall adopt methods of gathering evidence which, in the opinion of the Committee, best inform their deliberations. These include, but are not limited to, convening informal panels or working groups, going on site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. The knowledge of Councillors is also a valuable source of evidence and should be considered as part of each inquiry.
- 2 The Committee shall be entitled to pay the reasonable fees and/or expenses of any individual or organisation assisting it, with the exception of Officers or Members of the Authority.
- 3 Evidence gathering activity should not duplicate any other similar activity being undertaken by the authority or by other local agencies where the results can be made available for the review in question.
- 4 A large part of evidence gathered will be through witnesses invited to give evidence directly to the board. The Committee is entitled under s21 of the Local Government Act 2000 boards to require any Member of the Executive or any Senior Officer to attend before it to give account for any matter within their responsibility or remit. In that event the Committee will be required to state the item, or nature of it, on which the Member or Officer is required to attend to give account and whether any papers are required to be produced.

- 5 Council officers presenting evidence to scrutiny committee will normally be expected to be either the relevant Director or the Head of Service.
- 6 Where individuals are required to attend before the committee/a panel, as in the case of Officers or Members, or invited to attend, as in the case of others, then the committee/panel, and in particular the Chair, shall ensure that those assisting the board/panel, by giving evidence, are treated with courtesy and respect. Those attending should be briefed about the purpose of the meeting (including the line of questioning) and given adequate time to prepare. A witness guide explaining what to expect will be made available for anyone attending the scrutiny committee or associated meeting.
- 7 Witnesses contributing evidence to scrutiny will be provided with feedback about the outcome of the inquiry and other information about scrutiny as appropriate.
- 8 For in-depth reviews the evidence collected will be published in the form of a findings report so that it can be made available for other researchers.

## **8 Making Recommendations**

Once evidence has been collected, the committee /panels will develop conclusions and recommendations based on what they have found. Conclusions and recommendations can be presented as part of in-depth review reports, committee reports or Chair's Letters.

## **9 In-Depth Review Reports**

- 1 An in-depth review will normally take a number of months, will be conducted according to an agreed scoping report and will have its findings shared publicly in a findings report.
- 2 At the end point of an in-depth review, the scrutiny committee will consider and agree the draft recommendations arising from the review. Recommendations will follow logically from conclusions which will be clearly evidenced by reference to the findings of the review. Recommendations should not reflect unsupported personal opinion or political views. At this stage advice will be sought from the relevant officers about the legal and financial implications of draft recommendations. The Legal Officer will also assist in defining which recommendations are to be considered by Cabinet and which require Council consideration.
- 3 Once the final draft has been agreed by the scrutiny committee, the Report will be published on the Council's website and submitted to the relevant Cabinet Member and scheduled to be presented to Cabinet.
- 4 If the committee/panel cannot agree on one single final report to the Executive then up to one minority report may be prepared and submitted for consideration with the majority report.
- 5 Reports from the scrutiny committee to the Executive shall be placed on the agenda of the first available meeting after being submitted to the Proper Officer. The Chair of the relevant committee/panel will present the Report and accompanying recommendations to Cabinet. At this meeting the role of the

Cabinet is simply to receive the report and to task the relevant Cabinet Member to prepare a written response on behalf of Cabinet.

- 6 The Cabinet Member's response report will be scheduled for a future Cabinet meeting no later than two months following the Cabinet meeting where the original overview and scrutiny report was presented.
- 7 In their response report the Cabinet Member will recommend approval or rejection of each of the overview and scrutiny recommendations together with an explanation. At this stage the Cabinet Member will also provide a proposed action plan to show what steps are being or will be taken to implement accepted recommendations. Cabinet will then make a decision on the Cabinet Member's response report except where there are recommendations on matters that require Council approval (e.g., proposing policy change).

## **10 Committee Reports**

- 1 An in-depth review will normally take a number of months, will be conducted according to an agreed scoping report and will have its findings shared publicly in a findings report.
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- 5 Reports from the scrutiny committee to the Executive shall be placed on the agenda of the first available meeting after being submitted to the Proper Officer. The Chair of the relevant committee/panel will present the Report and accompanying recommendations to Cabinet. At this meeting the role of the Cabinet is simply to receive the report and to task the relevant Cabinet Member to prepare a written response on behalf of Cabinet.
- 6 The Cabinet Member's response report will be scheduled for a future Cabinet meeting no later than two months following the Cabinet meeting where the original overview and scrutiny report was presented.
- 7 In their response report the Cabinet Member will recommend approval or rejection of each of the overview and scrutiny recommendations together with an explanation. At this stage the Cabinet Member will also provide a proposed

action plan to show what steps are being or will be taken to implement accepted recommendations. Cabinet will then make a decision on the Cabinet Member's response report except where there are recommendations on matters that require Council approval (e.g., proposing policy change).

## 11 Scrutiny Letters

- 1 The Committee, Scrutiny Panels and Working Groups can also correspond directly with Cabinet Members in order to communicate their views. It is expected that Scrutiny Letters will be produced by Chairs / Convenors detailing the conclusions and any recommendations arising from any meeting that would otherwise not be included in another report. This will enable Scrutiny to engage with Cabinet Members on a regular and structured basis.
- 2 Scrutiny Letters provide an important benefit to the overview & scrutiny process. They:
  - a) Allow Committee / Panels / Working Groups to formally raise concerns and make proposals to Cabinet Members;
  - b) Provide a mechanism for raising urgent concerns to be raised;
  - c) Clearly demonstrate what has been achieved by each meeting.
- 3 Scrutiny Letters are intended to be short summaries usually covering not more than one or two pages.
- 4 Scrutiny Letters are directed to the relevant Cabinet Member(s) in person. The Cabinet Member should respond in writing within 21 calendar days. This response should indicate whether the Cabinet Member has accepted the recommendation(s), whether the recommendation(s) needs to be referred and what action (if any) they intend to take.
- 5 Scrutiny Letters may also be directed at other decision-makers as appropriate.

## 12 Following Up

Once scrutiny have had recommendations accepted by Cabinet/Cabinet Members they are entitled to check progress and ensure that the desired impact has been achieved. This can happen in three ways:

## 13 In Depth Inquiries

- 1 Once agreed by Cabinet, the Cabinet Member's response report and action plan will be provided the scrutiny committee for information at the earliest opportunity. The committee will then schedule to follow up on progress with the implementation of the action plan.
- 2 The Chair and the Scrutiny Officer supporting the scrutiny committee should ensure that a review of progress against accepted recommendations is scheduled into future Work Programmes and a progress report is brought to the committee 6 months after the action plan has been agreed by Cabinet.

- 3 When presented with the first progress report the committee may either:
  - a) Agree that good progress has been made and that the review is closed or;
  - b) Agree that adequate progress has been made and that the review is closed whilst raising any specific issues of concern through a Chair's Letter or;
  - c) Agree that insufficient progress has been made and require a second progress report in six months.
- 4 The second progress report will be the final report and the review will be closed. However, the committee may still:
  - a) Agree that progress has been good;
  - b) Raise any concerns through a Chair's Letter; and
  - c) Schedule further work through their usual work planning process.

## **14 Committee Report**

For each committee report the committee can require either:

- a) A progress report be brought back to the committee by the Cabinet Member within two months of the report being considered by Cabinet or;
- b) That the Cabinet Member reports back on progress as part of their scheduled reporting to the committee.

## **15 Chair's Letter**

Each committee will be responsible for monitoring progress in respect of agreed recommendations in Chair's Letters and raising further issues with the Cabinet Member as appropriate.

## **16 Committee Meetings**

- 1 Robust scrutiny depends on effective questioning which in turn depends on effective preparation. The meetings of committees will therefore normally run as follows:
  - a) Main agenda items will be identified at the previous meeting in line with the agreed work plan. At this point potential witnesses and broad themes should be considered;
  - b) Prior to the meeting all committee members should be engaged in raising and discussing possible questions by email. The chair and vice chair of the committee will facilitate this process;
  - c) A pre meeting for all members of the committee will be held e.g. 30 minutes immediately before the committee meeting. The purpose is to



ensure that Members are fully prepared for the committee meeting and that the questioning strategy is clear.

- d) During the committee meeting the chair will be responsible for ensuring that questioning is effective and that the committee achieves its aims;
  - e) Immediately following the meeting a post meeting will be held for the members of the committee. The purpose is to confirm conclusions and any recommendations arising from the meeting. These conclusions and recommendations will be reported to the relevant cabinet member(s) in the form of a Chairs' Letter. The post meeting should also be used to review the effectiveness of the meeting and identify ways that future meetings could be improved.
- 2 Reports on policy and service issues should normally be presented to the committee in the name of the Cabinet Member.
- 3 To support liaison between the committee and the executive there will be a regular item on the agenda of each scrutiny committee meeting for 'Cabinet Member Questions & Responses'. This will be in addition to Cabinet Members attending board meetings for specific purposes: For this item:
- a) The relevant Cabinet Member(s) will be expected to present a short report highlighting to the committee any relevant developments in respect of their portfolio and relevant to the committee's terms of reference;
  - b) The Cabinet Member(s) short report should normally be provided in time to be circulated with the agenda although, as this may not always be possible, the report can be provided verbally;
  - c) Time will then be made available for committee members to ask questions of the Cabinet Member. This exercise is intended to be primarily for general information sharing and not detailed scrutiny. It should therefore, at the discretion of the Chair, be conducted in that spirit. As a guide around 10 minutes should be enough time for questions.
  - d) If the committee wishes to conduct more detailed scrutiny of any of the issues raised during this item then this should be agreed through the normal work planning process and placed on the agenda of a future meeting. This will also allow proper time for preparation.

## **17 Pre-decision scrutiny**

- 1 Pre-decision scrutiny gives scrutiny the opportunity to influence Cabinet decision-making, as a 'critical friend'.
- 2 During the course of each municipal year a quarterly schedule of Cabinet business is published within the Council's Forward Work Programme. The scrutiny committees can identify proposed decisions within the Forward Work Programme and ask for arrangements to be made for the scrutiny committee to discuss the Cabinet report ahead of Cabinet decision. The views of the scrutiny committee are formally presented (either in a written report or verbally by the scrutiny Chair) to the Cabinet meeting for the Cabinet to consider and inform its decision-making.

- 3 Pre-decision scrutiny is only one of a variety of activities that scrutiny committee may be involved in and will need to be managed within an overall programme of work. Additional committee meetings may need to be arranged in order to fit in to the proposed decision-making timetable.
- 4 The Council's Scrutiny Unit should be contacted for advice about the process that should be followed for requests for pre-decision scrutiny.

## **18 Cross Party Working**

Scrutiny is a cross party activity and should not be used for party political purposes or be subject to party whipping arrangements. At the beginning of every committee meeting each Member must declare any party whip which the member has been given in relation to the meeting.

## **19 Scrutiny Protocol/Scrutiny Handbook**

- 1 The City and County of Swansea Scrutiny Protocol is made up of a number of elements contained within the Council Constitution. These should be read as the Scrutiny Protocol along with supporting documents as the Overview and Scrutiny Handbook.
- 2 The individual elements of this Council Constitution are within:
  - a) Part 1 – Summary and Explanation;
  - b) Part 2 – Article 6, Overview and Scrutiny;
  - c) Part 3 – Terms of Reference;
  - d) Part 4 – Scrutiny Procedure Rules;
  - e) Part 5 – Protocol on Officer/Councillor Relations; Protocol for Councillors and Officers Attending and Participating in Scrutiny;
  - f) Part 6 – Members Allowances Scheme.