

RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**CORPORATE GOVERNANCE AND
CONSTITUTION COMMITTEE**

2nd JULY 2015

**REPORT OF THE DIRECTOR, LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No. 3

**PROPOSALS TO IMPROVE THE
COUNCIL'S SCRUTINY
ARRANGEMENTS**

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1. PURPOSE OF REPORT

To provide Members with a series of proposals to further improve the Council's scrutiny arrangements.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Consider the draft Terms of Reference (Appendices 1A – E) and determine whether they wish to suggest amendments for consideration by Full Council?
- 2.2 Consider whether defining the roles of Scrutiny Committee Members, Cabinet Members and officers will help to reinforce the effectiveness of the Council's scrutiny arrangements and if so, request officers to set out proposals for more detailed consideration by Cabinet and Scrutiny Committees?
- 2.3 Consider the suggested approach to informing topic selection of scrutiny work programmes and determine its adequacy or an alternative way forward (and based on the recommendation(s) of the Committee, officers will prepare the necessary information in readiness for the July 2015 round of scrutiny committee meetings where the development of work programmes will be explored further).

3. BACKGROUND

- 3.1 Members will be aware that in recent years the scrutiny arrangements of local government in Wales has been reviewed by Welsh Government¹ and external regulators². The most recent publication, issued by the Auditor General for Wales in May 2014 'Good Scrutiny? Good Question!', concluded that '*local government scrutiny in Wales is improving but councils need to do more to develop consistently rigorous scrutiny to increase public accountability in decision making*'.
- 3.2 The May 2014 publication went onto report, amongst other things, the need for improved scrutiny arrangements that will play a fully effective role in the good governance of local authorities in Wales and help public services respond to the unprecedented financial challenges that lie ahead whilst seeking to improve outcomes for local people.
- 3.3 In the case of Rhondda Cynon Taf, officers and elected members were afforded the opportunity to be part of the Auditor General for Wales' review and a number of the recommendations applying to local government in Wales were made.
- 3.4 Following on from this, the Council has revised its scrutiny structure, as reported and agreed at the Annual General Meeting on 20th May 2015, and has taken the opportunity to improve the quality and timeliness of information provided to scrutiny committees, for example, in assessing the performance of 2014/15 priority areas and the adequacy of 2015/16 priority plans. Notwithstanding these developments, the Council recognises there are opportunities to further develop its scrutiny arrangements with the aim of enhancing the impact it has.

4. PROPOSED AREAS FOR IMPROVEMENT

- 4.1 In identifying proposed areas for improvement, the Wales Audit Office publication 'Good Scrutiny? Good Question' has been used as a guide alongside local experience and knowledge within the Council. These areas are set out in Table 1 below.

¹ Welsh Government's Review of local service delivery in 2006

² Care and Social Services Inspectorate Wales (CSSIW) Chief Inspector's Annual Report 2010/11 and Estyn's Annual Report 2009/10

Table 1 – Proposed areas for improvement

Proposed Areas For Improvement	Reason	Suggested Way Forward
Review of Terms of Reference (TOR) for each Scrutiny Committee	To ensure TOR align with and support the revised scrutiny arrangements agreed at the Council's AGM on 20 th May 2015	Draft TOR reported to the Council's Corporate Governance & Constitution Committee for consideration, and thereafter the Council
Clarity of roles of Cabinet Members, Scrutiny Members and officers as part of the scrutiny process	To ensure the roles and responsibilities of Scrutiny Members, Cabinet Members and officers contributing to the Council's scrutiny arrangements are clearly set out and understood	Draft roles and responsibilities compiled and reported to Cabinet and Scrutiny Committees for consideration which can be used to inform individual Members PDRs
Set out a suggested approach to be applied in selecting topics to be included on scrutiny work programmes and the method of scrutiny	To ensure scrutiny work programmes are more outcome focussed and better aligned with priority areas	An approach drafted for consideration by scrutiny committees in the development and delivery of their work programmes. Draft work programmes to then be reported to the Overview and Scrutiny Committee for review and if deemed appropriate, approval
Develop a more evaluative approach in assessing the impact the Council's scrutiny arrangements have	To ensure that the impact the Council's scrutiny arrangements have can be measured, and experiences and lessons learned taken account of to support continuous improvement	Further work undertaken to set out a proposed approach to evaluate the impact of the Council's scrutiny arrangements and this reported to Scrutiny Committees for consideration

- 4.2 To build on the above areas, further detail is set out below for consideration by the Council.

Terms of Reference

- 4.3 The proposed Terms of Reference for each of the Council's five Scrutiny Committees are included at Appendix 1A-E. For ease of reference, Table 2 indicates the appropriate appendix reference:

Table 2 – Appendix references

Scrutiny Committee	Appendix Reference
Overview and Scrutiny Committee	Appendix 1A
Finance and Performance Scrutiny Committee	Appendix 1B
Children and Young People Scrutiny Committee	Appendix 1C
Health and Well-Being Scrutiny Committee	Appendix 1D
Public Service Delivery, Communities and Prosperity (and Crime and Disorder) Scrutiny Committee	Appendix 1E

- 4.4 Members are asked to consider the adequacy of the draft Terms of Reference and whether they wish to suggest amendments for consideration by Full Council?

Clarity of the roles of Scrutiny Members, Cabinet Members and Officers

- 4.5 Scrutiny provides Members with an opportunity to question Cabinet Members, officers and others in order to gain knowledge around an issue and make effective, evidence-based recommendations. It also provides the opportunity for Scrutiny Members to represent the views of their local constituents and hold the Cabinet to account for the decisions it takes.
- 4.6 Setting out the roles of Scrutiny Committee Members, Cabinet Members and officers in the process is therefore considered vital to ensure there is no ambiguity, no overlap and that appropriate and timely contributions can be made. From a review of local authorities where roles have been defined and / or practices developed, this included:

- Scrutiny Committee Members
 - Have a collective and individual responsibility for ensuring that scrutiny is Member led. This includes:
 - Determining its own work programme and deciding on what evidence to seek to fulfil its scrutiny role;
 - Asking relevant and timely questions at meetings;
 - Participating in activities that the committee has agreed to pursue outside of its formal meetings.
 - Determining whether a Cabinet Member should be invited to a scrutiny meeting to explain and answer questions around decisions taken and performance.

- Cabinet Members
 - Invited to attend specific scrutiny committee meetings to answer questions and / or provide further information on a particular matter;
 - Have the opportunity to attend other / all Scrutiny Committee meetings within their portfolio where for example they consider that such attendance would be helpful in order to keep themselves informed about the Committee's deliberations and also to assist the Committee with them, if required. Where this is the case and with the Chairperson's permission, the Cabinet Member is able to speak on any item under discussion.

- Officers
 - Taking part in planning sessions to help inform work programmes;
 - Invited to attend meetings to answer questions and present reports or evidence. It was considered that in councils where officers were invited to attend for specific items such as 'witnesses' to answer questions, rather than attending whole meetings, this approach helped to encourage more effective and targeted questioning and reinforced the distinct roles of Scrutiny Members, officers and Cabinet Members.

4.7 Based on the above, Members are requested to consider whether defining the roles of Scrutiny Committee Members, Cabinet Members and officers will help to reinforce the effectiveness of the Council's scrutiny arrangements? Should this be deemed to be the case, officers would prepare draft roles and responsibilities in more detail for consideration by Cabinet and Scrutiny Committees.

Developing scrutiny work programmes

4.8 The WAO publication 'Good Scrutiny? Good Question!' noted that work programmes should be based on sound criteria with a clear rationale for topic selection and that sufficient consideration is given to the method of scrutiny, rather than just the selection of topics. The publication went on to say that a key criterion and the method of scrutiny should be the extent to which scrutiny committees are likely to have an impact in the area they have selected.

4.9 With this in mind, a suggested approach for consideration is:

- Develop a long list of options for each Scrutiny Committee to consider, informed by a range of information sources, for example, the Council's Corporate Performance Report,
- From the long list of options, Members of each committee to determine a 'short list' together with the outcomes to be achieved, the most appropriate method of scrutiny and timescales for review during the year. The outcome of this work will represent a draft work programme;
- Draft work programmes reported to the Overview and Scrutiny Committee for review, and if deemed appropriate, signed off.

4.10 With regard to an approach to inform selection of topics, the following sources are noted for consideration:

- Does it link / support one or more of the Council's 2015/16 priorities?
- Is performance in the area consistently lower than the targets the Council set and / or amongst the worst levels of performance across Wales?
- What are the views / feedback from the public / service users?
- To what extent does it represent a financial risk or opportunity to the Council?
- Is the external / legislative environment changing that will require policy change / development?
- Is the area included on the Council's Strategic Risk Register? If so, what is the risk rating?
- Alignment with Cabinet work programmes.

- Is the area subject to external regulation? If so, what is the latest opinion of the regulator?
- Has the area been subject to a service change that requires the impact on service users to be evaluated?
- What are the views or 'gut feel' from Scrutiny Members, Cabinet Members and officers.

4.11 Members are requested to consider the suggested approach noted above and determine its adequacy or if an alternative way forward should be followed? Based on the feedback provided, officers will prepare the necessary information in readiness for the July 2015 round of scrutiny committee meetings where the development of work programmes will be explored further.

4.12 Subject to Members consideration and feedback on the above areas, a programme of work will be set out to take forward the recommendations throughout the 2015/16 municipal year.

5. CONCLUSIONS

5.1 The 2014 Wales Audit Office publication 'Good Scrutiny? Good Question!' set out a number of recommendations for local government in Wales to further improve its scrutiny arrangements.

5.2 In the case of Rhondda Cynon Taf, recent changes to the Council's scrutiny arrangements have been agreed as well as work being undertaken to improve the timeliness and quality of information provided to scrutiny committees.

5.3 Notwithstanding these developments, the Council recognises that opportunities exist to further improve its scrutiny arrangements to enhance the value it adds to service delivery and at the same time being able to better demonstrate this.

5.4 A series of proposals have been set out for consideration, that aim to support improvement in this area during 2015/16.

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APPENDIX 1A

DRAFT TERMS OF REFERENCE – OVERVIEW AND SCRUTINY COMMITTEE

- To co-ordinate the work of the four thematic Scrutiny Committees and ensure that the work of each of these committees is effective.
- The Committee will be responsible for approving the work programme developed by the four Scrutiny Committees to ensure deliverable, coordinated and outcome focused programmes of work.
- To fulfil the overview and scrutiny role in relation to “all Council” cross cutting themes which cut across the terms of reference of the four thematic Scrutiny Committees.
- This Committee is also responsible for dealing with all 'Call-Ins' (under the Council's Overview and Scrutiny Procedure Rules).

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APPENDIX 1B

**DRAFT TERMS OF REFERENCE – FINANCE AND PERFORMANCE
SCRUTINY COMMITTEE**

The overview and scrutiny role in connection with scrutinising financial and operational performance; treasury management arrangements; the annual revenue budget consultation process; statutory performance reporting requirements and monitoring the implementation of medium term financial planning.

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APPENDIX 1C

**DRAFT TERMS OF REFERENCE – CHILDREN AND YOUNG PEOPLE
SCRUTINY COMMITTEE**

The overview and scrutiny role in connection with scrutinising public facing services which deliver services for children and young people within the County Borough.

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APPENDIX 1D

**DRAFT TERMS OF REFERENCE – HEALTH AND WELL BEING
SCRUTINY COMMITTEE**

The overview and scrutiny role in connection with scrutinising services which support the Health and Well-being of our communities. The Committee considers adult social services as well as all other factors which contribute to the Health and Well-Being of the County Borough, such as Leisure Services and Public Health and Protection Services.

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APPENDIX 1E

**DRAFT TERMS OF REFERENCE – PUBLIC SERVICE DELIVERY,
COMMUNITIES AND PROSPERITY (AND CRIME AND DISORDER)
SCRUTINY COMMITTEE**

The overview and scrutiny role in connection with scrutinising public service delivery across a range of Council services. The Committee considers areas which contribute to prosperity and also community safety issues. It is the Council's designated Crime and Disorder Committee (pursuant to Section 19 and 20 of the Police and Justice Act 2006).
