



## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> MAY 2022**

#### **REVIEW – OVERVIEW & SCRUTINY ARRANGEMENTS 2022-2027**

#### **REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION.**

### **1. PURPOSE OF REPORT**

- 1.1 To provide Members with the recommended scrutiny arrangements for the next Council term (2022-2027) and subject to Members' agreement, seek approval to amend the Constitution to reflect the proposals contained within the report.

### **2. RECOMMENDATIONS**

It is recommended that Council:

- 2.1 Supports the recommendations of the 'Head of Democratic Services' in respect of the Council's proposed future scrutiny arrangements as detailed in this report;
- 2.2 Agrees that following prior consultation with the Scrutiny Chairs and Vice Chairs, the terms of reference of each of the Scrutiny Committees be reviewed, refined and agreed by the Overview and Scrutiny Committee at its first meeting following the AGM;and
- 2.3 Subject to 2.2 above, agrees that authority is provided to the Director of Legal Services (as Monitoring Officer) to update the Council Constitution accordingly to reflect the changes to each Committee's terms of reference, once agreed upon.

### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To respond to the areas of the improvement identified since operating the current scrutiny arrangements from 2019.
- 3.2 Ensure the Council's scrutiny arrangement are well-placed to respond to the new requirements of the Local Government & Elections (Wales) Act 2021. This includes responding to the revised responsibilities for the Governance & Audit Committee.
- 3.3 The proposals outlined in this report would increase the impact scrutiny has in supporting the Council's performance, reduce duplication of

reporting and provide a clear simplified reporting structure, more a-lined with the Council's functions and Senior Leadership Team.

#### **4. BACKGROUND**

4.1 In October 2018 the WAO published its [report](#) into the Council's scrutiny arrangements 'Fit for the Future'. The report followed a review conducted from December 2017 until January 2018. This report and a subsequent implementation plan was presented to Overview and Scrutiny. Following which, Members requested that a review of the Council's Scrutiny arrangements be undertaken.

4.2 The findings of the review were presented to a special meeting of the Overview and Scrutiny Committee on the [1<sup>st</sup> May 2019](#). These arrangements were subsequently adopted by Council.

4.3 Since 2019, and despite the impact of the pandemic, the Council's scrutiny functions have continued to develop, in terms of influence upon the key decisions of the Council, and in terms of its visibility, as a key component of the Council's governance arrangements, improving the effectiveness of decision making.

4.4 Due to the positive engagement of the Cabinet and Senior Leadership team, greater opportunity has been provided during recent years for scrutiny to be able to challenge and influence the key decisions, before determination by Cabinet. This approach means that the Council is well placed to respond to the direction set out within the Local Government & Elections (Wales) Act 2021 to provide greater opportunity for pre scrutiny of key decisions. However, a number of areas have been identified for further improvement, to further strengthen arrangements, as part of our commitment to continuous improvement.

#### **5. IMPROVEMENTS FOR CONSIDERATION**

5.1 Positive progress has been made over the last three years as a result of the revisions made to the Council's scrutiny arrangements in 2019. However, as scrutiny has become more outcome based over this period, a number of areas for improvement have been highlighted.

##### **5.2 Responsibilities and workload**

Under current scrutiny arrangements the Finance and Performance Scrutiny Committee, would consider quarterly performance information and would refer matters to one of the four thematic Scrutiny Committees when appropriate. The Finance and Performance Scrutiny Committee also undertook scrutiny on service matters relating to Employment, Regeneration and Tourism in addition to the regulatory requirement to review Treasury Management activities. During the course of the last three years this has sometimes caused an overlap in terms of the 'purpose' or 'objective' seeking to be achieved when determining

business. When exceptions were identified a meeting of Scrutiny Chairs & Vice Chairs would determine the information which was to be scrutinised, and which committee, considered in greater depth as part of the existing scrutiny structures. While this arrangement has been effective, the process and ‘flow’ of this matter, can sometimes be difficult for external regulators and the public to track the sequence of consideration and any arising recommendations or determinations.

- 5.3 As a result of a number of factors, from the strong focus placed by the Council upon improving standards and attainment, through to the unprecedented impact of the pandemic in this area, over the last three years the Children & Young People Scrutiny Committee has considered a sizeable work programme, meeting fortnightly to effectively discharge its responsibility to scrutinise the vital areas of education and children’s services. This arrangement has sometimes presented a challenge in terms of balancing the focus equally between education matters and children’s services. In additional operationally children’s services sits within the Community Service and Social Care side of the Council.

#### 5.4 **Public participation**

One of the proposed improvements agreed in 2019, was an aim to increase public participation in our scrutiny processes. In response, the Overview & Scrutiny Committee agreed a Public Participation Strategy in early 2020. Progress against the objectives of this strategy was frustrated by the onset of the global pandemic and a move to remote working. During the initial period, scrutiny focused upon business-critical matters and the Council’s response to the public health emergency.

- 5.5 The [Local Government and Elections \(Wales\) Act 2021](#) places further emphasis upon the need for public participation in the Council’s scrutiny processes and positive benefits this can achieve. As part of any future scrutiny arrangements, it will be important to consider the ability for the public to easily understand the scrutiny structures and where responsibilities for matters important to them lie. The recommendations of the report seek to simplify structures, which will in turn support our strengthened public participation ambitions for scrutiny over the next five-years.

#### 5.6 **Pre-scrutiny**

In response to the Local Government & Elections (Wales) Act 2021, where there will now be a requirement for greater consideration of Cabinet decisions in Scrutiny, it is important to consider better aligning scrutiny arrangements, to the functions and management structures of the Council and the priorities of the Corporate Plan, to enable the efficient flow of business through Scrutiny prior to Cabinet consideration.

## 6. **PROPOSED AMENDMENTS TO SCRUTINY ARRANGEMENTS**

- 6.1 The Council's Scrutiny arrangements have significantly improved over the last three years, with the changes introduced in 2019 making a positive difference, including providing the opportunity for all Members to make a greater contribution to the key decisions of the Council. Notwithstanding this positive progress and the strengths of our current arrangements, there is now an opportunity to reconsider these arrangements and make a number of further improvements to support returning and newly elected members to discharge their Scrutiny role over the next five years.
- 6.2 It is proposed to revise the service and subject responsibilities of the Council's Scrutiny Committees, to respond to the requirements and direction of the Local Government & Elections (Wales) Act 2021 and to enhance the significant changes in approach and structure made in 2019 through the following arrangement of roles:
- Overview & Scrutiny Committee
  - Education & Inclusion Scrutiny Committee
  - Community Services Scrutiny Committee
  - Climate Change, Frontline Services & Prosperity Scrutiny Committee
- 6.3 This new arrangement would reduce the number of Scrutiny Committees from five to four. Under the proposed new arrangements, the frequency of meetings would increase from the current six-week cycle operated over the last municipal year. For example, the Overview & Scrutiny Committee will now meet quarterly to consider performance information, over and above its calendared monthly thematic meetings. This move will address the 'imbalance' which sometime occurred between respective committee responsibilities.
- 6.4 **Overview and Scrutiny Committee**
- This Committee will co-ordinate the work of the four Scrutiny Committees and will be responsible for approving the Work Programmes developed by the three thematic Scrutiny Committees to ensure a deliverable, coordinated and outcome focussed schedule of work programmes. **Any 'in-year' or quarterly additions to a subject scrutiny committees work programme will need to be approved until this arrangement.**
- 6.5 In addition to its current remit, it is proposed that this Committee will be responsible for scrutinising:
- Financial and operational performance during the year (quarterly 'exception' reporting) including Corporate Plan monitoring and reporting;

- The annual revenue budget consultation process;
- The implementation of Medium-Term Financial Plan and associated decisions considered by the Executive

- 6.6 Members will note that with regard to the scrutiny of financial and operational performance and `exception` reporting will be a responsibility of this Committee. To support and enhance this arrangement, it is proposed that the Chairs & Vice Chairs of the other three Scrutiny Committees should form part of the membership of the Overview & Scrutiny Committee. Such an arrangement would also see members in receipt of a Senior Salary, undertaking the additional responsibilities, and Committee business workload which would rest with the Overview & Scrutiny Committee.
- 6.7 In-line with the new remit of the Governance and Audit Committee, created within the new Local Government & Elections (Wales) Act 2021, it is proposed that responsibility for scrutiny of Treasury Management arrangements rest with this Committee moving forward and no longer a Scrutiny Committee. Members will also be aware that consideration of complaints now rests within the prescribed terms of reference of the Governance & Audit Committee.
- 6.8 As part of the revised remit, it is proposed that the Chair & Vice-Chair of the Audit & Governance Committee also be invited to attend meetings of the Overview & Scrutiny Committee, as ex-officio members, when it is considering performance information.
- 6.9 The Overview and Scrutiny Committee continue to deal with all Call-ins, and Co-opted Members will be invited to such meetings where Education items are heard.
- 6.10 It is further proposed that the Overview and Scrutiny Committee ceases to be the Council's designated Crime and Disorder Committee as this should now fall within the remit of the Community Services Scrutiny Committee.
- 6.11 For the avoidance of doubt, where there are matters that fall within the remit of more than one Scrutiny Committee, the Overview and Scrutiny Committee will determine which Committee has responsibility for its review.
- 6.12 **Climate Change, Prosperity & Frontline Services**

This Committee will be responsible for scrutinising Public Service Delivery across a range of Council and public sector services. This will include Frontline Services delivered by the Council including Waste and Highways. The Committee will consider matters relating to the Environment and Sustainable Development. More specifically this Committee will be responsible for scrutinising how the Council is responding to the climate emergency and reducing its Carbon footprint.

It will also consider areas which contribute to prosperity such as Economic Development, Regeneration, and Tourism.

#### 6.13 **Education & Inclusion**

This Committee will be responsible for focussing upon Education and Schools. It will be responsible for scrutinising all Education provision from 3-19 and all other services, provided by the Council which young people engage with within our communities.

The Committee will also scrutinise the work of the Central South Consortium which has delivered aspects of school improvement services, commissioned by five local authorities (Bridgend, Cardiff, Merthyr Tydfil, Vale of Glamorgan and Rhondda Cynon Taf) to provide a school improvement service that challenges, monitors and supports schools to raise standards.

This Committee will scrutinise the Council's compliance with Welsh Language Standards and the delivery of the Welsh in Education Strategic Plan.

As required by law and guidance from Welsh Government the Education and Inclusion Committee Membership will also include voting representatives of religious faiths and parent governors.

#### 6.14 **Community Services**

This Committee will be responsible for focussing on the services provided by the Council which support the Health and Well-being of our communities. This will include working with partners in the Health Service and also consideration of factors which support the services delivered to support older people. The Committee will consider 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 related Services.

As part of its remit, and alongside the Corporate Parenting Board, it will consider the Council's responsibilities as Corporate Parents including Looked After Children responsibilities.

In addition, as the Authority is leaning more towards a thematic approach in its new scrutiny arrangements, it is proposed that this Committee be the Council's designated Crime and Disorder Committee (under Sections 19 and 20 of the Police and Justice Act, 2006) as it is required to meet at least once a year in this capacity.

It is proposed that the first meeting of the Overview & Scrutiny Committee in the new municipal year, will set and agree the terms of reference for each committee.

### 7. **OTHER KEY PRINCIPLES UNDERPINNING THE PROPOSED REVISED STRUCTURE**

- 7.1 The proposed Scrutiny structure encourages a priority focussed approach to items being reported to Scrutiny. The proposed remit and working arrangements will better balance the Scrutiny Committee Work Programmes and allow for greater pre-scrutiny on key decisions of the Cabinet and will further support the Council's Corporate Plan.

Ultimately, this should ensure that annual scrutiny work programmes support the Council's priorities and will demonstrate effective outcomes for our residents.

The Overview and Scrutiny Committee remit and structures will be reviewed periodically, in consultation with the Scrutiny Chairs and Vice Chairs, to ensure that they are up to date and reflect the current priorities of the Council.

These improvements will also further strengthen the opportunity of members to utilise the 'call-to-action' power of elected members.

## 7.2 **Timing of these changes**

These changes are being proposed now in response to the feedback received from Scrutiny Chairs over the last three years' operating our current arrangements. As the Council re-sets its democratic arrangement post-election, now is the most appropriate time to propose such changes and to ensure the appropriate structures are in place to respond to the new requirements, relating to scrutiny, contained within the Local Government & Elections (Wales) Act 2021.

## 7.3 **Prioritisation of performance information**

Performance information is a key component of effective scrutiny, and the consideration of such information by the Overview & Scrutiny, and a membership comprising respective scrutiny chairs, will ensure that such information is central to the scrutiny and challenge of service delivery. Under these proposals, the Overview & Scrutiny Committee would meet specifically to consider financial monitoring and performance information on a quarterly basis, separate from its service area responsibilities and other aspects of its terms of reference. This arrangement places performance information at the heart of the co-ordination role undertaken by the Overview & Scrutiny. This arrangement would be consistent with the model adopted by other local authorities in Wales.

## 7.4 **The level of scrutiny undertaken**

These proposed new arrangements will enhance the level of scrutiny undertaken. Over the course of the last municipal year, committees met on a six-weekly basis. Under these new arrangements committees would meet on a more frequent basis, with the Overview & Scrutiny Committee meeting separately to its thematic responsibilities, to consider performance information on a quarterly basis.

This arrangement will provide the opportunity, for a more specific set of members to form part of an individual committee, provide the opportunity to enhanced learning and training to support a member scrutiny role.

The capacity created within the calendar of meetings by reducing from 5 to 4 committees, will provide greater flexibility for a specific committee to meet as a working group to focus upon a specific subject. Over the last year, it has often presented a challenge to identify committee time for a matter to be considered outside of the agreed calendar of meetings.

## **8. EQUALITY AND DIVERSITY IMPLICATIONS**

- 8.1 There are no equality and diversity implications arising from this report and no equality impact assessment is deemed necessary.

## **9 CONSULTATION**

- 9.1 A meeting of Scrutiny Chairs and Vice-Chairs in February 2021 considered the direction set within the Local Government and Elections Bill Wales and areas for improvement within the current arrangements. Members identified the need to resolve the dual-purpose role of the Finance & Performance Scrutiny Committee and arrive at a more balanced level of business across all committees.

- 9.2 Group Leaders were appraised on the proposed recommendations of the Head of Democratic Services at a Group Leader's meeting on 16<sup>th</sup> May 2022.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 None

## **11. LEGAL IMPLICATIONS**

- 11.1 If taken forward the Council Constitution would need to be amended to reflect the new way of working. The Council will also be well-placed to respond to the direction set within the Local Government & Elections (Wales) Act 2021.

## **12. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.**

- 12.1 The proposals outlined will work to ensure a sustainable and robust scrutiny structure is in place which will effectively challenge policy decisions taken forward.

The revised arrangement will enable a stronger focus by a respective committee upon the three Corporate Plan themes of Economy, People or Place.

## **13. CONCLUSION**

- 13.1 The proposed revisions respond to the practical experience of the current scrutiny arrangements operating in practice and ensure our scrutiny restructures are well placed to respond to the new requirements of the Local Government & Elections (Wales) Act 2021, including the increased focus upon pre-decision scrutiny.

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
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**Background Papers**

[Overview & Scrutiny](#) – October 2018.