

Review of Scrutiny Arrangements – Neath Port Talbot County Borough Council

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Contents

Summary report

Summary	4
Detailed report	
The Council is missing opportunities for scrutiny to maximise its impact, influence and effectiveness in holding cabinet to account, shaping council policies and reviewing performance	6
The Council's current scrutiny model is not fulfilling many important aspects of its role, which increases the risk that members do not make informed decisions in a timely manner	8
The scrutiny model is not citizen focused and does not provide easy opportunities for public involvement and participation in scrutiny	9
Scrutiny's current model is compromising its ability to use its time effectively to independently plan and strategically prioritise its own work	10
The Council's scrutiny support arrangements are focused on maintaining the current scrutiny model and ways of working, and do not encourage scrutiny to explore its wider role and potential	11
While the Council has put in place some arrangements to evaluate scrutiny activity, these arrangements are limited	12

Summary report

Summary

What we reviewed and why

- 1 In 2018, Audit Wales published a report on [Neath Port Talbot County Borough Council – Overview and Scrutiny – Fit For the Future?](#) We concluded that Neath Port Talbot County Borough Council (the Council) was making improvements to its scrutiny function, but further work remained to make it better placed to respond to current and future challenges. We made a series of proposals for improvement:
 - the Council’s scrutiny committees should ensure that, where appropriate, Cabinet members rather than council officers are held to account for the efficient exercise of executive functions in accordance with statutory guidance;¹
 - the Council should consider the intended role of scrutiny committees in pre-decision scrutiny activity and ensure current arrangements enable sufficient time for scrutiny;
 - the Council should review its arrangements for planning and undertaking scrutiny, and consider different ways of working that best suit the topic area and desired outcome;
 - the Council should strengthen scrutiny committee ownership of forward work programmes, ensuring that there is a clear rationale for topic selection;
 - the Council should strengthen arrangements for engaging the public in scrutiny; and
 - the Council should put in place arrangements for assessing the effectiveness and impact of overview and scrutiny.
- 2 Since our audit work in 2018, local government elections were held in May 2022 and the COVID-19 pandemic brought about changes to scrutiny meetings, including the introduction of online or hybrid meetings.
- 3 In undertaking this new review in 2023, we focussed on looking at the current effectiveness of the Council’s scrutiny meetings, including the introduction of online or hybrid meetings.
- 4 To inform this review, we drew on our 2018 work and the above proposals for improvement. We also used Audit Wales’s 2019 discussion paper [Six themes to help make scrutiny ‘Fit for the Future’](#), with some adjustments to reflect local priorities to inform our work.
- 5 We undertook this review during the period between February to May 2023.

¹ National Assembly for Wales, Guidance for County and County Borough Councils in Wales on Executive and Alternative Arrangements 2006, July 2006, Paragraph 2.1.8

Current scrutiny arrangements at the Council

- 6 The majority of Council decisions are made by Cabinet, made up of ten elected members. The Council also has four Cabinet Boards with service specific remits, made up of two or three members of the Cabinet. Both Cabinet and the Cabinet Boards are decision making bodies.
- 7 The Council has four scrutiny committees and one scrutiny sub-committee, whose remits correspond with those of Cabinet and the Cabinet Boards.
- 8 The Council's Scrutiny committee meetings take place immediately prior to a corresponding Cabinet Board meeting. A few days in advance of a scrutiny committee meeting, or earlier the same day, the scrutiny committee meets to decide which of the already published Cabinet Board papers it wishes to scrutinise. The content of the relevant Cabinet reports is then reviewed by the scrutiny committee with any comments or amendments being reported to the Cabinet Board meeting that takes place immediately afterwards.

What we found

- 9 Our review sought to answer the question: How effective are scrutiny arrangements at the Council?
- 10 Overall, we found that: **The Council is missing opportunities for scrutiny to maximise its impact, influence and effectiveness in holding cabinet to account, shaping council policies and reviewing performance.** We reached this conclusion because:
 - the Council's current scrutiny model is not fulfilling many important aspects of its role, which increases the risk that members do not make informed decisions in a timely manner;
 - the scrutiny model is not citizen focused and does not provide easy opportunities for public involvement and participation in scrutiny;
 - the scrutiny model is compromising its ability to use its time effectively to independently plan and strategically prioritise its own work;
 - the Council's scrutiny support arrangements are focused on maintaining the current scrutiny model and ways of working and do not encourage scrutiny to explore its wider role and potential; and
 - while the Council has put in place some arrangements to evaluate scrutiny activity, these arrangements are limited.

Recommendations

Exhibit 1: recommendations

The table below sets out the recommendations that we have identified following this review.

Recommendations	
Current model and role of scrutiny	
R1	<p>The Council should review its current model for scrutiny to ensure scrutiny can fulfil its broader range of roles and responsibilities. Any revised model should ensure there are opportunities for scrutiny to engage in its wider roles, including for example, in relation to:</p> <ul style="list-style-type: none">– Policy development– Performance monitoring– Holding cabinet members to account throughout the decision-making process– Following up outcomes of previous recommendations or decisions
Public engagement	
R2	<p>The Council's scrutiny model should be more citizen focused by strengthening its arrangements for public involvement and engagement in scrutiny. This should include ensuring greater transparency and timeliness about which items will be on the scrutiny committee agendas; and using existing engagement and consultation work to inform its scrutiny work including consideration of scrutiny topics, as part of its scrutiny reviews, in holding cabinet members and decisions to account, and in its performance monitoring roles.</p>
Planning and work programme	
R3	<p>To enable the scrutiny model to be more citizen focused, the Council should review its arrangements for the way in which scrutiny is planned to ensure scrutiny can independently plan and strategically prioritise its own work programme.</p>
Support	
R4	<p>The Council should review the type of scrutiny support it requires across all areas of the organisation including service areas, to enable scrutiny to</p>

Recommendations

perform its wider role and ensure that any resourcing implications arising from any changes to the scrutiny model are understood and planned for.

Evaluation

R5 The Council should strengthen its arrangements for assessing the effectiveness and impact of scrutiny.

Detailed report

The Council is missing opportunities for scrutiny to maximise its impact, influence and effectiveness in holding cabinet to account, shaping council policies and reviewing performance

The Council's current scrutiny model is not fulfilling many important aspects of its role, which increases the risk that members do not make informed decisions in a timely manner

- 11 The Council's scrutiny function is not regularly or effectively undertaking wider and more impactful aspects of its role. The Council's current scrutiny model is narrowly focussed. There is also a continued lack of clarity and understanding about the wider role of scrutiny amongst elected members we spoke to during our fieldwork. Taken together, they are hindering scrutiny's effectiveness and potential impact on the Council's decision and policy shaping, and on its residents and communities.
- 12 Throughout our fieldwork it was clear that many members do not have an understanding of the wider range of roles, responsibilities, influence and potential that scrutiny could and should have. This includes ensuring that cabinet members and decisions are held to account and scrutinised throughout the policy- decision-implementation process, not only at the stage where the reports to cabinet have already been published. The wider work of scrutiny could influence policy development in a more timely way. Scrutiny should also monitor the performance and effectiveness of the outcomes of those policies and decisions over time to ensure that they are delivering improvements for the Council's citizens.
- 13 The Council typically refers to its current scrutiny model as 'pre-decision scrutiny'. In practice, the Council's current scrutiny model is not effective pre-decision scrutiny. It is more accurately described as last-minute commenting on, reviewing or editing already published cabinet reports, immediately before cabinet makes the decision.
- 14 For the Council to undertake effective pre-decision scrutiny, it means that members should be engaging with a proposed cabinet or council policy/decision weeks or months in advance of the policy/decision being discussed and agreed at cabinet meetings. This would provide scrutiny with time to decide whether it would want to undertake a more informed and in-depth look at a specific issue/policy/decision relating to the cabinet or council forward work programme. This would mean scrutiny would have time to gather relevant and rounded evidence from a range of perspectives, engage citizens and other stakeholders in its reviews, and put forward evidence-based proposals, recommendations, improvements or alternative

and additional options to the Cabinet in good time to inform its forthcoming decision. This would enable scrutiny to fulfil the policy development part of their role.²

- 15 The limitations of the Council's current scrutiny model, and the restrictions it places on scrutiny's ability to engage in a timely manner on a range of issues, poses risks to the timeliness of the Council's decisions. For example, given the last-minute nature of the current scrutiny model, it could mean that some key decisions are having to be deferred or delayed to give scrutiny sufficient time to consider them thoroughly. It could also mean that Cabinet could find itself making some key decisions without the benefit of having heard a full range of informed views, which potentially could lead to a weaker decision that has not benefitted from the full benefits of informed and in-depth scrutiny and options.

The scrutiny model is not citizen focused and does not provide easy opportunities for public involvement and participation in scrutiny

- 16 We found that public involvement and participation in the Council's scrutiny is limited, and there is no clear plan to increase public engagement within its scrutiny activity. While the Council's overarching Participation Strategy includes some arrangements around citizen's involvement during decision making and scrutiny, the document is not specifically focused on the wider options for public participation in scrutiny. The current scrutiny model means that information about what scrutiny is looking at is not easily accessible or transparent for members of the public. The current scrutiny model in turn means that scrutiny is missing opportunities for public involvement and participation in scrutiny.
- 17 We found that scrutiny committees decide, in private meetings, which published Cabinet reports it will consider. These private meetings usually take place just before the scrutiny committee meeting, so any member of the public cannot not know in advance which of the published Cabinet reports or items will be further considered by scrutiny. Councils must make arrangements that enable all persons who live or work in the area to bring to the attention of the relevant scrutiny committee their views on any matter under consideration by the committee.³ However, the Council's current scrutiny model means that it is very difficult for a member of the public, and in fact any member of the council outside of the scrutiny committee members, to know how to bring their views to the attention of the scrutiny committee.
- 18 Public engagement is not just about attending committee meetings. In our recent audit work, 'Neath Port Talbot County Borough Council – Setting of Well-being

² Centre for Public Scrutiny, Practice guide on pre-decision scrutiny, Practice Guide 2 on Pre-decision Scrutiny (June 2014)

³ Local Government (Wales) Measure 2011

Objectives', we commented positively on the Council's wider approach to engagement and involvement. However, this inclusive approach is not being extended to the Council's scrutiny function and the scrutiny committees are not routinely engaging with the information that the Council has already gathered, for example, through its Let's Talk and citizens survey. The current model of scrutiny limits scrutiny's ability to do so as it does not plan ahead early enough to enable scrutiny to decide what type of information and range of voices it might want to draw on to inform its own reviews, reports and recommendations to Cabinet and Council.

- 19 Without including further opportunities for public participation and public involvement in scrutiny, scrutiny is missing opportunities to consider a wide range of its residents' views. Furthermore, without maximising opportunities for public involvement and participation, it means that the voices and concerns of the public are less prominent in shaping scrutiny's work to inform the cabinet's decision and policy processes. Scrutiny can provide a high-profile platform for the voice of the local citizen; however, the Council's scrutiny is missing opportunities by not involving citizens and stakeholders, and including their views within scrutiny to ensure it has impact on the local community.

Scrutiny's current model is compromising its ability to use its time effectively to independently plan and strategically prioritise its own work

- 20 Scrutiny is not using its time effectively to undertake its full role and to prioritise the key areas to scrutinise in more depth. It spends comparatively little of its time on developing and delivering its own work programme. Instead, scrutiny spends the majority of its time and effort commenting on already published Cabinet reports immediately before a decision is made. Members told us that they were not always clear about the impact that their work was having.
- 21 Focusing on Cabinet's work programme rather than scrutiny's own work programme means that scrutiny's work is led by and defined by Cabinet's plans and strategic priorities, rather than its own priorities and risks to influence better outcomes for local people. Whilst it is helpful for scrutiny work programmes to have reflected on the Cabinet's work programme, scrutiny's specific focus on imminent Cabinet decisions, to the exclusion of other potential issues, is taking up a disproportionate amount of its time and compromising its independence and ability to have ownership of the topics it considers. It also limits scrutiny's opportunities to fulfil other aspects of its role and to shape reports to meet their needs and those of their citizens and communities.
- 22 No scrutiny function has time to look at everything the Council does. Therefore, to be effective, it will need to carefully consider what it will and, more significantly, what it will not look at in depth. Giving greater time and emphasis to planning its own work programme will allow scrutiny to prioritise its resources to areas,

priorities and risks where it can add most value and have the greatest impact for its citizens.

The Council's scrutiny support arrangements are focused on maintaining the current scrutiny model and ways of working, and do not encourage scrutiny to explore its wider role and potential

- 23 The Council's scrutiny members benefit from a broad range of support from Democratic Services officers. However, the support scrutiny members receive from the wider organisation is not always meeting their needs. The role of the wider Council in providing support and enabling scrutiny to undertake its own reviews and commission its own reports are currently underdeveloped.
- 24 We heard from members about the various examples of support they receive from Democratic Services officers. Members also spoke highly of the wider support they received from the Monitoring Officer and the Chief Executive.
- 25 At the local government elections in May 2022, the Council experienced a significant change in membership, resulting in a large number of new members or members in new roles. This has meant that members have required additional Democratic Officer's support on a wider range of issues than has been the case in the past.
- 26 The support and advice members receive from the Council's Democratic Service Officers covers a wide range of subjects, including training when newly elected, advice on selecting topics for scrutiny, the role and remits of committees, through to practical and specific help with accessing committee papers online and taking part in remote meetings.
- 27 However, some of the Council's members' support could be more efficiently met elsewhere in the organisation. For example, the increased use of technology since the pandemic has led to an increased demand for technical support for members that is currently being mostly met by Democratic Services Officers. If some of this demand was able to be met by IT officers, that would release capacity for Democratic Officers to provide support that is more directly relevant to their role.
- 28 Under the Council's current model of scrutiny, in practice, the support that scrutiny receives from the wider organisation is largely a by-product of the support provided to Cabinet. As the scrutiny meetings and agendas are led and defined by those of the Cabinet and Cabinet Boards, the proportion of reports and information that is produced and provided specifically for scrutiny, to its current specifications, is limited. For scrutiny to have more influence and impact, it will need to embrace its wider role on shaping policy and scrutinising the effectiveness of the Council's policies and performance. This in turn is likely to change the support that scrutiny needs from the wider organisation if scrutiny is to have a broader impact.

While the Council has put in place some arrangements to evaluate scrutiny activity, these arrangements are limited

- 29 During our fieldwork, scrutiny members described their significant time investment in scrutiny activity, but they were not always clear about the impact their scrutiny activity was having.
- 30 We did not find evidence that scrutiny is regularly or proactively undertaking work to evaluate the effectiveness and the impact of its activity. The Council has some arrangements in place to evaluate the effectiveness and impact of scrutiny, such as the Annual Scrutiny Report and the role of the Scrutiny Champion in reporting on impact. However, some of these arrangements were paused during the pandemic and some are not yet fully embedded after the local government elections. The Council therefore is not using its evaluation arrangements to its full potential to help ensure and improve the impact of scrutiny.



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