



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

COUNCIL

20th March 2024

Report of the Chairs and Vice Chairs of the Council's Scrutiny Committees

SECTION A – MATTER FOR DECISION

WARDS AFFECTED: ALL

SCRUTINY REVIEW

Purpose of Report

The purpose of this report is to summarise the work undertaken by the Scrutiny Review Task & Finish Group in response to the report issued by Audit Wales following their audit of scrutiny arrangements at Neath Port Talbot CBC. The report will outline proposals and seek endorsement from members on proposed amendments to the current scrutiny model used in Neath Port Talbot CBC to take effect from the Annual General Meeting in May 2024.

Background

During summer 2023, Audit Wales were asked to carry out a review of the scrutiny arrangements at Neath Port Talbot CBC. The results of this review were produced in a report published in October 2023.

The outcomes from the review indicated 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;
- 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;

- Scrutiny's current 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.

Having considered the conclusions of the review undertaken by Audit Wales, the Chairs and Vice Chairs of the Council's scrutiny committees formed a Task & Finish Group to consider how the audit findings could be responded to. All members were invited to attend contribute to the task and finish group work, The work undertaken has included research into other models of scrutiny practiced across Wales.

Research Undertaken

A summary of the research undertaken is as follows:

- Models of scrutiny – the authorities reviewed mostly offered a hybrid approach to scrutiny, offering both pre and post decision scrutiny. However, the majority focused on pre-decision scrutiny.
- Pre-briefings – these varied from being held an hour before the meeting to two days before a meeting. The task and finish group established that in other authorities officers were invited to some pre-briefings where reports were technical. Generally, officers and cabinet members were not told what questions were going to be asked prior to the scrutiny meeting.
- Forward Work Programmes (FWP) – generally, other authorities align the forward work programmes of their scrutiny committees to the Cabinet Forward Work Programme but are selective in the number of items identified for pre-scrutiny. Authorities use various ways to set their FWP i.e. annual planning conference. Both members and officers are involved in setting the FWP of the scrutiny committees.
- Cabinet Members – other authorities issue reports in a Cabinet Member name (even pre-decision reports). Cabinet Members were questioned about reports and officers only answered technical questions when required. Cabinet Members were held to account in reference to both decisions already taken and those items considered at pre-decision scrutiny.

- Task & Finish Groups - all councils have some form of task & finish groups and these varied in number from one per year to three to four per year. All groups reported back to the main scrutiny committee.

Some unique approaches were also identified from the research undertaken. These included:

- Virtual scrutiny – whereby scrutiny took place via completion of a proforma submitted to the chair of the scrutiny committee.
- Non-submission of reports by officers – whereby officers were invited to attend scrutiny meetings to explain to members why a report had not been produced in the timeframe required by scrutiny.
- Cabinet member bi-annual engagement- a Cabinet Member is invited to attend a scrutiny meeting to be asked questions on any decision taken in relation to their portfolio within the previous six months.
- Ongoing consultations – a standing item on the scrutiny agenda to advise members of consultations in relation to their area.
- Scrutiny Research Officer – some authorities have an officer dedicated to carrying out research in relation to items to determine if there is any value in further consideration by the scrutiny committee before a member raises it formally.

Conclusion of Research

From the research undertaken, members of the Task & Finish group identified several themes which they considered important and were keen to see reflected in any amended model of scrutiny that they were going to bring forward. These themes included:

- Cabinet Members to be held to account;
- Public engagement being very important;
- Members need to have option to be involved in decisions at an earlier stage;
- There process needs to be more accessible and transparent so it is clear to the public what is going to be scrutinised;
- The Council need to consider a system which operates consistently both pre and post decision scrutiny; and
- Ongoing performance monitoring is very important

From these themes members were able to set out a model which took into consideration the aspects of scrutiny that members felt took priority, whilst also being sympathetic to the requirement to not lose the role of scrutiny in putting a proposal forward which would likely cause complete disruption to the scrutiny process.

The Proposed Model of Scrutiny

Overview and scrutiny is an essential element of the political and general governance of the council. Therefore, it is appropriate to note that any changes are only to the model of scrutiny and not the terms of reference and powers of scrutiny committees. In other words how scrutiny is undertaken in practice.

Any changes proposed would take effect from the Annual General Meeting in May 2024.

Proposal 1

All decision making now be vested in the Cabinet and the Cabinet Boards be removed, with Cabinet meeting on a three-weekly cycle.

This will enable one detailed Forward Work Programme for the Cabinet to be available, so that members of Scrutiny Committees and the general public can see all matters for consideration in one document. This will enable scrutiny members to identify areas for scrutiny.

There will be an onus on officers to ensure that the Forward Work Programme is continuously updated to assist members in their scrutiny preparations.

Proposal 2

It would be proposed that four scrutiny committees be in place:

Scrutiny Committee	Terms of Reference
Community, Finance and Strategic Leadership	<ul style="list-style-type: none"> • 15 Members • To scrutinise <ul style="list-style-type: none"> – Cabinet Portfolio 1 – Community and Strategic Leadership – Cabinet Portfolio 2 – Finance, Performance Social Justice

	<ul style="list-style-type: none"> – Designated to scrutinise the work of the Neath Port Talbot Public Services Board in accordance with Section 35 of the Well-being of Future Generations (Wales) Act 2015 – Major plans, policies, service change and budgets, including Climate Change, Decarbonisation and Renewable Energy Policy and strategic response to the nature emergency)
<p>Environment, Regeneration and Streetscene:</p>	<ul style="list-style-type: none"> • 12 Members • To Scrutinise <ul style="list-style-type: none"> – Cabinet Portfolio 4 – Economic and Community Regeneration (functions not covered by Education, Skills and Wellbeing Scrutiny Committee) – Cabinet Portfolio 9 – Strategic Planning, Transport and Connectivity – Cabinet Portfolio 10 – Streetscene <p>(Excluding decarbonisation and renewable energy policy and the strategic response to the nature emergency)</p>

<p>Education, Skills and Wellbeing</p>	<ul style="list-style-type: none"> • 13 Members (plus co-opted members) • To scrutinise <ul style="list-style-type: none"> – Cabinet Portfolio 3 – Education, Skills and Training – Cabinet Portfolio 4 (in respect of regional education, skills and training arrangements, lifelong learning, adult education and post-16 provision and employability_ – Cabinet Portfolio 5 – Climate Change and Wellbeing (save that responsibilities relating to Climate Change, will be considered by the Community, Finance and Strategic Leadership Scrutiny Committee)
<p>Social Services, Housing and Community Safety</p>	<ul style="list-style-type: none"> • 12 Members • To Scrutinise: <ul style="list-style-type: none"> – Cabinet Portfolio 6 – Children and Family Services – Cabinet Portfolio 7 – Adult Social Services and Health – Cabinet Portfolio 8 – Housing and Community Safety – Crime and Disorder matters (including those matters within Section 19 of the Police and Justice Act 2006)

It is proposed that each scrutiny committee will subsequently have four parts to it:

- Part 1 – Pre Scrutiny Items (i.e. items that the Cabinet will consider)
- Part 2 – Scrutiny Committee Work Programme (i.e. items that the Scrutiny Committee wish to consider outside of the Cabinet Forward Work Programme)
- Part 3 – Performance Monitoring
- Part 4 – Ongoing consultations, selection of future items for scrutiny and opportunities for public participation.

Proposal 3

A Forward Work Programme Session to be arranged for each committee three times a year comprising officers and members.

Proposal 4

A pre-briefing for scrutiny committee members to be held 48 hours before the actual meeting to ensure better planning for scrutiny meetings and to ensure an orderly structure to the meeting.

Proposal 5

Cabinet members to have an increased role in scrutiny – presenting reports and answering questions where appropriate with support from officers.

Proposal 6

Increased publication of scrutiny programme to enable greater public participation with calls for evidence where applicable.

Proposal 7

Each scrutiny committee to continue to produce an Annual Report to be noted at Full Council highlighting work programme.

Proposal 8

Regular training to scrutiny committee members on how to effectively scrutinise and develop skills to include training on Council Constitution matters such as Council Procedure Rules and Scrutiny Procedure Rules.

Proposal 9

That any of the changes to the model of scrutiny suggested are reviewed on a six-monthly basis by the Chairs and Vice Chairs of Scrutiny with any suggested amendments be reported back to Full Council before the Annual General Meeting each year.

Financial Impact

Not applicable.

Integrated Impact Assessment

There is no requirement to undertake an Integrated Impact Assessment.

Valleys Communities Impacts

No implications.

Workforce Impacts

There are no immediate workforce impacts. The structure of the Democratic Services Team will be considered to enable these changes to be implemented and this will be considered in a report to Democratic Services Committee which has the statutory responsibility for overseeing sufficient support is available to support elected members.

Legal Impacts

Section 21 of the Local Government Act 2000 requires authorities operating executive arrangements to set up overview and scrutiny committees in order to hold the executive to account; members of the executive are not able to be members of an overview and scrutiny committee. Section 21 also gives power to overview and scrutiny committees to make reports and recommendations, either to the executive or to the authority, on any aspect of council business. They also have the power to make reports and recommendations on other matters which affect the authority's area or the area's inhabitants.

There will no requirement to the Scrutiny Committee Terms of Reference or the Scrutiny Procedure Rules. The only part of the Constitution that will require amendment will be to remove reference to the Cabinet Boards and vest all decision making in the Cabinet. A revised constitution will be presented at the Annual General Meeting to implement this change.

Risk Management Impacts

The Council must respond to Audit Wales to explain how we propose to address their findings. A failure to consider and implement any proposals for change may leave the Council open to further scrutiny and/or challenge by Audit Wales.

Crime and Disorder Impacts

No impact.

Violence Against Women, Domestic Abuse and Sexual Violence Impacts

No Impact.

Consultation

There is no requirement under the constitution for consultation on this item.

Recommendations

It is recommended that having due regard to the work of the Chairs and Vice Chairs of Scrutiny, members endorse the proposals 1 to 9 of this report and for them to take effect from the Annual General Meeting in May 2024.

Reasons for Proposed Decision

To ensure Neath Port Talbot Council is able to maintain effective scrutiny arrangements, taking into account the recommendations of the recent Audit Wales report.

Implementation of Decision

The decision is proposed for implementation immediately (noting that it will not commence until after the Annual General Meeting in May 2024)

Appendices

None

List of Background Papers

No additional papers required.

Officer Contract

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