



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

COUNCIL

2nd April 2025

Report of the Head of Legal and Democratic Services – Mr Craig Griffiths

SECTION A – MATTER FOR DECISION

WARDS AFFECTED: ALL

SCRUTINY REVIEW

Purpose of Report

The purpose of this report is to summarise the work undertaken as part of the review of the change to scrutiny arrangements which were implemented in May 2024. 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 2025.

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. Following the conclusion of work a Task & Finish Group was set up to consider and respond to the scrutiny review and amendments to the scrutiny model were agreed and subsequently implemented at the AGM 2024.

In January 2025, a six-month review of the new scrutiny model was initiated as part of the previously agreed proposals.

The Chairs and Vice-Chairs Forum were tasked with assessing the effectiveness, efficiency, and impact of the council's current scrutiny model, including identifying areas for improvement and ensuring that the function continues to provide robust

accountability, adds value to decision-making and continues to meet its statutory obligations.

The Chairs and Vice-Chairs Forum tasked officer to begin the process to undertake this work.

Scrutiny Consultation

An extensive consultation was carried out with the various stakeholders involved in scrutiny:

- Chair and Vice-Chair Forum
- Scrutiny Committees – Community, Finance and Strategic Leadership, Education, Skills & Wellbeing, Social Services, Housing & Community Safety and Environment, Regeneration and Streetscene.
- Cabinet Members
- Democratic Services Committee
- Corporate Leadership Team

A survey was also issued to all elected members and officers so they could comment outside of meetings should they wish. Two responses were received from members and one from an officer.

Benchmarking was also carried out with other local authorities, both in England and Wales to look at areas of best practice and various models. Considerations were also given to reports produced on scrutiny by other authorities throughout Wales by Audit Wales.

A summary of observations from Members:

- Timeframe of publication of reports - Members strongly feel they are not having enough time to read reports when they are published three days before the meeting. There is a recommendation that the required publication date be extended to five or seven days before the meeting (not including weekends).
- Lack of early engagement from scrutiny on policy decisions - Members felt a reluctance to bring proposals for early dialogue to scrutiny until they are in an advanced position, which is not allowing them to discharge their pre-scrutiny function effectively.
- Appreciation of the scrutiny model - Members feel that it is important that all officers and members understand the role and remit of the scrutiny function and that it needs to be supported separately to Cabinet. This

- should include an understanding of the powers available to the Chair and the Scrutiny Committees.
- Reports containing 'good news' - A reluctance to share the honest and balanced position where scrutiny can get involved proactively.
 - Forward Work Programmes - Items are still being added and removed continually to the Cabinet Forward Work Programme resulting in lack of clarity for what the Scrutiny Committees can consider.
 - Scrutiny Forward Work Programme - Items are being added without consideration of what scrutiny wish to consider and scrutiny agendas become unwieldy.
 - Officer / Cabinet Member accountability – Members feel that there is some uncertainty on the roles and responsibilities of officers and members in the scrutiny process and where such accountability lies and who should take the lead in engaging in scrutiny.
 - Relationship between Executive and Scrutiny – Scrutiny members felt disengage from the decision-making process with no feedback from Cabinet on the views of the scrutiny committee and lack of reference to whether or not scrutiny have influenced a decision. The only way this can be determined is to watch a Cabinet meeting whereas it would be helpful if there was some documented process.
 - Remit of Scrutiny Committees - Members felt the remit of the committees is ambiguous, and it is not always clear which items sat in which committees and limited rationale for the way some items are considered in specific scrutiny committees.

A summary of observations from officers:

- Scrutiny Forward Work Programme - Development of the Forward Work Programme with officers is essential to ensure that key dates can be determined and reasonable lead times can be advised (this should not prevent members bringing items forward regardless of officers presence at meetings)
- Pre-Briefings - It is useful to have questions in advance of the meetings to ensure that officers can establish any missing information. If officers have to get back to members' this could be misinterpreted members thinking officers don't know answers.

Conclusion from Scrutiny Consultation

From the various consultations undertaken, several key requirements were identified which members considered important and were keen to see reflected and amended in the current model of scrutiny. These requirements included:

- Increase in time limit for publication with a move to five working days instead of three working days
- The introduction of a fifth scrutiny committee
- Scrutiny committees to be able to determine their own times for pre-briefings
- Creation of a framework document between Cabinet/Officers/Scrutiny

From these requirements identified a series of amendments are recommended to the current model. The amendments will aim to alter aspects of the current scrutiny model that members felt were hindering members and officers fully discharging their role in the scrutiny procedures

Proposed amendments to the current 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 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 2025.

Proposal 1

To increase the publication date for agendas from three working days to five working days for all of the Council’s Overview and Scrutiny Committees.

This will enable agendas and associated reports to be circulated to the Scrutiny Committees, and published for members of the public to see, with more time to read the reports prior to the meetings.

Proposal 2

It is proposed that five scrutiny committees be in place:

Committee and Membership	Role and Scope
Performance, Financial and Resources 13 Members	The powers conferred by Section 35 of the Well-being of Future Generations (Wales) Act 2015

	<p>Corporate Plan, including wellbeing objectives and wellbeing statement Well-being Plan/Public Services Board Corporate Joint Committees (CJC's) Performance Monitoring Self Assessment Overview of regional and wider area collaborative working arrangements Corporate Governance and Risk Management, including Annual Governance Statement Communications and Marketing Medium Term Financial Plan Investment Strategy Budgets Budget monitoring Treasury Management Third Sector Relationships (including Grants) Relationships with Town and Community Councils Income Generation – Policy and Strategy Revenues and housing benefits Debt write off Corporate Performance Management oversight Social inclusion policies/strategies, including Strategic Equalities Plan, cost of living/anti-poverty policies, Welsh Language standards, plans and policies, support to equality/diversity networks and groups Executive personnel policy/strategy, including pay policy Trade Union relationships/Staff Council Occupational Health and Safety oversight (as an employer) Customer Services policies and strategies Digital Strategy, including cyber security Procurement Strategy Legal and Democratic Services Business Continuity Planning and Emergency Planning oversight Facilities and Asset Management</p>
<p>Safeguarding 11 Members</p>	<p>Crime and Disorder matters (including those matters within Section 19 of the Police and Justice Act 2006)</p>

	<p> Community Relations Adult Social Services and Health Adult community care services policy Older people's community care services policy Local Area Co-ordination and early intervention/prevention policy Welfare Rights Health partnerships and integrated services oversight Safeguarding policy Support to Fostering and Adoption panels Older persons and carers champion Regional Partnership Board Adult Social Services functions under the Social Services and Wellbeing (Wales) Act 2014 Retained Strategic Housing responsibilities Local Housing Strategy and relevant sub-strategies [with links to LDP and regeneration] Policy to support asylum seekers and refugees Homelessness policy Housing, including private sector renewal, disabled facilities grants, registered social landlords, housing association partnerships and housing strategy Community Safety strategy Counter-terrorism and extremism policy Violence Against Women, Domestic Abuse and Sexual Violence strategy Anti-Social Behaviour policy Substance Misuse and Area Planning Board oversight CCTV policy Children in Need and families policy Youth Justice Plan and Youth Offending Service Hillside Secure Unit Team Around the Family policy Corporate Parenting policy Safeguarding policy Support to adoption and fostering panels </p>
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<p>Education 11 Members (plus 4 co-opted)</p>	<p>Regional education, skills and training arrangements Lifelong Learning, adult education, post-16 provision Integrated Planning and Commissioning for Children's Services – under Part 5 - Children's Act 2004 (Cabinet Member is Lead Member as required in the Act) Families First Plan Children's Rights Play Strategy Childcare Strategy Youth engagement and progression framework, Youth Service, Youth Council School Improvement and Inclusion Welsh in Education Strategic Plan School governors School reorganisation (Strategic School Improvement Programme) Additional Learning Needs Access managed services, including catering, cleaning etc Home to School Transport (including contractual arrangements) West Glamorgan Trust Fund</p>
<p>Visual Services and Streetscene 11 Members</p>	<p>Regional and local waste plans and policies Neighbourhood Services and Management oversight Town centre management oversight Grass verge and associated landscaping oversight Land Drainage oversight Flood Defence oversight In-house Building Services oversight Public Lighting oversight Maintenance of parks, playgrounds, sports fields, bowling greens etc. oversight Grounds maintenance, arboricultural services oversight Cemeteries and Margam Crematorium oversight Waste management, including recycling oversight</p>

	<p>Dog and animal impounding policy Waste transfer station Highways Maintenance and Operations Litter enforcement policy Existing Route Map (ERM) Integrated Network Map Environmental Stewardship/quality including biodiversity Street Naming Building Control High Hedges Coastal Protection policy Road Safety policy Traffic Orders Bus shelters Fleet Management and Maintenance On and off street parking policy– including CCTV mobile enforcement Highway Asset Management oversight Biodiversity policy Japanese Knotweed Environmental Health Trading Standards Executive Licensing Functions</p>
<p>Culture, Connection and Place 11 Members</p>	<p>Culture, Heritage and Leisure Services Concessionary Fares Community Transport Place making charter oversight Planning policy and guidance Local Development Plan Regional Development Plan Environmental Strategy Local and regional transport plans and policies Active travel plans and policy Sustainability policy Climate change policy, including decarbonisation and renewable energy strategy City Deal oversight Local and regional economic development and regeneration strategies Relationship with the private and not-for-profit businesses</p>

	Freeport policy Foundational/circular economy strategies Business services and grants/loans to businesses Industrial estates Baglan Energy Park Coed Darcy Town Centres Strategies Seafront Strategies Valleys and villages strategies Europe and European Funding Levelling Up and Shared Prosperity programmes Architectural Design Construction project management Promotion of high quality design Canals Development Control Highways Development Control (including sustainable drainage) Estate Management (non-housing/non-operational property) Estates and Valuation (including acquisition and disposal of land/property) Energy Management, including renewable energy strategies Enterprise Zone Countryside Access including Footpaths, bridleways, public paths, rights of way, definitive map
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Proposal 3

A Protocol to be agreed to outline the relationship between Scrutiny / Officers / Cabinet (Appendix 1) and the way in which scrutiny committees should operate.

The new protocol will incorporate a new framework for scrutiny making recommendations to Cabinet and the template response Cabinet will respond with. It will also outline the procedure for Cabinet member attendance at scrutiny meetings.

Key issues include:

Introduction - The protocol serves as a guide for elected Members and other parties, detailing the procedural elements that underpin the relationship between Scrutiny and the Executive

Scrutiny Arrangements - Scrutiny Committees act as a 'critical friend' to the Cabinet and other decision-makers to promote better services, policies, and decisions. Committees operate within the values of the Council: Openness, Teamwork, Flexibility, Fairness, and Kindness. Committees consider reports, make recommendations, hold the Cabinet accountable, and enable public engagement through meetings.

General Roles - Scrutiny Committees develop, review, and scrutinise decisions, policies, and processes related to the Council's functions. They make reports and recommendations to the Council meeting and/or the Cabinet.

Specific Functions - Committees assist in reviewing service delivery and performance, scrutinise decisions and performance of the Cabinet and other bodies, conduct research and consultations, encourage community participation, and question Members and Officers about policies and performance. They also review the performance of other public bodies and liaise with external organisations.

Setting the Work Programme and Agenda - Each Scrutiny Committee agrees on an outline work programme at the beginning of the Scrutiny year (June), considering public and partner agency views. The work programme is reviewed at each meeting, and individual agenda items are determined by the agreed programme

Evidence Gathering - Committees gather evidence through various methods, including task and finish groups, public surveys, meetings, research, and witness testimonies. They can pay reasonable fees and expenses for assistance, excluding Officers or Members of the Authority

Attendance at Scrutiny Committees: Cabinet Members and Officers may be required to attend Scrutiny Committee meetings to give account for decisions, policy implementation, and performance. Invitations to attend must offer a minimum notice of one week and outline the reasons for attendance

Scrutiny Committee Meeting Procedure - Effective questioning and preparation are essential for robust Scrutiny. Meetings involve identifying agenda items, engaging Members in raising questions, holding pre-meetings, and ensuring effective questioning during the meeting

Attending Call-in Meetings - Relevant Cabinet Members and Officers are invited to Call-in meetings to discuss decisions within a specific timescale. Appropriate notice is given to witnesses, and scheduling facilitates their attendance

Responding to Scrutiny's Recommendations - Scrutiny Committees agree on outcomes and recommendations, which are communicated via Chairs Letters. Recommendations may be accepted, partially accepted, or rejected, with rationale and actions detailed. In-depth reviews and workshops involve Cabinet Members and follow principles of evidence-based recommendations

These provisions ensure that Scrutiny Committees effectively review and improve the Council's functions, policies, and service delivery while promoting transparency and community engagement.

Proposal 4

To implement the aforementioned changes an update to the Scrutiny Procedure Rules is required.

Attached at Appendix 2 are updated scrutiny procedure rules.

Members should note that in addition to the proposals referenced above, the proposed new rules also amend the three-day call-in period, to a period of three working days as opposed to three calendar days.

In addition, reference is also included to a Councillor Call For Action, which has not been included previously. The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for "Councillor Calls for Action" (CCfA) which enables Councillors to refer issues of local importance to Overview and Scrutiny Committees. CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which elected Members have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Member to the designated Crime and Disorder Overview and Scrutiny Committee for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation. As part of their community leadership role, councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It

should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.

It should be noted a session on these Scrutiny Procedure Rules will be provided to all scrutiny members following the AGM in May 2025.

Proposal 5

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.

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.

Risk Management Impacts

These provisions ensure that Scrutiny Committees are effective in reviewing the Council's functions, policies, and service delivery while promoting transparency and community engagement. Failure to implement may render the Council open to challenge that it is not utilising its full scrutiny powers accordingly.

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 5 of this report and for them to take effect from the Annual General Meeting in May 2025.

Reasons for Proposed Decision

To ensure Neath Port Talbot Council is able to maintain effective scrutiny arrangements.

Implementation of Decision

The decision is proposed for implementation immediately (noting that it will not commence until after the Annual General Meeting in May 2025)

Appendices

Appendix 1 – Scrutiny and Executive Protocol
Appendix 2 - Updated Scrutiny Procedure Rules

List of Background Papers

No additional papers required.

Officer Contract

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