

MEETING	FULL COUNCIL
DATE	2ND MARCH, 2017
SUBJECT	REVIEW OF THE SCRUTINY SYSTEM
AUTHOR(S)	Councillor Trefor Edwards (Chair of the Audit Committee)
PURPOSE	To submit the recommendations of the Audit Committee on a new scrutiny model for May, 2017
CABINET MEMBER	Councillor Dyfrig Siencyn (Deputy Council Leader)
OFFICER	Arwel E Jones (Senior Manager – Corporate Support)

1. After criticism of the Council’s Scrutiny arrangements by the Wales Audit Office, the Audit Committee decided, at its meeting on 21 January 2016, to establish a small Sub-group of Audit, Scrutiny and Cabinet Members that would:-
 - a) consider the work-load of the committees and investigate other scrutiny models, including support arrangements
 - b) interview others regarding the possible models
 - c) introduce a simple procedure of recording how much pre-scrutiny (before decisions are made) takes place

The proposal was for the Sub-group to draw up recommendations for consideration before the Council commenced its new term in May, 2017.
2. The group met on several occasions over the past year, and it attempted to learn from good practice from other councils, sought advice from the Wales Audit Office and held discussions with other Councils in Wales about their arrangements.
3. The work of the sub-group led to initial proposals that were the subject of discussions at two formal workshops and during informal discussions following meetings of the Area Forums. At those various meetings, and in the Sub-group's work, an opportunity was available to discuss the possible proposals with 40 of the members from the 75 invited.
4. This led to preparing two possible models for the Council to consider, a model adapted from the current arrangements with three scrutiny committees (Education and Economy, Care and Communities) with corporate matters being scrutinised by the Audit Committee and a model that establishes one Principal Scrutiny Committee but with more investigations (up to eight at once compared to three under the other model)
5. Both models were discussed by the Sub-group and presented to the Audit Committee, at its meeting on 9th February, drawing attention to their advantages and disadvantages.
The recommendation of the Audit Committee is to adopt the One Scrutiny Committee model (see Appendix 1).
6. The Council should bear in mind that the aim noted at the beginning of the work was to respond to a critical external report and self-assessment regarding our scrutiny work and address the four basic weaknesses in the Council's scrutiny arrangements that were identified by the Sub-group itself at the start of the work, namely:-

- The need to strengthen the connection through dialogue between Scrutiny and the Cabinet by undertaking more joint policy development (Scrutineers and the Cabinet).
- The need for clarity regarding why an issue needs to be scrutinised with appropriate resources and skills to undertake the work.
- Boundaries of committee work have been too sacred and inconsistent workloads.
- The slowness of completing work and frustration about meeting frequency.

NB When considering the two models, the Audit Committee weighed up their advantages and disadvantages against these four points.

7. An important point to remember here is that these proposals only effect the scrutiny committee(s). The remainder of the Councils' committee system of Planning, Licensing and Language Committees etc will as it is at the moment
8. Another important point to remember, in terms of scrutiny arrangements, is that the implementation of the model will be crucial. By having the correct skills and attitudes amongst the people responsible for its implementation (both members and officers), we can make whatever model work better than the current arrangements. However, which model is in place creates the environment for scrutiny and sets the climate for success or failure. Therefore, as we adopt a model, we must ensure that we create an environment that makes good and effective scrutiny easier.
9. However, as noted in the workshops held with members, regardless of the model adopted, some things must be changed and these can be seen in the points below. Therefore, the Committee, in addition to recommending a model to the Council, recommends a series of recommendations to be implemented:-

9.1 Strengthen the dialogue between the Cabinet and the rest of the Council and improve discussion and briefing arrangements - The formal arrangements for this are different in the two models. However, **recommendation (a) is that we establish a procedure of regular discussion sessions.** One possibility, subject to the requirements of the programme of subjects requiring attention, would be to designate dates in the meetings calendar to hold discussion sessions for all Council members on individual subjects. This could involve workshops, as held during the Gwynedd Challenge, or a less formal discussion session. The programme of subjects would be decided upon after looking at the longer-term issues that would benefit from having a broader discussion about them. Filming those sessions is also proposed so that members who are unable to attend can have a taster of what was discussed. Another possibility would be to further develop the area arrangements that we have been implementing for two or three years now and use those vehicles to undertake discussion work.

9.2 More joint policy development work (pre- scrutiny) - Over the past two years, scrutiny agendas have included much more pre-scrutiny and joint policy development. **Recommendation (b) is that the work programme for the year again includes a higher proportion of matters that will be submitted for pre-scrutiny** with those matters being identified and recorded as pre-scrutiny matters. It is also suggested in **recommendation (c) to have a procedure where Cabinet Members invite scrutiny members to join them**

to undertake specific work on policy development in areas of interest to them. **Suggestion (ch) is that the main way of achieving this will be for the Leadership Team to regularly monitor the Council's Corporate Risk Register with the scrutiniseers** along with policy development matters and issues of concern about performance or service provision to identify matters that require attention soon enough, which could lead to a briefing / discussion session, an item on a scrutiny committee's agenda or to an investigation.

9.3 Further clarity on why scrutiny and dialogue is needed regarding the work programmes - Criticism was received regarding the scrutiny work programme and the grounds for including some items and the new model proposes a dialogue with the Cabinet regarding the work programme. **Recommendation (d) is that more emphasis is placed on justifying why a matter is being scrutinised** and to do so by focusing on what Scrutiny is attempting to improve, with this being noted prior to the commencement of any work or challenging. This can sometimes be difficult as it is not always evident at the start whether an issue merits being scrutinised or not. **Recommendation (dd) therefore is to present a new concept of "Gwyntyllu"** namely that any new matter, where a member has already attempted to make ground with the department, is raised and taken through the procedure. The purpose of this procedure, which would be logged, would be to discuss with Cabinet Members and departments to see whether there is evidence that a matter merits formal scrutiny, either at a Committee or in an investigation. This would mean that items would be in the "Gwyntyllu" procedure until it can be seen whether they are suitable for scrutiny.

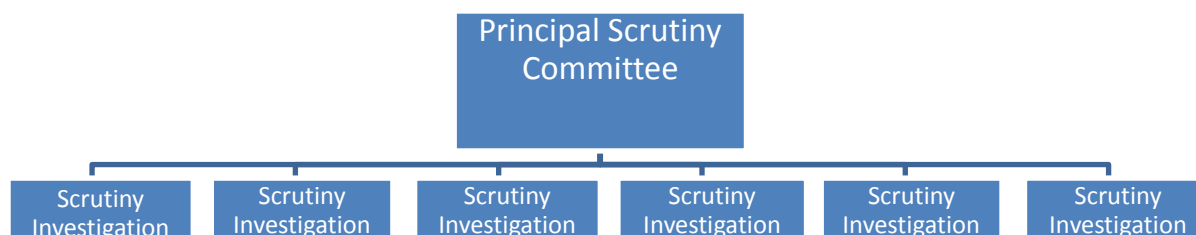
9.4 Improved grasp on scrutinising performance - It appears that the pilot of having scrutiny members attending the performance meetings of Cabinet Members was a success with members from both sides seeing the benefit and Heads also saw it as an improvement from the previous arrangements. **Suggestion (e) therefore is that the performance scrutiny pilot becomes a part of the Council's regular arrangements** but with the following minor changes. Firstly, one of the scrutiny members should attend each departmental meeting for about a year or two in order to develop their understanding of the field with those members then being changed in order to extend this to more members over time. Secondly, clearer guidance will need to be provided on the roles of the scrutiny members at the meeting and there will be a clear expectation for those members to report back on their findings.

9.5 Work better with member interests - It is obvious that members work better in fields of interest to them and/or fields where they have particular interests and / or skills. Unfortunately, the political balance process restricts the Council's ability somewhat to appoint members to committees according to their interests and skills. Regardless of the model selected, **recommendation (f) is that the Council identifies the fields of interest and skills of individual members early.** This will allow for information to be forwarded to political groups regarding which members would be suitable to nominate to individual committees or scrutiny investigations and working groups according to their interests and skills.

10. The Committee is invited to:-

- 1. Adopt the recommendation of the Audit Committee to move to a one Scrutiny Committee model shown in Appendix 1, with the advantages and disadvantages shown as the model that best addresses the weaknesses identified at the start of the review and that offers the best chance for scrutiny to add value.
(NB The details, advantages and disadvantages of the other option considered are shown in Appendix 2 for the Council's information)**
- 2. adopt recommendations (a) to (f) in paragraphs 9.1 to 9.5, as follows:-**
 - a) we establish a procedure of regular discussion sessions**
 - b) the work programme for the year again includes a higher proportion of matters that will be submitted for pre-scrutiny**
 - c) to have a procedure where Cabinet Members invite scrutiny members to join them to undertake specific work on policy development**
 - ch) the Leadership Team to regularly monitor the Council's Corporate Risk Register with the scrutiniseers**
 - d) more emphasis is placed on justifying why a matter is being scrutinised**
 - dd) to present a new concept of "Gwyntyllu"**
 - e) that the performance scrutiny pilot becomes a part of the Council's regular arrangements**
 - f) that the Council identifies the fields of interest and skills of individual members early**
- 3. Subject to the decision on recommendations 1 and 2 above, that the Monitoring Officer submits a report to the next meeting of the Council recommending consequential amendments to the Constitution to implement the Council's decision.**

ONE PRINCIPAL SCRUTINY COMMITTEE MODEL



BODY / MEETING	DESCRIPTION
<p>Principal Scrutiny Committee</p>	<p>One Scrutiny Committee of 15 members meeting every six weeks with meetings aligned with Cabinet meetings. In addition, the committee would include all the Education co-opted members when discussing Education matters. The committee would be responsible for scrutinising the work of the Public Services Board. The Audit Committee would continue to be responsible for governance matters. The following remit is noted:</p> <p>The Work The committee will:-</p> <ul style="list-style-type: none"> a) Establish its own annual programme in a workshop and commission a comprehensive programme of up to 8 investigations at a time and set a timetable for reporting back and specific responsibilities for those investigations. b) Act as a body that meets every six weeks to independently scrutinise matters of concern that do not require a specific investigation to hold the Cabinet and departments accountable in public (can arise in terms of performance and other fields) c) Discuss some but not all matters arising or have arisen from the most recent meetings and the next Cabinet meetings <p>The Arrangements</p> <ul style="list-style-type: none"> a) A comparatively small committee of 15 members chosen based on political balance but referring specifically to scrutiny skills. The members would include a Chairman and Vice-chairman and other members who could shadow specific areas and would be responsible for leading on individual investigations that would also include front-line members (according to their interests) b) A consistent dialogue between the Principal Committee and the Cabinet to review the annual programme and to agree on fields where investigations could add value by holding joint-meetings of both bodies once every six weeks to consider the Risk Register, policy and performance or service provision matters, in order to consider the progress of the investigations in progress and to joint-plan the next

	<p>ones. An informal discussion would also be held on the matters that are part of the new "Gwyntyllu" system (para 6.3 above)</p> <p>c) A preparatory meeting procedure will not be a part of this pattern. At the end of every formal committee meeting, an informal meeting will discuss the agenda of the next meeting or two meetings of the Principal Scrutiny Committee and also report from the scrutiny performance monitoring process.</p> <p>ch) A procedure to review messages from the Council's engagement work to identify matters of concern for residents</p>
<p>Scrutiny Investigations</p>	<p>The Work</p> <p>Up to eight Scrutiny Investigations under-way at any time investigating fields which have been identified by the Principal Scrutiny Committee, looking at policy development or cases of concern about performance or service provision</p> <p>The Arrangements</p> <p>a) Each investigation would be led by a member of the Scrutiny Committee and an officer who is independent of the service acting as project manager of the investigation</p> <p>b) With up to eight Investigations under-way at any one time, up to 48/50 non-Cabinet members (both members and non-members of the committee) will be able to be part of a scrutiny investigation at any given time but a procedure will be required to identify individual members' interests in order to identify those fields where members' contribution could add value to the work of investigations in particular fields</p> <p>c) A director can be identified to mentor and advise on each investigation - this mentoring role would involve advising and approving the brief, acting as a sounding board as and when necessary during the Investigation, stepping in, if necessary, to resolve problems and also to check the final report of the Investigation before reporting back to the Scrutiny Committee.</p> <p>ch) Once recommendations are submitted to be adopted by the individual Scrutiny Committee, the Cabinet Member will then report publicly at the Committee whether he/she intends to implement the recommendations or not. A specific process should also be in place in departments to act upon the recommendations and report back on them. It will be possible to keep a public log of that and the Principal Scrutiny Committee will review it regularly to ensure implementation</p>

NB As the density and length of investigations can be so varied, it is suggested there be two kinds of investigations, a full investigation that could take many months and much engagement, research and discussions, and some less intense (referred to as Scrutiny Working Groups) where it is thought that work can be undertaken as a task and finish group at two or three meetings.

Remit of the Committee

Principal Scrutiny Committee (that would include all the Education co-opted members when discussing Education matters) - Scrutinise the most important elements of the Executive's work (Cabinet and officers) across all Council services, the work of the Public Services Board and manage all of the Council's scrutiny work and commission and coordinate a series of Scrutiny Investigations and Scrutiny Working Groups that will consider subjects in detail and draw-up recommendations for improvement and propose them to the relevant Cabinet Members.

MAIN ADVANTAGES AND DISADVANTAGES

Main Advantages

- Better management of the scrutiny work programme so that the structure of the committees does not drive the matters requiring attention
- Capacity to support more pre-scrutiny investigations being supported by directors and other officers with a quality assurance process
- Scrutiny committee meetings held more often - the ability to act sooner and more flexibly
- Possible to link members' interests with investigation fields
- Focus the attention of members with robust scrutiny skills on one committee in order to improve the quality of scrutiny
- Other members having a less public experience of leading investigations to nurture and develop their chairperson-ship and leadership skills
- Up to 50 members able to be a part of a detailed investigation at any given time

Main Disadvantages

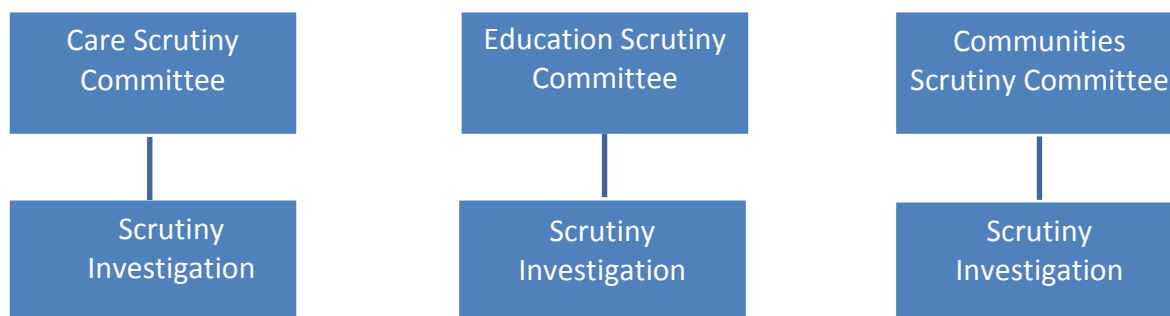
- Some concern about the work load on some members, in particular those serving on the new Principal Committee
- Risk that the work of the committee itself becomes too superficial as the fields are so broad
- Uncertainty regarding its impact on empowering front-line members
- Creation of 2 tiers of councillors in terms of members' status outside the Cabinet
- Less public scrutiny as more of the detailed scrutiny work takes place in investigations and working groups
- Likelihood that the increased number of investigations will make more demands on the service than the current investigations
- Fewer opportunities for members to develop by taking the chairs of committees
- Some risk of experiencing difficulty to fill a committee agenda every six weeks
- Risk for members who are not on the committee to be unprepared to participate in investigations, leading to the risk of becoming dependent on the same members repeatedly, as we currently are.

ASSESSMENT AGAINST THE WEAKNESSES

- Strengthen the dialogue between the Cabinet and Scrutiny - the model addresses the need to align the meetings of the Cabinet and Scrutiny and enforces an agreement between the Cabinet and Scrutiny on the programme of investigations. Allows for more

pre policy development and scrutiny work to take place by increasing capacity to undertake further detailed investigations

- Refine and manage the scrutiny programme - this model addresses the need as only one work programme will be in place
- Inconsistent work pressure and committee boundaries that are too sacred - The model addresses the problem in terms of the current lack of balance in the committees' work load by having one committee only and prioritise attention to fields in investigations
- Slowness in completing work and frustration regarding the frequency of meetings - The model addresses the matter by creating additional capacity for undertaking investigations and also as the Principal Scrutiny Committee meets every six weeks.

THREE SCRUTINY COMMITTEE MODEL

BODY / MEETING	DESCRIPTION
Scrutiny Committees	<p>Three Scrutiny Committees of 18 members for the fields of Care, Education and Communities meeting five times a year. Note, that under this model, the Audit Committee would become responsible for scrutinising corporate matters in addition to the current governance matters. The following work fields are noted</p> <p>The Work The 3 committees will:-</p> <ul style="list-style-type: none"> a) Manage their own work programmes by determining an annual work programme at workshops and this will then be periodically reviewed and updated during the year at preparatory meetings. The three committees will undertake one scrutiny investigation at any given time. b) Ensure open public scrutiny on everything within their work programmes and undertake more probing investigations during the year on matters requiring more detailed attention (with the number dependent on the speed of the investigations). <p>The Arrangements</p> <ul style="list-style-type: none"> a) Three committees of 18 members selected according to political balance. b) An informal dialogue taking place with the Cabinet through the Scrutiny Forum when drawing up the annual work programmes of the committees and to agree on fields where investigations could add value. This would take place by holding two meetings each year but also an informal discussion would be held on the matters subject to the new "Gwyntyllu" procedure (see 9.3 above) c) Preparatory meetings system continuing to ensure that the work programmes are reviewed regularly and to prepare for the public scrutiny that takes place at the committees themselves, including reports from the performance monitoring scrutiny procedure
Scrutiny Investigations	<p>The Work Up to three Scrutiny Investigations under-way at any given time</p>

	<p>investigating fields identified by the individual scrutiny committee, looking at policy development, matters arising from the Risk Register or where there is concern about performance or service provision</p> <p>The Arrangements</p> <p>a) Each investigation would be led by a member of the relevant Scrutiny Committee and an officer independent of the service acting as project manager of the investigation</p> <p>b) With up to three Investigations under-way at any one time, it will be possible for up to 18/20 members who are non-Cabinet members to participate in a scrutiny investigation at any given time. These Members will be drawn from the members of the relevant committees that will, hopefully, have been placed by the political groups, on committees that are in accordance with their interests.</p> <p>c) A director can be identified to mentor and advise on each investigation - this mentoring role would involve advising and approving the brief, acting as a sounding board as and when necessary during the Investigation, stepping in, if necessary, to resolve problems and also to ensure the quality of the final report of the Investigation before reporting back to the Scrutiny Committee.</p> <p>ch) Once recommendations are submitted to be adopted by the individual Scrutiny Committee, the Cabinet Member will then report publicly at the Committee whether he/she intends to implement the recommendations or not. A specific process should also be in place in departments to act upon the recommendations and report back on them. It will be possible to keep a public log of this and the relevant Scrutiny Committee will review it regularly to ensure implementation.</p>
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NB As the density and length of investigations can be so varied, it is suggested there be two kinds of investigations, a full investigation that could take many months and much engagement, research and discussions, and some less intense (referred to as Scrutiny Working Groups) where it is thought that work can be undertaken as a task and finish group at two or three meetings.

The Remit of Scrutiny Committees

Care Scrutiny Committee - To scrutinise matters relating to care services such as Older People and Adults, Families, Children and Young People and Health

Education and Economy Scrutiny Committee (that would include the co-opted Education members) - To scrutinise matters relating to Education and Economy such as Education and Employment Pathways, Regeneration and the Economy

Communities Scrutiny Committee - To scrutinise matters relating to services to the wider community such as, the Environment, Transportation and Community Transport, Waste and Recycling, Housing, Carbon Footprint Reduction and the Local Development Plan and the work of the Public Services Board

(NB The scrutiny of work on the Welsh Language will be left to the Language Committee)

Audit Committee - To undertake all Audit Committee functions and scrutinise matters relating to the internal operation of the Council such as Corporate Strategies, Partnerships, Engagement, Business Transformation, Efficiency and the Workforce

MAIN ADVANTAGES AND DISADVANTAGES
<p>Main Advantages</p> <ul style="list-style-type: none"> • A more balanced workload across the three committees • An opportunity to develop member expertise within each committee; members being able to identify their fields of interest. • An opportunity for a number of members to be a part of a scrutiny committee (54 seats in total on three committees) • The pattern of the current investigations that has worked well on the whole will continue • A more familiar model to the members who have been members of the former council
<p>Main Disadvantages</p> <ul style="list-style-type: none"> • Lack of overview of various fields / committees at present and a weakness in the management of the scrutiny programme as a whole - matters can fall between two stools • Scrutiny work load falling on Education and Adults and taking resources from those fields to feed "scrutiny" rather than delivering services for residents • Lack of effective overview can lead to a risk of failing to scrutinise a priority field at one committee whilst giving attention to something less important in another committee. • Boundaries still exist between the remits of the three committees • Uncertainty whether there are enough skills and scrutiny capacity amongst the members and officers • Only possible to support three investigations at a time and fewer fields given detailed attention as a result • Potential for external criticism for a lack of response to the negative comments regarding the existing system e.g. - management of the scrutiny programme and slow response. • Risk of being dependent on the same members repeatedly, as we currently are

ASSESSMENT AGAINST THE WEAKNESSES

- Strengthen the dialogue between the Cabinet and Scrutiny - this model addresses the need partially with its success dependent on the work of the Scrutiny Forum. The model also addresses the need to undertake more policy development and prior scrutiny work in part, but still allows for the work programmes of the individual committees to be flexible and responsive. However, the model does not allow for making any increase in the capacity to undertake additional detailed investigations
- Refine and manage the scrutiny programme - this model partially addresses the need and depends on the Scrutiny Forum to do so; however, individual committees retain the right to call-in individual matters, regardless of their priority - risk that the work will increase in some fields as there is a committee for them

- Inconsistent work pressure and committee boundaries that are too sacred - This model addresses the problem in terms of the current lack of balance in the committee's work load but specific boundaries will continue for the new committees
- Slowness in completing work and frustration regarding the frequency of meetings - The model neither releases additional capacity so that investigations can act sooner nor does it address the issue of slow response as it will not be possible to hold meetings more often under this model.