

## **Introduction to Scrutiny**

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### **BACKGROUND**

1. Twelve years ago, the Local Government Act 2000 required local authorities to set up new political management arrangements. This replaced the previous Committee system with an 'Executive' - or 'Cabinet' - and an independent 'Scrutiny' function.
2. Scrutiny Committees were introduced to ensure a greater number of Councillors were involved in influencing Council policy and service improvements, and provided checks and balances on the decisions taken by the Cabinet.
3. The Cardiff County Council Constitution requires the establishment of five Scrutiny Committees and sets out their role, remit, powers and procedure rules. At the Annual General Meeting on 17<sup>th</sup> May 2012, Council agreed to establish the following five Scrutiny Committees:
  - Children & Young People
  - Community & Adult Services
  - Economy & Culture
  - Environmental
  - Policy Review & Performance.
4. The Council's Constitution outlines the terms of reference for each of its Scrutiny Committees. At the Annual General Meeting on 17<sup>th</sup> May 2012,

Council agreed the following terms of reference for the Policy Review & Performance Scrutiny Committee:

To scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives, including:

- Strategic Policy Development
- Strategic Programmes
- Community Planning and Vision Forum
- Voluntary Sector Relations
- Citizen Engagement & Consultation
- Corporate Communications
- International Policy
- Council Business Management and Constitutional Issues
- Equalities
- Finance and Corporate Grants
- Organisational Development
- Fundamental Operational Review
- E-Government and ICT
- Property and Procurement
- Carbon Management
- Contact Centre Services and Service Access
- Legal Services

To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources.

To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures, which may enhance Council performance in this area.

## **THE PURPOSE OF SCRUTINY**

5. The main purpose of Scrutiny Committees is to improve local democracy by making local government more accountable and providing a route for public engagement.
  
6. Scrutiny is undertaken by elected Members who do not hold Cabinet positions within the Council. They work together to ensure accountability, openness and transparency, implementing the Centre for Public Scrutiny's "four principles of good scrutiny", which are:
  1. Provide 'critical friend' challenge to Executive policy-makers and decision makers,
  2. Enable the voice and concerns of the public to be heard,
  3. Is carried out by 'independent minded governors' who lead and own the scrutiny role, and
  4. Drive improvement in public services.
  
7. There are a number of resources available to support the work of the Scrutiny Committees. The Scrutiny Services team exists to support and empower Members to deliver effective scrutiny. The team consists of an Operational Manager; Principal Scrutiny officers; Scrutiny Research officers; and an administrative officer. Scrutiny Services is also responsible for the Members' Library service. Each Scrutiny Committee has a budget of £4,000 per annum, which can be spent on commissioning independent research, expenses for external witnesses, consultation exercises, and meeting the costs of conferences and site visits.

## **THE PROCESS OF SCRUTINY**

8. The Constitution requires each Scrutiny Committee to set their own work programme with regard to their terms of reference. Further details on this are contained in the Work Programming report attached at Agenda Item 11.

9. Scrutiny Committees employ a number of mechanisms to undertake their activities. The exact mechanisms used depend upon the type of scrutiny activity and the complexity of the issue being scrutinised. Scrutiny mechanisms include:

- Formal Committee meetings that can either discuss a wide range of issues, focus on a particular topic or deal with an urgent matter such as a Call-In,
- Informal forum meetings that facilitate discussions and/or consultation,
- Topic-specific task & finish groups consisting of a limited number of Committee members who volunteer to carry out in-depth scrutiny and report back to the whole Committee,
- Consultations with internal and external stakeholders,
- Site visits,
- Questioning witnesses, both external and internal,
- Meetings with Cabinet Members, external advisors and/or with officers,
- Commissioning primary and secondary research.

10. The most common outputs from a scrutiny exercise are either a letter to the Cabinet Member or a report to the whole Cabinet, containing the Committee's observations, comments and recommendations. The Cabinet is required to consider these and respond accordingly. Scrutiny Committees can also make recommendations to outside bodies. Other outputs include meetings with Cabinet Members and officers to discuss key findings and formulate appropriate recommendations as well as letters from the Committee to the Cabinet where a full report is not deemed appropriate.

## **FUTURE ISSUES FOR SCRUTINY**

11. The introduction of new legislation and trends in national policy signal changes in the landscape of Scrutiny in Cardiff. Factors that will need to be

addressed include: the requirements of the Local Government (Wales) Measure 2011 and increasing partnership scrutiny.

12. During 2012, the Measure will introduce a number of significant changes to the way local authorities manage their democratic functions, with the aim of strengthening the role of local Members and citizens in holding Councils and other local service providers to account. It seeks to place elected Members and citizens at the heart of scrutiny. The Measure provides a significant opportunity for Scrutiny Committees to enhance their existing overview role and their communication and consultation mechanisms. It also requires them to respond in new ways to calls from Councillors, citizens and local organisations to scrutinise local services.

13. With regard to partnership scrutiny, the Welsh Government-commissioned Beecham Review and Simpson Review have advanced thinking on the role of collaboration in public service administration and the need for effective scrutiny of these arrangements. Cardiff was the first local authority in Wales to introduce scrutiny to its Local Service Board in 2009 and, following the successful evaluation of its award winning pilot Scrutiny Panel, has resourced a new Scrutiny Panel. The Panel will play an important role in scrutinising the effectiveness of the Cardiff Partnership Board, and in optimising the implementation of the 10 year "What Matters" strategy for advancing wellbeing across seven key outcomes for people living in, working in or visiting our city.

14. A growing number of new local and regional collaborative scrutiny arrangements are emerging, notably for Cardiff the Prosiect Gwyrdd Joint Scrutiny Panel, and the emerging Consortia for Education and for Social Care. Later in 2012 the introduction of Police and Crime Panels will also call on Cardiff to contribute to the regional scrutiny of crime and disorder in the South Wales Police force area.

## **WAY FORWARD**

15. Mike Davies (Head of Scrutiny, Performance and Improvement) and Paul Keeping (Operational Manager, Scrutiny) will be in attendance to give a presentation and to answer Members' queries.

## **LEGAL IMPLICATIONS**

16. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## **FINANCIAL IMPLICATIONS**

17. There are no financial implications arising directly from this report.

## **RECOMMENDATION**

18. The Committee is recommended to give consideration to the issues set out in this report.

**MIKE DAVIES**

**Head of Service**  
**Scrutiny, Performance and Improvement**  
**25 June 2012**