
Organisational Development Programme – Review of Scrutiny

Reason for the Report

1. To provide an opportunity for the Committee to offer its views on draft proposed models developing out of the Performance & Governance Review of Scrutiny, a project of the Organisational Development Programme.

Background

2. During 2016/17 Scrutiny work programming discussions the Chairs' Liaison Forum recommended that this Committee participate formally in the Review of Scrutiny project, by evaluating the pros and cons of different scrutiny models proposed as a result of evidence gathered, undertaking a short scrutiny to consider the best way forward. The Committee agreed to take this forward.
3. Attached at **Appendix A** is a summary of the Scrutiny Review to date reflecting consultation undertaken, evidence gathered and proposed models.

Issues

4. The Scrutiny Review Project aims to support good governance, good scrutiny, the future success of the Council and the City. It will deliver the best possible Scrutiny function for Cardiff, optimising the involvement and engagement of non-Executive Councillors that meets all existing and expected statutory requirements, the needs of the new Administration and Council after May 2017.

5. The drivers for change are as follows:

a. External (national)

- Statutory obligations to provide scrutiny under national legislation.
- National Scrutiny good practice guidance.
- Resource restraint.

b. Internal (local)

- delivery of the Wales Audit Office Statement of Action priorities.
- new Administration priorities.
- need to deliver effective governance.
- Member capacity.
- Member capability.
- service and cost pressures.
- transformation of Council services and organisational structures.
- new models of service delivery and governance.

6. The Strategic Issues that new arrangements will need to accommodate include:

- meeting the needs of the new Administration;
- securing buy in across Political Groups;
- supporting the requirements of the Well Being of Future Generations Act 2015, (eg: scrutiny of Cardiff's Public Services Board).;
- supporting issues stemming from the Wales Bill 2016, (eg: annual self-assessment, scrutiny of the Corporate Plan, Citizen centred scrutiny, co-option, joint scrutiny, Key Decisions, relationship between scrutiny and internal audit, and between scrutiny and external Auditors Inspectors and Regulators; Public Accounts Committee.);
- supporting issues stemming from the Police and Justice Act 2006, (eg: Crime and Disorder Scrutiny.);
- supporting issues stemming from the Local Government Measure (Wales) 2011, (eg: relations between scrutiny and the third sector, and taking into account the views of citizens); and

- consideration of how the Council's existing and emerging organisational structures, service developments and service delivery models should be governed and scrutinised.

7. The Operational Issues that new arrangements must address include:

- the appropriate number of Committees;
- terms of reference;
- structure of scrutiny;
- membership,
- frequency,
- the way Committees deliver their priorities;
- relationship with Cabinet and other Council Committees and democratic structures;
- the level of scrutiny officer / scrutiny research support required to best meet the above.
- the support and development needs of Scrutiny Committee Chairs, Members and scrutiny officers to meet the above.

Scope of the Scrutiny

8. The report attached at **Appendix A** is a briefing for Members on Cardiff's current Scrutiny Model, compared with those of core cities and other Welsh Councils (*paragraphs 7-11*). It also explains why the Review is underway (*paragraphs 12-18*) and the process of the Review (*paragraphs 19-21*).
9. The Committee is invited to consider three early drafts of models prior to an optimal model for scrutiny to be considered by the Constitution Committee on 9 February 2017. The models are set out in **Appendix 1 of Appendix A**.

- **Model One (p11):** A “**Standard**” arrangement as currently in place;
- **Model Two (13):** A “**Thematic**” arrangement – where committees are arranged around the type of scrutiny they specialise in – such as Pre-Decision, Performance Monitoring, Policy Development, Partnership;
- **Model Three (p15):** A “**Single Committee**” arrangement – where there is just one formal Scrutiny committee, and a range of informal activities arranged below it.

10. Councillor Daniel De’Ath, Cabinet Member (Safety, Skills, Democracy and Engagement) will be in attendance. Davina Fiore (Director of Governance and Legal Services) and Paul Keeping (Operational Manager, Scrutiny & Equalities) will be available to answer any questions Members may have.

Legal Implications

11. 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 the Cabinet/Council will set out any legal implications arising from those recommendations. All decision taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirements imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be taken having regard to the Council’s fiduciary duty to its taxpayers; and (he) be reasonable and proper in all the circumstances.

Financial Implications

12. 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 financial implications at this stage in relation to any of the work programme. However, financial 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 financial implications arising from those recommendations.

RECOMMENDATION

The Committee offers its comments and observations for inclusion in the development of the optimal model for consideration by the Constitution Committee.

Davina Fiore

Director of Governance & Legal Services

30 November 2016