

REPORT OF THE DIRECTOR OF GOVERNANCE & LEGAL SERVICES

SCRUTINY ARRANGEMENTS DURING COV-D

Reason for this Report

1. To allow the Council to restart its five standing scrutiny committees, to support effective and proportionate scrutiny of decision making during the COVID-19 restart period.

Background

2. In May 2020, the Council considered a report on its governance arrangements during the Covid-19 response period.
3. As part of its governance arrangements, a Covid-19 Scrutiny Panel, comprised of the 5 scrutiny committee Chairs, was set up to provide scrutiny of Covid-19 related, essential and time critical decisions. It was agreed that the Covid-19 Scrutiny Panel would remain in place until 30th September 2020, and that its remit and duration would be kept under review.

Issues

4. The Welsh Government's lockdown restrictions are gradually being lifted; and the Council has started to implement, on a phased basis, restart and recovery plans for the city and Council services, whilst continuing to prioritise urgent and essential business.
5. There are still significant additional service pressures arising from the pandemic, and fewer staff available to carry out their duties. It therefore remains important that the Council's decision making process remains proportionate and manageable at this time.
6. A programme of remote meetings (as permitted under the Local Authorities (Coronavirus)(Meetings)(Wales) Regulations 2020) was approved by Council in June 2020 in order to progress essential, time critical and or Covid-19 related Council business. The administrative arrangements to support remote meetings are now well established,

although issues such as ICT systems and Welsh language functionality are being kept under review in light of ongoing developments.

7. The Council needs to ensure that effective scrutiny is maintained for decisions being taken during the Covid-19 restart period. The Centre for Public Scrutiny (CfPS), in a published article about scrutiny arrangements during this period, says that: *'In a time of crisis, accountability, transparency and good governance are even more important.'*
8. However, CfPS acknowledges that Councils will not have the capacity to resume the full programme of ordinary scrutiny meetings because:
'Councils will lack the officer capacity to service and support a range of committees and task & finish groups. We know that scrutiny and democratic services officers have already been redeployed to work on the operational community response;

The situation is too fast-moving to allow for the effective prioritisation of scrutiny work in the usual manner.'
9. Having reviewed the Council's scrutiny arrangements, in consultation with Group Leaders and Scrutiny Chairs, and subject to there being a second wave or peak of coronavirus cases and a further imposition of lockdown measures, it is proposed to restart each of the five standing scrutiny committees of the Council with a specific remit, within their area of responsibility, to:
 - (a) Undertake pre-decision scrutiny of all Cabinet decisions, where appropriate and proportionate to do so;
 - (b) Scrutinise any issues which are time critical and or may have a significant adverse reputational impact on the Council; and
 - (c) Develop priorities for potential scrutiny consideration during 2020/21, in consultation with the relevant Cabinet member/s and Directors.
10. A programme of meetings for each scrutiny committee will be developed in consultation with the scrutiny committee chair and the Head of Democratic Services. A meeting of the Children's and Young People's Scrutiny Committee is being organised for the last week in July to consider the recent youth service inspection report and education restart plans. The other committees will meet in September.
11. In the event that there may be a second peak in Covid-19 cases and further lockdown measures, however, it may be necessary for the Scrutiny Committees to be suspended and the Covid-19 Scrutiny Panel to continue to discharge its functions until such time as the standing scrutiny committees can be supported to resume their functions.

Legal Implications

12. The Local Government Act 2000 requires authorities to set up overview and scrutiny committees. The legislative provisions for overview and scrutiny committees for Wales have been amended and supplemented by the Local Government (Wales) Measure 2011 and Regulations made thereunder. There are also specific legislative provisions relating to scrutiny of crime and

disorder matters (the Police and Justice Act 2006); and Public Services Board functions (the Wellbeing of Future Generations (Wales) Act 2015). Subject to compliance with the relevant statutory provisions, the scrutiny arrangements of the Council are a matter for each Council to determine.

13. The Wellbeing of Future Generations (Wales) Act 2015 requires the Council to consider how its proposed decisions will contribute towards meeting the well being objectives set out in the Corporate Plan. Members must also be satisfied that proposed decisions comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Financial Implications

14. There are no direct financial implications arising from this report. Scrutiny activities are to be delivered within the allocated budget.

RECOMMENDATION

Council is recommended to:

1. Approve the restarting of the five standing scrutiny committees of the Council with a specific remit, within their area of responsibility, to:
 - a) Undertake pre-decision scrutiny of all Cabinet decisions, where appropriate and proportionate to do so;
 - b) Scrutinise any issues which are time critical and or may have a significant adverse reputational impact on the Council; and
 - c) Develop priorities for potential scrutiny consideration during 2020/21, in consultation with the relevant Cabinet member/s and Directors.
2. Note that it may be necessary for the Covid-19 Scrutiny Panel to continue to discharge its scrutiny functions in the event of a second peak in Covid-19 cases and further lockdown measures, until such time as the standing scrutiny committees are able to be supported to resume their functions.

DAVINA FIORE
DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND
MONITORING OFFICER

7th July 2020

Background papers

Council report, 'Governance During Covid-19 Response Period', May 2020
Centre for Public Scrutiny, COVID-19 Guide 2: Approaches to Scrutiny
During the Crisis

<https://www.cfps.org.uk/?publication=covid-19-guide-2-scrutiny>