

**CYNGOR CAERDYDD
CARDIFF COUNCIL**

ENVIRONMENTAL SCRUTINY COMMITTEE

7 DECEMBER 2021

ENVIRONMENTAL SCRUTINY COMMITTEE - COMMITTEE BUSINESS

Purpose of Report

1. This report sets out a summary of the Committee's business including the following:
 - The Committee's Work Programme update for 2021-22, specifically relating to items for January to March 2022.
 - Proposed recommendations from the Replacement Local Development Plan (RLDP) Joint Scrutiny Task and Finish Group.

Environment Scrutiny Committee Work Programme 2021/22

2. The Council's Constitution states that each Scrutiny Committee will set their own work programme. This is traditionally undertaken at the beginning of a municipal year and updated as the work progresses. As with other years, the work programme needs to be carefully constructed so that the time available to the Committee is used most effectively in order to maximise the impact of Scrutiny.
3. The Environmental Scrutiny Committee's Terms of Reference provide the Committee with the responsibility for the scrutiny of a number of specific service areas. A copy of the terms of reference has been attached to this document as **Appendix A**.
4. Scrutiny plays an essential role in promoting accountability, efficiency and effectiveness in the Council's decision-making process and the way in which it delivers services. The main roles of the Scrutiny Committees are:
 - i. Holding to account the Cabinet and officers, as decision-makers.

- ii. Being a '*critical friend*', questioning how decisions have been made, providing a '*check and balance*' to decision makers and undertaking reviews of services and policy.
 - iii. Providing a voice for citizens.
- 5. The construction of a work programme involves obtaining information from a range of sources, these may include:
 - Information from the relevant Directorates;
 - Relevant extracts from relevant corporate documents - including Cabinet Forward Plan, Capital Ambition, Corporate Plan, Recovery & Renewal Plans, Directorate Delivery Plans, budgetary information, performance information, risk register and audit reports.
 - Forthcoming UK and Welsh Government legislation and policy changes
 - Suggestions and ideas put forward by the Environmental Scrutiny Committee;
 - Member suggestions and observations;
 - Citizen and third party comments and observations;
 - Performance information.

Identification of Potential Items

- 5. At the September 2021 Committee meeting, Members agreed the initial Environmental Scrutiny Committee Forward Work Programme 2021/22 and set out the items for scrutiny for the period September to December 2021. This followed the Committee's consideration and discussion at their July meeting where they received a list of potential topics that were identified during the 2021/22 work programming process. These were recorded in a document titled 'Environmental Scrutiny Committee – Potential Work Programme Items 2021/22 (attached to this report as **Appendix B**).
- 6. The period of the initial 'Environmental Scrutiny Committee – Forward Work Programme' has ended. This means that the Committee now has to revisit the work programme and agree a new Work Programme for the period January 2022 to March 2022.

7. Since the September meeting members of the Environmental Scrutiny Committee have been asked to make suggestions for their Forward Work Programme. There has also been some slippage of items. Based on this information a Draft Forward Work Programme 2021/22 for this Committee, covering the period January to March 2022, has been created and is attached to this report as **Appendix C**.
8. Each item proposed for scrutiny in **Appendix C** is supported by a suggested date; a title and description of the report; a list of invitees and consultees and reference to the format and type of scrutiny to be undertaken. An explanation of the various forms of scrutiny that can be carried delivered are set out below:
 - **Policy Development & Review** – Where the Committee contributes to the Council's policy development processes by considering draft policy documents or existing policies.
 - **Inquiries** – Where the Committee undertakes an examination of a topic over a period of time, via a task & finish group, resulting in a formal report to the Cabinet. These can be short inquiries, such as deep dives, or longer inquiries, as required.
 - **Short Scrutiny Studies** – Where the Committee examines a particular service or issue over one or two committee meetings. Frequently such scrutiny activity results in a letter being sent to the relevant Cabinet Member with recommendations or comments.
 - **Pre Decision** – Where the Committee evaluates and comments on proposals before they go to the Cabinet, giving the Cabinet the opportunity to reflect upon Scrutiny views prior to making their decision.
 - **Monitoring Performance & Progress** – Where the Committee undertakes monitoring of the Council's performance and progress in implementing actions previously agreed.
9. When developing a scrutiny work programme it is important prioritise where work resources are allocated. This means that items should be prioritised to ensure

quality over quantity, achievability, deliverability and impact. In following this approach items should:

- **Focus** – Be based on issues that impact on Cardiff citizens.
- **Add Value** – Where possible enhance the work of the Council in delivering services to our citizens.
- **Involve** - Involve partners, stakeholders and the public in scrutiny process.
- **Demonstrate Flexibility** – The work programme should be reviewed regularly to reflect changing priorities.
- **Agreed by Committee** – Work programme items should be agreed by the whole Committee working as a team.
- **Thematic** – The Committee should consider wider issues rather than only focusing on Council services.
- **Balance** – The work programme should be balanced and include items from across the terms of reference.
- **Team work** – In delivering the work programme councillors should leave party politics at the door, work as a team and focus on wider issues that impact on all Cardiff citizens.

10. In setting their work programme, Members have been mindful of Audit Wales advice for scrutiny committees to aim to achieve committee meetings within reasonable timeframes, whilst maintaining robust and appropriate levels of scrutiny across the terms of reference. Key to this is ensuring agendas are of a manageable size, work occurs outside of committee meetings and Members are provided the option to adjourn a committee meeting if more time is required than originally anticipated.

11. This timeframe takes on added significance with meetings held remotely, given advice to keep remote meetings as short as possible. Scrutiny Chairs have discussed the length of meetings and decided to aim to keep meetings to 2.5 hours, where possible.

Forward Work Plan January to March 2022

12. As part of the Council's response to the Wales Audit Office report '*Overview and Scrutiny - Fit for the Future?*' (July 2018), the Head of Democratic Services has

introduced publication of the Committee’s “Forward Work Programme” (FWP) on the Council’s internet site.¹

13. The next published FWP will cover the period January to March 2022. At this meeting, Members are also asked to consider the information set out in **Appendix D** and agree for this to be published, subject to any amendments agreed at this meeting.

Replacement Local Development Plan Joint Scrutiny Task and Finish Group

14. At its first meeting held on 22nd November 2021, the Joint Task and Finish Group received a presentation from Senior Officers on the Strategic Options and consultation process surrounding the RLDP Strategic Options. The Group examined the consultation processes planned for engagement with a particular focus on the approaches for involving hard to reach and under-represented groups.
15. As the Chair’s letter states at **Appendix E**, given that the consultation went live on the 30th November, Members requested that it would be more beneficial that their observations and recommendations on the consultation process be provided immediately, rather than waiting until the end of the Task and Finish Group’s inquiry. This way, Members concluded, their comments and recommendations could hopefully inform the current consultation and be incorporated into it.
16. The attached Chair’s letter, therefore, provides a summary of the comments, observations and recommendations made by the Task and Finish Group at this meeting that they wish to send to the Cabinet Member for Strategic Planning and Transport.

Way Forward

17. Members are invited to consider and discuss the draft work programme attached at **Appendix C** and subsequently agree the Environmental Scrutiny Committee Work Programme for the remainder of 2021-22. Members are reminded of the

¹ Available at: [Scrutiny Forward Work Programmes \(cardiff.gov.uk\)](http://Scrutiny Forward Work Programmes (cardiff.gov.uk))

need to retain some flexibility in the work programme to enable new items to be added during the year as necessary. Furthermore, Members are asked to consider the draft letter of the Joint Scrutiny Task and Finish Group containing a series of recommendations on the RLDP Strategic Options consultation process.

Legal Implications

18. 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 of 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 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 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

19. 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 is recommended to:

- i. Consider the contents of this report and its Appendices;
- ii. Consider and agree any amendments to the draft work programme attached at **Appendix C**;
- iii. Approve a final work programme for the remainder of 2021-22;
- iv. Consider and agree the Committee Forward Work Plan attached at **Appendix D**, for publication on the Council's internet.
- v. Consider and agree the recommendations of the RLDP Joint Scrutiny Task and Finish Group that are contained within the draft Chair's letter attached at **Appendix E** for submission to the Cabinet Member, Strategic Planning and Transport.

DAVINA FIORE

Director of Governance & Legal Services

1st December 2021