
**IMPROVING SCRUTINY – CONSIDERATION OF THE DRAFT JOINT TASK AND
FINISH INQUIRY REPORT**

Purpose of the Report

1. To seek Members' consideration and adoption of the report from a task and finish inquiry report (attached at **Appendix A**) which has been led by the Council's Scrutiny Committee Chairs as part of the current *Improving Scrutiny* Project.

Background

2. Cardiff is proud of its scrutiny arrangements and the important part scrutiny plays in Council improvement, and in representing citizens in holding to account the Cabinet for the decisions it makes. However, the Council is going through significant change in many ways, and will look very different in five years' time. The Chairs therefore initiated a Project in partnership with the Centre for Public Scrutiny to ensure that Cardiff's Scrutiny Function remains agile and able to play its role as a critical friend, in a future environment that will see greater emphasis on partnership, collaboration, commissioning and other alternative models of delivery.
3. The Project was adopted by the Centre for Public Scrutiny as one of nine case studies illustrating how non-Executive governance can best support organisations undergoing profound transformational change. It is being written up as part of the national study in a report titled "The Change Game¹". The specific aims for this Project are:

¹ http://www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/CfPS_Change_Game_WEB.pdf

- To equip Cardiff's Scrutiny function to meet the current needs and anticipated future challenges facing the Council's Executive and non-Executive Members.
 - To ensure that the Council's scrutiny structure enables Members to provide robust and effective overview and scrutiny that is relevant to the priorities of the organisation's Corporate Plan and operational challenges.
 - To seek evidence to support recommendations for Members to agree any potential changes to current governance arrangements, as part of a wider major transformation of the City of Cardiff Council's services and structures.
4. Recognising the connections the Project makes between the organisational and the political, it has benefited from a hybrid governance structure:
- It is as a joint scrutiny task and finish inquiry comprising the Council's five scrutiny chairs, reporting through the Policy Review & Performance Scrutiny Committee.
 - It serves as a Project within the *Improved Governance* Programme of the Council's *Programme of Organisational Change*. Paul Keeping (Operational Manager, Scrutiny Services) is Project Executive, and Marie Rosenthal (Director of Governance and Legal Services) is the Programme's Senior Responsible Officer.

Issues

5. This Committee considered a report on the Project at its 31 March 2015 meeting, and agreed to a revised project plan which saw the Chairs initiate a task and finish report in May 2015, and report on its findings in September 2015. The Chairs have delivered on this project plan, and summarised their findings in the draft report at **Appendix A**.

6. Members will see from the report that the Chairs have considered a wide body of evidence sources during the Inquiry, outlined in summary at pages six and seven of **Appendix A**.
7. In the report the Chairs have directly addressed concerns about governance issues raised by the Wales Audit Office in their September 2014 *Annual Cardiff Improvement Report on Cardiff Council*² following their Corporate Assessment visit. Members will find in pages eight to 10 of **Appendix A** the Chairs' proposed actions to meet the regulator's four areas of concern.
8. The Chairs have also identified six "quick wins" for the eight months from October 2015 to May 2016, set out on page 11 of **Appendix A**, containing 20 actions listed the following four pages which they believe will address the key findings emerging from the evidence presented.
9. Following this period the Chairs will consider a medium term review of scrutiny arrangements outlined on pages 16 – 17 of **Appendix A**, in the anticipation that a number of factors currently awaiting resolution will be clearer and provide a better basis to make strategic decisions for the future.
10. Throughout the report there are a number of issues that will be of interest to Members of this Committee. Two specific "quick wins", however, which will directly impact the Committee are:
 - The proposal to adjust the Committee's terms of reference to include responsibility for the overview of the Cardiff Partnership Board, currently vested in the Community & Adult Services Scrutiny Committee;
 - Plans to clarify and streamline the respective roles of this Committee and the Council's Audit Committee, to ensure good working relations and avoid unnecessary duplication of functions between the two Committees.

² http://www.audit.wales/system/files/publications/Cardiff_Corp_Assess_English_2014.pdf

Way Forward

11. Councillor Nigel Howells, Chair of this Committee, will present the draft report on behalf of the Council's Scrutiny Committee Chairs. Members will be invited to comment on the contents of the report, and to agree and adopt the report for publication.
12. Advice has been received from the Council's Monitoring Officer that this Committee is empowered to adopt this report on behalf of the Council's five scrutiny committees, given its lead role in scrutinising matters of local democracy.
13. As, however, the topic is of close interest to all five of the Council's scrutiny committees, this draft report has been circulated to all Scrutiny Councillors for their comment, and Operational Manager (Scrutiny Services) Paul Keeping will be in attendance at the meeting to outline the comments received, and answer questions that Members may have.

Legal Implications

14. 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

15. 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.

RECOMMENDATIONS

The Committee is recommended to discuss and agree the draft report attached at **Appendix A**, and to task officers to make arrangements to deliver the improvement actions set out in the report.

MARIE ROSENTHAL

Director of Governance & Legal Services

2 September 2015