

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

REPORT OF THE CORPORATE DIRECTOR – OPERATIONAL AND PARTNERSHIP SERVICES

28 JUNE 2017

OVERVIEW AND SCRUTINY COMMITTEES REVISED TERMS OF REFERENCE

1. Purpose of Report.

- 1.1 The purpose of this report is to provide details of the new Scrutiny Committee Structure, Terms of Reference and its processes.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 The establishment of the Committees and other bodies will fulfil the requirements of the Constitution and enable the Council to work towards the successful achievement of all the following Corporate Priorities:-

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
3. **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background.

- 3.1 The Overview and Scrutiny Structure was last reviewed in April 2015 which responded to changes in legislation as well as reflecting the available scrutiny resources.
- 3.2 These changes, which included improvements to the forward work programme planning process, have resulted in more effective ways of working and achieved more valuable outcomes. It was still apparent however, that the structure did not facilitate cross-cutting scrutiny or reflect the cross cutting portfolios of Cabinet Members. It was also identified that there were areas of duplication within each Committee which prevented effective Scrutiny.
- 3.3 To ensure the continuing development of the Overview and Scrutiny process in Bridgend, further proposals have been researched and developed to address the issues raised above.

4. Current situation / proposals.

- 4.1 The new Overview and Scrutiny Committee structure consists of a Centralised Committee Structure with a Corporate Overview and Scrutiny Committee (COSC) and three Subject Overview and Scrutiny Committees (SOSC) as set out in **Appendix A**.
- 4.2 The COSC would consider up to two main items at each meeting such as the Corporate Plan, Business Plans, Quarterly Budget and Performance Reports, partnership working and contract management. In addition to this the Committee would have responsibility for setting and prioritising the overall forward work programme for the SOSCs.
- 4.3 SOSCs would then be allocated items one at a time from the overall Forward Work Programme undertaking Scrutiny investigation of the subject. It is anticipated that any investigation will last no longer than two meetings. SOSCs can consider up to eight topics per year.
- 4.4 SOSC 1 will be the first forum on Education items to enable the statutory Educational Registered Representatives to attend. SOSC 2 will take a lead on Social Services items in order to respond to issues relating to the Care and Social Services Inspectorate Wales and those regarding the Social Services and Well-being (Wales) Act 2014. These themes are not exclusive to each Committee and should, for example, more than one Education item be prioritised by the COSC at the same time, they will be allocated to separate SOSCs for consideration simultaneously. SOSC 3 will consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated by the COSC.
- 4.5 Even with the themes, the new structure reduces silo working for Members and Officers as each Committee will likely receive items from more than one Directorate, providing Members with a greater knowledge of the Authority's overall services and their status. It also reduces the risk of duplication of work between the Committees where previously there have been items that have crossed over two or more of the Committee's remits.
- 4.6 The revised Terms of Reference, General Functions and Committee Remits of Scrutiny under the new structure are presented in **Appendix B**.
- 4.7 The new Overview and Scrutiny Structure will be kept under review and any issues and outcomes will be identified in the Scrutiny Annual report 2018.
- 4.8 Membership
- 4.9 The membership of the COSC Committee would consist of the Chairs of each SOSC and 9 other Members that reflect the political balance of the Authority.
- 4.9.1 The SOSCs will each consist of 16 politically balanced Members from across the local authority excluding Executive Members.

4.9.2 In addition to this, as per legislation, Overview and Scrutiny Committees whose functions relate wholly or in part to education functions which are the responsibility of the Cabinet shall appoint at least two but not more than five parent governor representatives to each relevant committee of the Authority. In accordance with the Council's Constitution these representatives shall include:

1. One Church in Wales representative
2. One Roman Catholic Church representative
3. Three parent governor representatives (one from a Primary School, one from a Secondary School and one from a Special School).

4.9.3 These representatives will primarily sit on the SOSC 1 which has been allocated the theme of Education as a priority. They will also be able to attend as a voting Member any SOSC that considers an item pertaining to education.

4.10 Number of meetings

4.10.1 Each Scrutiny Committee will hold eight meetings a year, the calendar for which shall be published at the start of the municipal year. The updated calendar of meeting for 2017/2018 can be found at **Appendix C**.

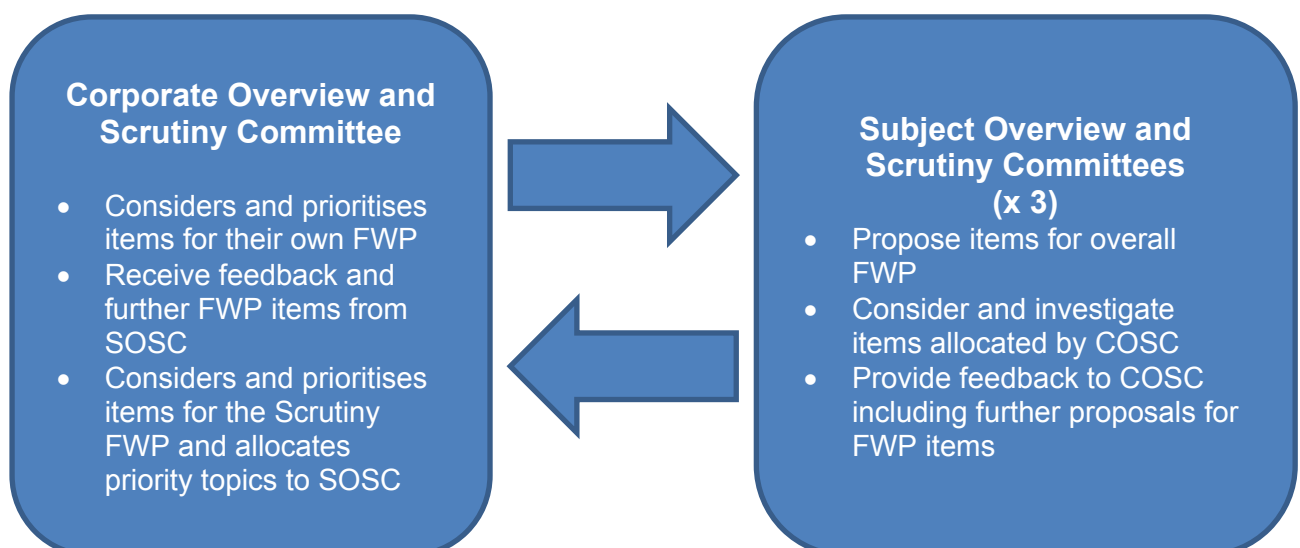
4.11 Forward Work Programme (FWP) Planning

4.11.1 The COSC will determine its own Forward work Programme considering items within its remit as detailed in **Appendix A**.

4.11.2 In addition to this, at the beginning of the municipal year each Overview and Scrutiny Committee will be asked to identify issues for consideration during the year, using pre-determined criteria (**Appendix D**) which emphasises the need to consider issues such as impact, risk, performance, budget and community perception when identifying topics for investigation. The purpose of **Appendix D** is to ensure a strategic responsibility for Scrutiny and that its work benefits the organisation.

4.11.3 These items will be presented to the COSC for prioritisation and designation to each SOSC.

4.11.4 There is an understanding that the Forward Work Programmes will remain flexible and be revisited at each COSC meeting to consider all potential items and reprioritise with input from the SOSCs as illustrated below:



4.11.5 The new Scrutiny structure encourages a much stronger focus on priority items where information reports can be dealt with through Member briefings sessions or briefing notes outside of the Committee.

4.11.6 Concentrating on one item at a time also enables greater focus on a smaller number of items. This allows Scrutiny Officers to undertake more detailed research on behalf of the Committee and for Members to drill down further into areas in meetings, and overall achieve more effective outcomes.

4.12 Forward Work Planning Meetings

4.12.1 Officer Planning Meetings will take place every two months between the Scrutiny Officers and each Corporate Director to deliberate the items on the overall forward work programme. Details for approximately the next six items on the prioritised list will be discussed focusing on the report purpose in each case in order for Officers to have an idea of the information likely to be requested. It is also an opportunity for Corporate Directors to propose any further items for the FWP that they believe will require Scrutiny's input and a chance for both Scrutiny Officers and Corporate Directors to consider the approximate timing of each item. Any comments and proposals can then be fed back to Scrutiny Chairs and the COSC for further deliberation, amendment or reprioritisation as appropriate.

4.12.2 Forward Work Programme Development Meetings will take place between Cabinet Members and Scrutiny Chairs every three month for Cabinet and Scrutiny to discuss and coordinate their FWPs. As above, information can be fed back to the COSC as part of their FWP item for consideration and approval.

4.13 Budget Consultation Process

4.13.1 The COSC along with the SOSCs will consider the draft budget proposals for each of the Directorates with the COSC considering any proposals relating to portfolio of the Chief Executive including Finance and the Operational and Partnerships Directorate. The findings report will be presented at a meeting of the COSC along with the consolidated responses from the SOSCs on the draft budget proposals prior to submission to Cabinet.

4.13 Public Service Board Overview and Scrutiny Panel

4.13.1 From 1 April 2016, the Well-being of Future Generations (Wales) Act 2015 introduced statutory Public Services Boards (PSB) across each local authority area in Wales. PSBs work together to improve the social, economic, cultural and environmental well-being of the board's area. The Act specified that one Committee take an overview of the overall effectiveness of the Board which this Authority previously determined to carry out via a PSB Overview and Scrutiny Panel under the remit of an individual Overview and Scrutiny Committee.

4.13.2 As illustrated in **Appendix B**, the PSB Overview and Scrutiny Panel is now proposed to sit under the COSC with the membership of the Panel determined as before; on an annual basis incorporating 3 Members from the COSC and 1 member from each of the SOSCs along with counterpart representatives from organisations that sit on the PSB.

4.13.3 The purpose of the Panel is review and scrutinise the efficiency and effectiveness of the PSB and its decisions as well as the governance arrangements surrounding it. The Panel will hold up to two meetings a year and will make reports or recommendations to the Board regarding its functions with the aim of enhancing its impact.

4.14 Member and School Engagement Research and Evaluation Panel (MSEP)

4.14.1 In February 2013, the MSEP was established as an ongoing Research and Evaluation Panel in order to engage with Head Teachers and Chairs of Governors. The purpose of the Panel is to explore school performance and improve levels of understanding in support of the Scrutiny accountability function.

4.14.2 The membership of the Panel will be 4-6 Members primarily taken from the SOSC 1 who have been allocated the theme of education as a priority. Membership is determined on a rota basis, to allow all Members of the Committee an opportunity to be involved and to minimise the potential for conflicts of interest, given that a significant number of Members are also school governors.

4.14.3 Using a set criteria which primarily focuses on schools that are a cause for concern or in contrast, schools that have experienced significant improvement, the Panel meet with the Head teacher and Chair of Governors and discuss the school's performance in detail. Latest school performance data, a recent Estyn report, the school's own Improvement Plan and any reports from the Consortium are some of the information that is scrutinised and discussed to consider how secure a position the school is in to achieve improvement.

4.14.4 Up to four Panel meetings are held each year and an annual summary report is produced to ensure the SOSC 1 and the COSC are kept informed of the work of the Panel.

4.15 Chairs of Scrutiny

4.15.1 Should the Chair of a SOSC be unable to attend a meeting, it is for the Committee to appoint a Chair at the meeting. Members must ensure that the nomination is from the same political party as the existing Chair to ensure political balance rules are maintained.

4.16 Recommendations to Cabinet

4.16.1 Recommendations can be made directly to Cabinet from any Scrutiny Committee, following the rules and procedures as laid out in the constitution.

4.16.2 Where the recommendations relate to a report already on the Cabinet forward work programme, it is for the relevant Corporate Director to include their response to the recommendations in their report to Cabinet. Where there is not a report scheduled

for Cabinet, the Scrutiny Committee will send their own report directly to Cabinet containing their recommendations.

4.17 Pre Decision Scrutiny

4.17.1 The formal Forward Work Programme will enable effective planning and reprioritisation of the Scrutiny Forward Work Programme where necessary to accommodate pre-decision scrutiny items. Should there be an ad hoc item that requires Scrutiny's attention, then the subject would simply be scheduled for the next available SOSC meeting, postponing their original intended item.

4.18 Call-In

As detailed in **Appendix B** it is proposed that the call-in procedure will be as follows:

- Any 3 members of an Overview and Scrutiny Committee and a scrutiny chair may call-in a decision
- Overview and Scrutiny may only call-in a total of six decisions per year;
- The Chairpersons will collectively determine which Overview and Scrutiny Committee will be allocated the meeting.

Members are requested to note that within the last 3 administrations (2004-2017) there have been an average of 1.23 call-ins per year.

4.19 Call-In and Urgency

4.19.1 As detailed in **Appendix B** it is proposed that the call-in and Urgency procedure process will be as follows:

- All three Chairpersons of Overview and Scrutiny will be consulted to agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to call-in. In the absence of a Chairperson(s) the matter will proceed on the decision of one Chairperson. In the absence of all three Chairpersons, the Mayor or Deputy Mayor's consent shall be required.

4.20 Amendments to the Constitution to reflect the Scrutiny restructure are proposed and attached at **Appendix B** (set out in italics and bold).

5. Effect upon Policy Framework & Procedure Rules.

5.1 The work of the Overview & Scrutiny Committees relates to the review and development of plans, policy or strategy that form part of the Council's Policy Framework and consideration of plans, policy or strategy relating to the power to promote or improve economic, social or environmental wellbeing in the County Borough of Bridgend. Any changes to the structure of the Scrutiny Committees and the procedures relating to them would require the Bridgend County Borough Council constitution to be updated.

6. Equality Impact Assessment

6.1 There are no equality implications attached to this report.

7. Financial Implications.

7.1 There are no financial implications attached to this report.

8. Recommendations.

8.1 Council is recommended to:-

- a) Note the revised Overview and Scrutiny Structure and processes;
- b) Approve the amendments to the Constitution as set out in **Appendix B** which includes the Terms of Reference, associated functions and remits of the new Scrutiny Committees;
- c) Approve the updated calendar of Scrutiny meetings for 2017/2018 attached at **Appendix C**.

PA Jolley
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Background documents

None.