

<b>Meeting of:</b>	<b>COUNCIL</b>
<b>Date of Meeting:</b>	<b>9 APRIL 2025</b>
<b>Report Title:</b>	<b>SCRUTINY REVIEW</b>
<b>Report Owner / Corporate Director:</b>	<b>CHIEF OFFICER – LEGAL &amp; REGULATORY SERVICES, HR &amp; CORPORATE POLICY</b>
<b>Responsible Officer:</b>	<b>RACHEL KEEPINS – DEMOCRATIC SERVICES MANAGER</b>
<b>Policy Framework and Procedure Rules:</b>	<b>Any change to the structure of the Scrutiny Committees will require amendments to the Constitution.</b>
<b>Executive Summary:</b>	<p><b>This report provides Council with options for new Scrutiny arrangements, in response to Audit Wales’ recommendations arising from their ‘Bridgend County Borough Council - Review of Decision Making Arrangements’ report, published in October 2024.</b></p> <p><b>The report also presents Members with the Scrutiny Protocol following a Scrutiny Review undertaken in 2024, for approval.</b></p>

## **1. Purpose of Report**

1.1 The purpose of this report is to:

- a) Provide Council with an update on work being undertaken in response to Audit Wales’ recommendations arising from their ‘Bridgend County Borough Council - Review of Decision Making Arrangements’ report, published in October 2024, including options for new Scrutiny arrangements for Members’ consideration;
- b) Seek Council’s approval of the Scrutiny Protocol following a Scrutiny Review undertaken in 2024.

## **2. Background**

2.1 In June 2024, the Welsh Local Government Association supported a review of scrutiny in Bridgend. This was carried out by an external consultant who spoke to various Members and Officers. Attached at **Appendix 1** is the result of that review. The main recommendations are set out below:

- Draft and agree a protocol for effective scrutiny
- Document and schedule a revised Forward Work Programme (FWP) process
- Ensure more timely use of pre-decision scrutiny
- Establish purpose, scope and focus for each scrutiny item

- Develop evaluation mechanisms
- Ensure training and development programmes cover key areas

2.2 In addition, Audit Wales undertook a [Review of Decision Making Arrangements](#) across the Council. The audit concluded that the Council generally has proper decision-making arrangements in place but weaknesses in forward planning and pre-decision scrutiny are undermining their effectiveness.

2.3 There were three recommendations from the Review of Decision Making Arrangements that related to scrutiny:

- The Council should ensure that its published Forward Work Programme for committees is accessible, comprehensive, and covers a longer time frame than the current 4-month period to give more opportunity for robust pre-decision scrutiny and provide greater transparency around the decision-making process for both Members and the public.
- The Council should ensure that there is clarity on the role of scrutiny in the decision-making process. The lack of clarity on the role of the Overview and Scrutiny Committees (OVSCs), particularly in relation to pre-decision scrutiny is limiting OVSCs' ability to contribute fully and effectively to the decision-making process.
- The Council should ensure that it provides greater transparency regarding the remit of the different OVSCs. Naming the committees 1, 2 and 3 does not help with transparency of the remit of the committees, particularly from a public perspective. It is also a potential barrier to encouraging public involvement in the scrutiny process.

### **Current Scrutiny Structure**

2.4 According to the Centre for Governance and Scrutiny's (CfGS) "The Good Scrutiny Guide" (the Guide) there is no one 'best' model for a scrutiny committee structure and it is very difficult to compare with other local authorities and try and replicate. According to the Guide, 'Scrutiny's structures are often a reflection of the culture in which scrutiny operates and the role which has been agreed for it.'

2.5 The Guide, however, highlights the following few common models:

- a) A single committee which does all the work. This is more common in smaller authorities, this approach sees all scrutiny work happening in a single, formal space.
- b) A single committee commissioning task and finish groups (such as Research and Evaluation Panels). Here, a committee provides coordination of a number of task and finish groups – the committee will usually also undertake its own substantive work.
- c) A two-committee system dividing substantive topics between them (e.g. "people" and "places")
- d) A two-committee system dividing issues between them differently (e.g. "policy development" and "performance")
- e) Multiple committees (sometimes involving a corporate committee which "leads" the function, sometimes not).

- 2.6 In Bridgend County Borough Council (BCBC) we have had multiple committees since 2017. At that time, there was a full review and restructure of the scrutiny arrangements which was subsequently approved by Council on 28 June 2017. This resulted in a centralised structure whereby the Corporate Overview and Scrutiny Committee (COSC) would oversee the overall Forward Work Programme for each Overview and Scrutiny Committee and consider and delegate priorities to the relevant committee for that topic where necessary in the interest of avoiding duplication of effort.
- 2.7 The current structure has the following Committees:
- Corporate Overview and Scrutiny Committee
  - Subject Overview and Scrutiny Committee 1
  - Subject Overview and Scrutiny Committee 2
  - Subject Overview and Scrutiny Committee 3
- 2.8 The scrutiny function sits within Democratic Services and is supported by 1 Senior Scrutiny Officer and 1.8 full time equivalent (fte) Scrutiny Officers. Due to other changes made to the wider Democratic Services team, the Scrutiny Officers are also responsible for the minutes produced, recording of all meetings and the uploading of these recordings to the Council's website. They also produce decision records and offer all meetings on a hybrid basis in accordance with the Local Government and Elections (Wales) Act 2021. This requires 2 Scrutiny Officers to be present at each meeting, with 1 in the chamber and 1 providing electronic support.

### **3. Current situation/ proposal**

- 3.1 In light of these reviews and recommendations highlighted above, Officers have reviewed the scrutiny structure currently operating in BCBC noting that there is no definitive guide to how a scrutiny function should be set up. Across Wales, there are a variety of structures in place and it is a matter for each Council to determine what suits their organisation. Set out below are some potential options that have been considered for BCBC moving forward:

#### **Option 1 – No Change to Structure**

Maintain the current set up with COSC and 3 SOSC's which cover the 3 themes of Education, Social Services and Communities but have the flexibility to consider other items not in line with these themes. This includes 3 remunerated Chairs with COSC Chair appointed by the Members of the Committee from one of the Chairpersons of the Subject Overview and Scrutiny Committees,

#### Pros

- Allows items to be considered in their entirety without worrying about straying into another's remit.
- Four committees allows for easy allocation when required, for example, when it comes to consideration of the annual draft budget proposals – i.e. four committees and four Directorates. It also allows for the efficient allocation of call-ins to any upcoming scrutiny committee meeting due to the cross-cutting nature of existing meetings and avoids requiring extra meetings to be called and extra demands placed on the service.

- Members build up in-depth specialist knowledge regarding the statutory framework and delivery arrangements of a service area which is helpful when scrutinising reports responding to Care Inspectorate Wales (CIW), Estyn, Audit Wales and reports regarding service statutory responsibilities. Experience has shown that Members are more engaged in a committee related to their area(s) of knowledge and interest, which makes for more effective scrutiny, focussed recommendations and better outcomes.

### Cons

- Audit Wales have said that the 'Subject' Committees do not provide clear transparency of their remits.

## **Option 2**

Maintain 4 Committees with COSC and three formally themed Committees: 'Education, Social Services and Communities' or similar, to address Audit Wales' recommendation. There would need to be consideration of the allocation to each committee to ensure there was an even workload balance. COSC would consider corporate items such as budget and performance and would allocate items on the FWP. This would also address the Audit Wales recommendation to make the roles of the committees more transparent.

### Pros

- Addresses the Audit Wales concern regarding transparency of remits of scrutiny committees.
- Four committees replicates the Council's structure providing simple and clear roles and remits where needed, such as for draft budget proposals.
- Members build up in-depth specialist knowledge regarding the statutory framework and delivery arrangements of a service area which is helpful when scrutinising reports responding to CIW, Estyn, Audit Wales and reports regarding service statutory responsibilities. Experience has shown that Members are more engaged in a committee related to their area(s) of knowledge and interest, which makes for more effective scrutiny, focussed recommendations and better outcomes.

### Cons

- Currently we often have topics that are not wholly within the remit of a Directorate, so naming the committees may remove this flexibility for allocating such topics to a single committee in the future. There could be a caveat agreed however that allows a committee to stray slightly into another's remit in order to consider the item in its entirety.
- If entirely replicating the Directorates, there are some aspects that sit under the Chief Executive's Directorate that would not really fall within the remit of a COSC, the main example being Housing and Homelessness, which has usually been allocated to SOSC 3. This could be overcome however by having a list of service areas under each committee's remit rather than to simply replicate the four Directorates. This would also overcome any future issues of service areas potentially moving into a different directorate.

- Could potentially limit where call-ins can be allocated and require additional meetings and resources, unless a caveat is agreed for this.

### **Option 3**

Maintain COSC and reduce to 2 SOSCs where all committees would consider a range of items as prioritised by COSC. There would be a general agreement that Committee 1 incorporates the majority of education items within it in order to assist the Educational Representatives but it would not be exclusively dealing with Education.

#### Pros

- Members would gain a better overall understanding of service areas across the Council by considering a range of items.

#### Cons

- Reducing the number of committees means the membership of each committee would potentially increase. Larger committees can lead to less effective scrutiny.
- Members would not build up expertise in a specific area as they would be considering reports on a range of service areas.

### **Option 4**

Maintain COSC and have 2 themed committees. There could be the option of using the CfGS suggestion of 'People' and 'Places'. 'People' would incorporate areas such as Children and Adult's Social Care, Education, and Community Safety with 'Place' covering areas such as Transport, Environment, Economic Development, Regeneration and Community Services. There would need to be consideration of the allocation to each committee to ensure there was an even workload balance. COSC would consider corporate items such as budget and performance and would allocate items on the FWP. This would also address the Audit Wales recommendation to make the roles of the committees more transparent.

#### Pros

- Addresses the Audit Wales concern regarding transparency of remits of scrutiny committees.

#### Cons

- Reducing the number of committees means the membership would potentially increase. This could lead to less effective scrutiny.
- Prioritisation of items for Forward work programming could prove difficult with competing priorities from more than one Directorate and Cabinet Member.
- May limit the capacity to deal with pre-decision items if a number come forward that need to be considered by the same committee.

### **Option 5**

One main scrutiny committee with Working Groups and Research and Evaluation Panels falling out of it.

### Pros

- Members could potentially gain a better understanding of a range of service areas across the Council.

### Cons

- Would increase the administrative processes with increased time spent setting up and co-ordinating the Panels.
- Members do not get the opportunity to build up an in-depth knowledge basis of a full-service area.
- Would require Members to commit to the Panel(s) and Group Leaders would need to ensure their Members were prepared to Chair.

### **Additional Considerations**

- 3.2 There are various factors to consider with each option. There will not necessarily be a reduction in workloads if the committees are reduced and there would need to be an amended schedule of meetings to support all items that need to be considered. A change in the number of committees will also require a review of the membership both to ensure the committee provides effective scrutiny, and to allow a number of Members the opportunity to be involved.
- 3.3 Further work will then be needed on the names and remits of the committees. Audit Wales suggested that greater transparency regarding their remit was needed as the naming of the committees as 1, 2, 3 did not help from a public perspective. Officers have considered some possible examples including 'Corporate Performance and Resources', 'Education and Young People', 'Social Care and Wellbeing', 'People and Wellbeing, Place and Prosperity'. There may also be opportunity to align the scrutiny structure with the Council's Wellbeing Objectives. The final naming and remit will depend on the structure adopted. The setting of remits will also have to have provision for items which overlap committees and a process for dealing with call-in items.
- 3.4 The number of Members sitting on an OVSC has changed throughout the various structures with membership ranging from 16 to 10 Members. Presently, the membership of each OVSC is 12 Members. It has previously been considered that 16 Members is too large and Members didn't find meetings as effective. It also led to meetings being much longer, with less focused outcomes. In contrast to this, additional Members would like to be involved in scrutiny but are restricted due to the political balance allocation.

### **Budget Scrutiny**

- 3.5 Consideration also needs to be given as to how the scrutiny of the Budget process is taken forward under any revised structure. The current system includes a dedicated Budget Research and Evaluation Panel (BREP), plus detailed scrutiny of the draft budget by each individual OVSC who feed back to COSC to provide

overall recommendations to Cabinet. This process results in an intense period of scrutiny in early January; this is resource intensive for officers and Members and there has been cross party feedback that the sessions are repetitive and overlap in subject matters.

- 3.6 If an option was recommended that maintained COSC as a corporate committee with oversight of the budget, it would provide an opportunity to revisit the budget scrutiny process. An option could be allocating budget scrutiny exclusively to COSC; this could involve a working group being established with representatives from all OVSCs and chaired by the Chair of COSC. The group would feedback to COSC and this would reduce duplication and allow for in depth scrutiny to be undertaken throughout the budget setting process with meaningful engagement between Cabinet and Scrutiny. This option would however result in additional responsibilities for the Chair of COSC who would also chair the budget working group. If this proposal was agreed, Members are requested to consider whether the increased workload and additional responsibilities of the Chair would necessitate the post being remunerated, noting that this will have implications on the Council's Schedule of Remuneration and other senior salary entitlements. In accordance with the formula used under the Local Government (Wales) Measure 2011, should Council approve four remunerated Scrutiny Chairs, these would be allocated to the following political groups:

2 x Labour  
1 x Bridgend County Independents  
1 x Democratic Alliance

### **Preferred Option and Reasons for Preferred Option**

- 3.7 The Scrutiny structure options set out in paragraph 3.1 were considered by the Corporate Overview and Scrutiny Committee at their meeting on 17 March 2025 whereby they made the following recommendation:

*Of the options presented within the report, the Committee unanimously favoured and recommended option 2; to retain 4 Scrutiny Committees with the Corporate Overview and Scrutiny Committee and three formally themed Committees: 'Education, Social Services and Communities' or similar. This was on condition that the caveats contained in the report were included in that the names and remits of the Committees would not preclude a Committee from scrutinising an item in its entirety should any aspect stray slightly into the remit of another.*

*The Committee also discussed matters such as the length of meetings and agendas, engagement of Members, the number of meetings, resources and the workload and numbers of Chairs, but agreed that these matters would need to be discussed further at Council and in relative Political Group meetings. Members requested that the Committee Structure Options and the Scrutiny protocol be shared with all Political Group Members by Chairs and Group Leaders, as well as the 3 Independent Members not affiliated with any Group, as soon as possible before the meeting of Council.*

- 3.8 It is proposed that Council endorse the recommendations of COSC and approve the revised scrutiny structure as outlined at option 2 above providing focused remits that reflect the Council's priorities and reduce areas of duplication.

## **Additional Proposals**

- 3.9 As outlined at paragraph 3.4 above, it is proposed that to balance the views on Committee membership, the OVSC Committee membership also be amended to 14 Members. To mitigate against the potential ineffectiveness of lengthy meetings, it is also proposed that the Overview and Scrutiny Procedure Rules be amended within the Constitution to recommend that meetings must not continue beyond 3 hours in duration with the proviso that the Chair may relax the rule if this is felt necessary to facilitate further discussion prior to a decision being made.

## **Scrutiny Forward Work Programme**

- 3.10 There has already been improvement in the way the scrutiny FWP is developed. Scrutiny Chairs are clear that items on FWPs need to be aligned with the Council's Wellbeing Objectives and they meet with relevant Corporate Directors to ensure relevant items are brought to Scrutiny. A process has also been developed for referrals from the Governance and Audit Committee to be considered by SOSCs if appropriate.
- 3.11 The development of the FWP will continue with a view to aligning more closely with the Cabinet FWP and the publication of a six-month FWP in line with the Audit Wales recommendation. This will assist in meaningful pre-decision scrutiny on key topics. Pre- decision scrutiny is considered to be the tool which has maximum impact. This allows scrutiny members to act in its "critical friend" role and contribute to the development of policies before a final decision by Cabinet. Effective pre-decision scrutiny may also reduce the need for call-ins, which should be used as a last resort.
- 3.12 It was also recognised that to get the best outcome from scrutiny the committee should be clear on its purpose, scope and focus. This is being developed as part of the FWP where the rationale for considering a topic should be clearly identified and communicated to the officers preparing the report for scrutiny. The committee should be clear which areas they want to focus on and what their objectives are in considering the item. This focus will be reiterated by officers in pre-meetings.
- 3.13 By setting clear focus and objectives there will also be more opportunity to evaluate the scrutiny function. The mechanisms for doing this evaluation will be developed fully when a structure is agreed. Any evaluation will form part of the Annual Scrutiny Report presented to COSC and Council.

## **Member Training**

- 3.14 The training of all Elected Members is a function of the Democratic Services Committee. However, more tailored options have been identified for scrutiny members including refresher training on 'Scrutiny - Critical Analysis and Questioning Skills' and 'Chairing', the latter of which is being offered to all of the Authority's Committee chairs. 'Local Authority Decision Making Arrangements' training has also been rolled out via an external provider, covering an overview of Local Authority Governance, as well as roles and responsibilities of Cabinet, Scrutiny and Governance and Audit Committees. It is also planned to take up the WLGA offer of a self-assessment of scrutiny arrangements which is a new two-part Improvement



Programme. This, however, might be more effective after some of the changes above have been introduced and will then assist with evaluating and evidencing the impact of Bridgend's scrutiny arrangements and whether there are areas for further improvement. Other areas for training include social media training for members which is being progressed, in addition to regular suggestions and requests from both Members and Senior Officers for briefing sessions and scrutiny related training, such as the new Estyn Framework.

## **Scrutiny Protocol**

- 3.15 In response to one of the recommendations from the Scrutiny Review undertaken in 2024 a Protocol for Effective Scrutiny has been developed and is attached at **Appendix 2**. This sets out the expectations of Scrutiny Members, the Executive and Corporate Management Board.

## **4. Equality implications (including Socio-economic Duty and Welsh Language)**

- 4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

## **5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives**

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.
- 5.2 The Act provides the basis for driving a different kind of public service in Wales, with 5 Ways of Working to guide how public services should work to deliver for people. The scrutiny function contributes to the 5 Ways of Working set out in the Well-being of Future Generations (Wales) Act 2015 and how they contribute to the Council developing its own five ways of working, driving and measuring those ways of working.
- 5.3 The scrutiny arrangements assists in the achievement of the Council's 7 Well-being Objectives under the Well-being of Future Generations (Wales) Act 2015, listed below:
1. A County Borough where we protect our most vulnerable
  2. A County Borough with fair work, skilled, high-quality jobs and thriving towns
  3. A County Borough with thriving valleys communities
  4. A County Borough where we help people meet their potential
  5. A County Borough that is responding to the climate and nature emergency
  6. A County Borough where people feel valued, heard and part of their community
  7. A County Borough where we support people to live healthy and happy lives

## **6. Climate Change Implications**

- 6.1 Climate Change continues to form part of Scrutiny's priorities and links with various aspects of the Scrutiny's Committees' Forward Work Programme.

## **7. Safeguarding and Corporate Parent Implications**

- 7.1 Safeguarding and Corporate Parenting continue to form part of Scrutiny's priorities and aspects of their Forward Work Programme.

## **8. Financial Implications**

- 8.1 Should there be additional remunerated Scrutiny Chairs proposed, this would need to be formally considered and agreed at a further Council meeting to agree an amendment to the Schedule of Remuneration as the allowance would have to come from within the existing Members budget, which would result in the removal of allowances for other roles.

## **9. Recommendations**

- 9.1 Council is recommended to:
- i. Note the progress made in relation to the Audit Wales recommendations as part of their 'Review of Decision-Making Arrangements' in Bridgend;
  - ii. Note the structure options presented within this report and the recommendations of COSC and approve option 2 as the agreed scrutiny structure for implementation following the Annual Meeting of Council on 14 May 2025;
  - iii. Determine whether an additional remunerated Chair is required and if so, agree this in principle with a final decision to be made at the AGM, following necessary amendments to the Schedule of Remuneration, noting that this will be met from the existing Member budget, which will result in the removal of other senior salary allowances;
  - iv. Approve a change to the membership of each OVSC to 14 Members to take effect as part of the agreed scrutiny structure;
  - v. Approve the Scrutiny Protocol, attached at **Appendix 2** for subsequent circulation and signing by all Scrutiny Members, the Executive and Corporate Management Board;
  - vi. Note that a report will be presented to the AGM seeking approval to amend the Constitution to incorporate the revised Terms of Reference, Membership and the Overview and Scrutiny Procedure Rules as a result of the revised structure, noting that COSC will now lead on Budget Scrutiny.

## **Background documents**

None.