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DEMOCRATIC SERVICES COMMITTEE

Wednesday, 14th November, 2018

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

S U P P L E M E N T A R Y P A C K

1.	SCRUTINY COMMITTEE STRUCTURE
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To consider a report and recommendations from the Scrutiny Development Board meeting on 12 November, 2018 on the future scrutiny structure for recommendation to Council.

(Pages 3 - 58)

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CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee – 14th November, 2018

REPORT AUTHOR: Scrutiny Manager and Head of Democratic Services

SUBJECT: Scrutiny Committee Structure

REPORT FOR: Decision

1. Summary.

1.1 This report presents the recommendations of the Scrutiny Development Board which met on 12th November relating to a revised scrutiny committee structure. The Committee is asked to consider the proposals and amend as appropriate for recommendation to Full Council. For information purposes, please find attached a copy of the report considered by the Scrutiny Development Board.

2. Audit Committee and Finance Scrutiny Panel.

2.1 The Council is the only Council in Wales that utilises the provisions [Section 81(2)] of the Local Government (Wales) Measure 2011 whereby the Audit Committee can also undertake other functions such as scrutiny.

2.2 There has been comment recently from the Wales Audit Office (WAO) regarding a lack of clarity on Audit Committee agendas as to whether the committee is undertaking its regulatory role or is acting as a scrutiny committee.

2.3 The Finance Scrutiny Panel has been in existence since 2015. It has been cited by the WAO as an example of good practice. However recently it has been felt by Members that it has not been functioning effectively for a variety of reasons and needs to be reinvigorated. The Membership of the Panel currently includes the Chairs of the Scrutiny Committee, Opposition Group Leaders as well as representatives of the Audit Committee. Its main functions relate to scrutiny of the Council budget – See **Appendix 1**.

Recommendations from the Scrutiny Development Board:**Audit Committee.**

- (i) that the Audit Committee should undertake the statutory regulatory functions only, and that the scrutiny functions be transferred one of the new scrutiny committees. **(See Appendix 2 – Column 4 for the amended Terms of Reference)**
- (ii) that the Committee be comprised of 9 Members on a politically balance basis (plus the Lay / Independent Member(s))
- (iii) that the Committee determines its own schedule of meetings (approximately 6 per year)
- (iv) that in principle meetings of the Audit Committee should be webcast, subject to a review of the financial implications of webcasting additional meetings.

Finance Scrutiny Panel.

- (i) that the Finance Scrutiny Panel be retained but that it be renamed Finance Panel (“FP”).
- (ii) that the Terms of Reference be amended to reflect that the Panel scrutinise strategic financial issues only i.e. MTFs, development of the overall Council budget, budget out-turn, rather than service specific financial issues which would be within the remit of individual scrutiny committees. **(See Appendix 3 for the amended Terms of Reference)**
- (iii) that the composition of the FP remain as at present (i.e. not politically balanced) with the addition of the Portfolio Holder for Finance as a member of the Panel. **(See Appendix 3 – amended Terms of Reference)**
- (iv) that the Terms of Reference be amended to reflect that the Panel will appoint its Chair from its Membership. **(See Appendix 3 – amended Terms of Reference)**
- (v) that meetings of the FP be held in public wherever possible except where confidential matters are to be discussed.
- (vi) that the Chair of the FP would not be a remunerated role.

3. Scrutiny Committees

3.1 The Scrutiny Committee structure proposed by the Democratic Services Committee in May 2018 were based on Vision 2025 and the suggestion was that the following committees be established:

- Economy, Residents and Community Committee
- Health and Care Committee
- Learning and Skills Committee
- Audit Committee – which scrutinised “Making It Happen” and other Corporate functions.

Recommendations from the Scrutiny Development Board:

- (i) That the Council establish the 3 scrutiny committees (excluding Audit) based on Vision 2025 as set out below, but amended to move the “governance” functions currently undertaken by Audit **(See Appendix 2)**
 - Economy, Residents, Community and Governance Committee
 - Health and Care Committee
 - Learning, Skills and Culture Committee
- (ii) that the committees comprise 9 Members each based on a politically balanced basis (plus statutory Co-opted Members).
- (iii) that meetings of the committee be held on a 6 weekly basis.
- (iv) that meetings of committees be held in public (unless required to move into confidential session) and that the Council moves to webcast those committee meetings, subject to a review of the financial implications of webcasting additional meetings.
- (v) that the Terms of Reference of each committee include Vision 2025 responsibilities, relevant service areas, as well as partnerships to be scrutinised e.g. Brecon Beacons National Park, ERW, RPB.

4. Working Groups

- 4.1 The Council in May decided to no longer use Working Groups for scrutiny which has been a detrimental move in hindsight and current research indicates that the best scrutiny takes place in smaller working groups. Working Groups will generally be task and finish groups dealing with specific items only as and when determined by the Scrutiny Co-Ordinating Committee (see paragraph 5 below).
- 4.2 There is also a need to find a mechanism to involve members who are not on a scrutiny committee, but have the relevant knowledge, expertise or interest in being involved in scrutiny working groups. This will need a good forward work programme to be in place so that other Members can be contacted in advance to gauge interest.

Recommendations from the Scrutiny Development Board:

- (i) that Cabinet Members should not be members of Scrutiny Working Groups.
- (ii) that Member Champions could assist scrutiny working groups but not be formal members of those groups.
- (iii) that Working Groups (including cross-cutting groups) should be set as and when required by the Co-Ordinating Committee (see 5 below) only and any requests from Committees to establish Working Groups would need to be considered by the Co-Ordinating Committee together with a justification for establishing that group.
- (iv) That the reports of Working Groups be referred to the Co-Ordinating Committee for approval prior to submission to the Cabinet (if appropriate) .
- (v) that Working Groups should comprise a maximum of 4 or 5 members on a non-political basis.
- (vi) that up to 2 Members who are not on a Scrutiny Committee but who have a particular skill or expressed an interest in any Working Group subject can participate in Working groups
- (vii) that there should not be more than 2 working groups held per committee in a 6 weekly committee cycle.
- (viii) that the Chairs of Scrutiny Committees are required to attend all Working Groups for their respective Committees, but do not have to Chair the working groups with another Member leading the group to allow for development of individual members. Where a cross cutting Working Group is established, the Chairs from all the Committees involved will participate in the Working Group.

5. Co-Ordinating Committee.

- 5.1 The Council currently has a group comprising Chairs and Vice-Chairs of the Scrutiny Committees which sets the work programme for scrutiny. Following the external review it is suggested that this group needs to be widened. The Scrutiny Development Board at its meeting in October agreed to recommend to the Democratic Services Committee that the new Co-Ordinating Committee consist of the Scrutiny Development Board together with the Chairs and/or Vice-Chairs of Scrutiny who are not members of Scrutiny Development Board.
- 5.2 The proposed membership of the Co-Ordinating Committee is as follows:

- Chairs and Vice-Chairs of the Economy, Residents, Community and Governance Scrutiny Committee, Learning, Skills and Culture Scrutiny Committee, Health and Care Scrutiny Committee;
- County Councillors Aled Davies, James Evans and Myfanwy Alexander.
- Chief Executive and Solicitor to the Council.

5.3 The Board also decided that this committee considers the need for greater detail on Cabinet and Scrutiny Forward Work programmes regarding what each item is about.

5.2 The current group also undertakes scrutiny work i.e. the Corporate Improvement Plan, the Strategic Equalities Plan, the Annual Governance Statement.

Recommendations from the Scrutiny Development Board:

- (i) that the Co-Ordinating Committee determine the Forward Work Programme for scrutiny as well as reports from Working Groups prior to submission to the Cabinet.
- (ii) that the Committee does not undertake any “corporate” scrutiny functions and that these functions be transferred to the Economy, Residents, Community and Governance Committee.
- (iii) that the committee determines whether items should be considered by a committee or working group as well as the focus of the review to be undertaken.

6 Chairs of Committees

6.1 Attached for information is the allocation of scrutiny chairs to political groups, based on current group numbers in accordance with the provisions of the Local Government (Wales) Measure 2011. **Appendix 4**

7. Public Service Board Scrutiny Committee.

7.1 A Public Service Board Scrutiny Committee has been established and there are no proposals to amend this Committee. **See Appendix 5 for Terms of Reference**

8. Recommendation.

8.1 To progress this matter the Committee is asked to.

Recommendation:	Reason for Recommendation:
(i) to the Full Council that the proposals as set out above be approved	To review the scrutiny committee structure.
(ii) that a review of the new structure be undertaken in 6 or 12 months following implementation.	

Relevant Policy (ies):			
Within Policy:	Y / N	Within Budget:	Y / N

Relevant Local Member(s):	
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Person(s) To Implement Decision:	Clive Pinney / Wyn Richards
Date By When Decision To Be Implemented:	January 2019

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
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Background Papers used to prepare Report:

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Finance Scrutiny Panel.

Role, Scope and Membership.

7.40

- 7.40.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
- Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.
- Representatives from the Audit Committee one of which should be the Independent “Lay” Member.
- 7.40.2 Chair : The Chair of the Audit Committee will chair the Panel.
- 7.40.3 Vice-Chair: The Vice-Chair of the Audit Committee will be the Vice-Chair of the Panel.
- 7.40.4 Meetings: Meetings of the Panel will be held monthly. Additional meetings of the Panel can be called with the consent of the Chair.
- 7.40.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

Terms of Reference:

7.41 The Panel will:

- 7.41.1 assist with the delivery of the plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
- 7.41.2 assist the managed transition between the current spread of service provision and the services most likely to be provided by the Council in the medium to long term;
- 7.41.3 analyse the relationship between performance and spend with emphasis on the outcomes intended to be achieved by a particular service in the context of what may be considered affordable;
- 7.41.4 consider the robustness of the evidence base upon which programmes of change are predicated;
- 7.41.5 provide a constructive environment for reasoned, detailed discussions about changes in an independent and impartial setting;
- 7.41.6 review and scrutinise:
- Assumptions underlying the budget strategy;
 - The Medium Terms Financial Strategy / Finance Resource Model;
 - Budget Assumptions;
 - Annual Local Government Settlement and any legislative changes affecting local government;

- Draft Budget and Impact Assessments;
 - Risk Register;
 - Financial Monitoring;
- 7.41.7 review and scrutinise where appropriate change plans by individual services particularly where those plans relate to high cost / risk areas of service;
- 7.41.8 provide evidence based recommendations to the Cabinet on its findings;
- 7.41.9 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

Column 1	Column 2	Column 3	Column 4
Economy, Residents, Community and Governance Committee	Health and Care Committee	Learning, Skills and Culture Committee	Audit

<p>Vision 2025 objectives:</p> <p>Economy: Providing support for businesses to grow • Promoting Powys as a place to live, visit and do business • Improving the availability of aordable and sustainable housing • Improving our infrastructure to support regeneration and attract investment • Improving skills and supporting people to get good quality jobs</p> <p>Residents and Community: Strengthening community development and resilience • Support communities to be able to do more for themselves and reduce the demand on our public services • Strengthening our relationship with residents and communities • Improve our understanding of our residents needs and improve our service delivery</p>	<p>Vision 2025 objectives:</p> <p>Health and Care: Focussing on well-being • Early help and support • Providing joined up care • Developing a workforce for the future • Creating innovative environments • Developing digital solutions • Transforming in partnership</p>	<p>Vision 2025 objectives:</p> <p>Learning and Skills: Improving the educational attainment of all pupils • Supporting children and families to have the best start in life • Improving our schools infrastructure • Improving the skills and employability of young people and adults</p>	<ul style="list-style-type: none"> • To approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). • Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified • Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised • To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements • Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources
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Column 1	Column 2	Column 3	Column 4
Economy, Residents, Community and Governance Committee	Health and Care Committee	Learning, Skills and Culture Committee	Audit

SERVICE AREAS:	SERVICE AREAS:	SERVICE AREAS:	
<p>ECONOMY</p> <p>Planning</p> <p>Regeneration</p> <p>Community Regeneration</p> <p>Economic Development</p> <p>Land Charges</p> <p>County Farms Estate</p> <p>Property and Assets</p> <p>Workshops</p> <p>Building Design</p> <p>Sustainability</p> <p>RESIDENTS AND COMMUNITY</p> <p>Affordable Housing</p> <p>Welsh Housing Quality Standard</p> <p>Housing</p>	<p>Adult Social Care</p> <p>Children’s Services</p> <p>Leisure</p> <p>Countryside Services</p> <p>Regional Partnership Board</p>	<p>Education</p> <p>Welsh Language</p> <p>Libraries</p> <p>Culture</p> <p>Archives</p>	<p>are available to implement the plan.</p> <ul style="list-style-type: none"> • Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented • Consider and approve the annual letter, regulatory plan and specific reports as agreed. • Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions • Comment on the scope and depth of the external audit work, to ensure it gives value for money • Assess and approve the annual statement of accounts, external audit opinion and management representation

Column 1	Column 2	Column 3	Column 4
Economy, Residents, Community and Governance Committee	Health and Care Committee	Learning, Skills and Culture Committee	Audit

<p>Village Halls</p> <p>Highways</p> <p>Waste Management</p> <p>Refuse Collection</p> <p>Environmental Health</p> <p>Trading Standards</p> <p>Emergency Planning</p> <p>Community Safety</p> <p>Gypsies & Travellers</p> <p>GOVERNANCE</p> <p>Commissioning</p> <p>Procurement</p> <p>Central / Corporate Support Services</p> <p>Catering and Cleaning</p>			<p>in relation to annual audit findings</p> <ul style="list-style-type: none"> • Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted • regularly monitor treasury management reports
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Finance Scrutiny Panel.

Role, Scope and Membership.

7.40

- 7.40.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
- Portfolio Holder for Finance
- Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.
- Other Representatives from the Audit Committee one of which should be the Independent “Lay” Member appointed by the Audit Committee.
- 7.40.2 Chair : The Chair of the ~~Audit Committee will chair the~~ Panel will be elected from the Panel’s membership.
- 7.40.3 Vice-Chair: The Vice-Chair of the ~~Audit Committee~~ Panel will be elected from the Panel’s membership ~~will be the Vice-Chair of the Panel.~~
- 7.40.4 Meetings: Meetings of the Panel will be held monthly on a schedule to be determined by the Panel. ~~Additional meetings of the Panel can be called with the consent of the Chair.~~
- 7.40.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

Terms of Reference:

- 7.41 The Panel will concentrate on strategic financial matters including the following:
- 7.41.1 assist with the delivery of the financial plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
- ~~7.41.2 assist the managed transition between the current spread of service provision and the services most likely to be provided by the Council in the medium to long term;~~
- ~~7.41.3 analyse the relationship between performance and spend with emphasis on the outcomes intended to be achieved by a particular service in the context of what may be considered affordable;~~
- 7.41.4 consider the robustness of the evidence base upon which programmes of change the MTFs and Council budget are predicated;

~~7.41.5 provide a constructive environment for reasoned, detailed discussions about changes in an independent and impartial setting;~~

7.41.63 review and scrutinise:

- Assumptions underlying the budget strategy;
- The Medium Terms Financial Strategy / Finance Resource Model;
- Budget Assumptions;
- Annual Local Government Settlement and any legislative changes affecting local government;
- Draft Budget and Impact Assessments;
- Financial aspects of the Risk Register;
- Financial Monitoring;

~~7.41.7 review and scrutinise where appropriate change plans by individual services particularly where those plans relate to high cost / risk areas of service;~~

7.41.84 provide evidence based recommendations to the Cabinet on its findings;

7.41.59 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

Allocation of Scrutiny Committee Chairs – Measure Provisions.**Step 1.**

Percentage size of “Executive” Group(s) as a proportion of the Whole Council (73 Members):

Group Name	No in Group	Percentage of Whole Council
The Independent Group	29	39.73%
Welsh Conservatives	19	26.03%
Total	48	65.76%

Step 2.

Entitlement of “Executive” Group(s) to proportion of chairs.

65.76% of 3 chairs = 1.97 chairs

If less than whole number then Rounding Down is required in accordance with the Local Government (Wales) Measure 2011.

Entitlement - 3 scrutiny chairs = 1 chair

Step 3.

As there is an entitlement of chairs for the “Executive” Group(s) the remaining chairs therefore are to be allocated to “Opposition” Groups based on the proportion size of individual groups to the size of the opposition groups taken as a whole (23 Members):

Group Name	No in Group	Percentage of Opposition Groups
Welsh Liberal Democrats	14	60.87%
Welsh Labour	7	30.43%
Plaid Cymru / Green	2	8.70%

Step 4.

Entitlement of “Opposition” Groups to proportion of remaining chairs (number of chairs multiplied by percentage in step 3):

Group Name	Entitlement (2 chairs multiplied by percentage in step 3)	Rounding Up.	Ranking
Welsh Liberal Democrats	1.22	1	
Welsh Labour	0.60	1	
Plaid Cymru / Green	0.17	0	

The result of this exercise is as follows:

Entitlement – 3 scrutiny chairs:

Executive Group(s) – 1 chair

Welsh Liberal Democrats – 1 chair

Welsh Labour – 1 chair

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Arrangements for the Scrutiny of the Public Service Board in Powys.

1. Background.

1.1 The Well-being of Future Generations (Wales) Act 2015 is aimed at improving the social, economic, environmental and cultural well-being of Wales. The Act became a requirement for public bodies from 1st April, 2016. It puts long term sustainability at the forefront of how public services are designed and delivered, and places emphasis on public bodies to work in partnership with each other and the public to prevent and tackle problems.

1.2 The Act sets seven national well-being goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

1.3 The Act establishes Public Services Boards (PSBs) for each local authority in Wales, consisting of representatives from local authorities, health boards, the Natural Resources Body for Wales and the Welsh Fire and Rescue Authority. It also places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB.

1.4 The functions of Powys PSB are:

- Assess the state of economic, social, environmental and cultural well-being in their area,
- Set local objectives designed to maximise the board's contribution to the achievement of the well-being goals,
- Publish local well-being plans setting out their local objectives and how members of the board (in exercising their collective function) intend to take all reasonable steps to meet local objectives.

1.5 The functions of the PSB Scrutiny Committee are:

- a) review or scrutinise the decisions made or actions taken by the public services board;
- b) review or scrutinise the board's governance arrangements;
- c) make reports or recommendations to the board regarding its

- functions or governance arrangements;
- d) consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and
 - e) carry out other functions in relation to the board that are imposed on it by the Act.

The PSB must consult the PSB Scrutiny Committee regarding the preparation of both the assessment of local well-being and its local well-being plan.

1.6 Structure of the Powys PSB.

STATUTORY MEMBERS	
DESIGNATION	ORGANISATION
Leader	Powys CC
Chief Executive Officer	Powys CC
Chair	Powys Teaching Health Board
Chief Executive Officer	Powys Teaching Health Board
Head of Operations Mid	Natural Resource Wales
Assistant Chief Officer	Mid and West Wales Fire and Rescue Service
INVITED MEMBERS	
Chair	Powys Association of Voluntary Organisations
Chief Executive Officer	Powys Association of Voluntary Organisations
Police & Crime Commissioner	Dyfed Powys OPCC
Superintendent	Dyfed Powys Police
Head of Dyfed Powys Local Delivery Unit	Wales Community Rehabilitation Company
Head of Energy, Water & Flood	Welsh Government
Chief Executive Officer	Brecon Beacons National Park Authority

2. The PSB Scrutiny Committee in Powys.

- 2.1 It makes practical sense that any committee established should include representatives from each of the partner agencies, whilst recognising that those representatives could not be drawn from the “executives” of any of the organisations to ensure the split of responsibilities between those who are the “executive” of the organisation and those who undertake a “scrutiny” function. Having representation from the organisations who form the PSB should also provide “buy-in” to the scrutiny process.

3. Format of the Committee.

3.1 It is suggested that the Committee be composed as follows:

Public Service Board Scrutiny Committee (from 1st April, 2016)
<ul style="list-style-type: none"> • 2 Elected Members of Powys County Council; • 2 independent Members of, of Powys teaching Local Health Board; • 1 non executive and non-County Councillor representative from the Mid and West Wales Fire and Rescue Authority; • 1 non-executive representative from the Natural Resources Wales Board. • 1 non-executive representative from PAVO and is not a representative on the LSB; • 1 representative of the Police and Crime Commissioner / Dyfed Powys Police; • 1 non-County Councillor representative from Wales Community Rehabilitation Company; • 1 non Powys County Council Member of the Brecon Beacons National Park Authority. <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above provided that the substitutes are not involved in and have not attended meetings of the PSB.</p>

3.2 The Committee will be supported by a Scrutiny Officer from the County Council.

3.3 The Committee can invite and / or co-opt any other persons with a particular interest / expertise to support the Committee work on an ad-hoc basis.

3.4 The Committee should develop a forward work programme for a 12 month basis. As a minimum this should include:

- To scrutinise the evidence base that underpins the Well-being assessment for Powys;
- To scrutinise the arrangements for the preparation of the Powys Well-being Plan;
- To pre-scrutinise the draft Powys Well-being Plan;
- To pre-scrutinise the Annual Report of the PSB;
- To scrutinise the arrangements for the review and amendment of the Powys Well-being Plan

4 Terms of Reference of the Committee.

4.1 The Terms of Reference describe the purpose and structure of the Committee. The Terms of Reference should assist in developing a common understanding of the scope among stakeholders.

4.2 The Terms of Reference for the Scrutiny Committee are:

- To provide a 'critical friend' challenge to the Public Service Board;
- To scrutinise, evaluate and actively promote improvement in work carried out in line with Public Service Board priorities and its terms of reference and not that of those individual constituent organisations represented on the Public Service Board;
- To develop and deliver a forward work programme which seeks to contribute to the performance management and governance arrangements of the Public Service Board, and its projects;
- To commission Research & Evaluation Group investigations into areas identified on its forward work programme.
- To submit reports to the Public Service Board (as appropriate) and make recommendations for consideration and adoption;

5 Meetings of the Committee.

5.1 Election of Chair – The Committee will elect a Chair from the statutory membership of the Committee. Substitute Members will not be eligible for election as the Chair. The Chair will be appointed for an initial period of 12 month period but can be re-elected.

5.2 It is suggested that meetings of the Committee will be held on a quarterly cycle to mirror the cycle of the PSB. However a degree of flexibility should be incorporated in line with the wishes of the Committee e.g. members may wish to consider issues on an ad-hoc basis.

5.3 The nature of Scrutiny work is such that ad-hoc meetings are also held to consider issues as and when appropriate. For example, the investigative work of the Committee may require the holding of interview sessions, site visits or seminars to discuss individual issues.

5.4 Notes of meetings will usually be brief, containing a summary of discussions, action points and recommendations.

5.5 Persons invited to participate by the Committee pursuant to para 3.3 above, will be sent the notes of the meeting to ensure their accuracy.

5.6 The Committee may request any member of the PSB to attend a Committee meeting to assist with issues under consideration.

5.7 Initially meetings of the Committee will not be held in public but this will be kept under review as the work of the Committee develops. If meetings are held in public in future there may be occasions when the nature of the matters being discussed mean that the Committee will need to move into a private session at which point the press and the public will be excluded from the meeting.

5.8 The quorum of the Committee will be:

- 1 representative from Powys County Council;
- 1 representative from Powys Teaching Health Board;
- 2 representatives from any of the following organisations:
 - Natural Resources Wales
 - Mid and West Wales Fire and Rescue Service
 - Powys Association of Voluntary Organisations;

- Dyfed Powys Police / Dyfed Powys Police and Crime Commissioner;
 - Wales Community Rehabilitation Company;
 - Brecon Beacons National Park Authority;
- is present at a meeting.

6. Reports by the Committee.

- 6.1 The Committee itself will prepare recommendations based on work undertaken by the Committee as a whole, or by Research and Evaluation Groups who will submit their finalised recommendations to the full Committee for consideration.
- 6.2 Recommendations once approved by the Committee will be submitted to the PSB for action either by means of a letter from the Chair of Scrutiny or in a formal report. Where a formal report is submitted a copy will be sent to the Future Generations Commissioner for Wales, the Auditor General for Wales and the Cabinet Secretary for Finance and Local Government.
- 6.3 Draft recommendations will be circulated to relevant individuals for accuracy before being finalised.
- 6.4 The PSB will be required to consider the recommendations of the Committee and to provide a written response within 2 weeks of the next meeting of the PSB indicating whether the PSB:
- (a) accepts the recommendations and supplies an action plan; or
 - (b) does not accept the recommendations with detailed justification for this decision;
- 6.5 The Scrutiny Committee (or a Research and Evaluation Group as appropriate) will / may:
- (a) Where an action plan has been prepared, monitor progress in implementation of the action plan and request periodic updates from the PSB, until such time as the action plan has been completed;
 - (b) Where recommendations have not been accepted, call representatives of the PSB to discuss the reasons why the recommendations were not accepted with the Scrutiny Committee or a Research and Evaluation Group.

7. Research and Evaluation Groups.

- 7.1 The Scrutiny Committee can undertake a review of any matters within its functions as set out in paragraph 1.5. To do so it may establish Research and Evaluation Groups.
- 7.2 The Scrutiny Committee will establish and agree terms of reference for any reviews it undertakes or commissions as well as identifying the objectives of the review.
- 7.3 Arising from a review, the Group will produce a report that will be presented to the Scrutiny Committee for approval.
- 7.4 The Research and Evaluation Group will usually consist of between 3 and 5 members of the Committee with the membership being agreed by the Committee. The Chair of the Group will be agreed by the Committee.
- 7.5 The Chair of a Research and Evaluation Group can invite other persons with the relevant knowledge / expertise either as a co-opted member of the Group

for the duration of the investigation or on an ad-hoc basis. Otherwise such persons can be invited to give evidence to the Group. If the Group decides to co-opt additional members for a review, the numbers of those co-opted should not exceed one third of the membership of the Group established by the Scrutiny Committee (e.g. one third of 3 or 5 members)

- 7.6 Research and Evaluation Group meetings are confidential to allow for flexibility, openness and transparency.
- 7.7 A Research and Evaluation Group should where possible be comprised of representatives from individual organisations rather than multiple representatives from a single organisation.

CYNGOR SIR POWYS COUNTY COUNCIL.

Scrutiny Development Board – 12th November, 2018

REPORT AUTHOR: Scrutiny Manager and Head of Democratic Services

SUBJECT: Scrutiny Committee Structure – Options Paper

REPORT FOR: Decision

1. Summary.

1.1 This report presents a series of options for consideration relating to a revised scrutiny committee structure. The Board is asked to indicate its preferred options.

2. Audit Committee.

2.1 The Council is the only Council in Wales that utilises the provisions [Section 81(2)] of the Local Government (Wales) Measure 2011 whereby the Audit Committee can also undertake other functions such as scrutiny.

2.2 There has been comment recently from the Wales Audit Office (WAO) regarding a lack of clarity on Audit Committee agendas as to whether the committee is undertaking its regulatory role or is acting as a scrutiny committee.

2.3 The Finance Scrutiny Panel has been in existence since 2015. It has been cited by the WAO as an example of good practice. However recently it has been felt by Members that it has not been functioning effectively for a variety of reasons and needs to be reinvigorated. The Membership of the Panel currently includes the Chairs of the Scrutiny Committee, Opposition Group Leaders as well as representatives of the Audit Committee. Its main functions relate to scrutiny of the Council budget – See **Appendix 3**.

Options:

- (i) Retain the functions of the Audit Committee / FSP in their present form but split Audit Committee agendas more clearly between Regulatory and Audit roles.
- (ii) Retain the functions of the Audit Committee in its present form but split agendas more clearly between Regulatory and Audit roles but including the role undertaken currently by the FSP in its present format (**See Appendix 3 for Terms of Reference**) i.e. moving the functions of the FSP into Audit.
- (iii) Retain the Audit Committee / FSP but split Audit Committee agendas more clearly between Regulatory and Audit roles and amend the functions of the FSP (**See Appendix 4 for proposed amended Terms of reference**).
- (iv) Change the Audit Committee's functions to undertake regulatory functions only and move the scrutiny functions elsewhere. These other functions are the "Corporate functions" as set out in Column 4 on **Appendix 1**. These corporate functions could be incorporated in the role of one of the new scrutiny committees probably the Economy, Residents, Community and Corporate Committee – See Section 3 below.

3. Other Decisions Required:

3.1 Audit Committee:

- (a) Determine the size of the committee – See **Appendix 2**. In terms of political balance only for committees of 9, 10 or 14 Members do the numbers work out perfectly. Audit also has an additional Lay Member as a member.

It is suggested that should Option (iv) above be selected the size of the Audit Committee undertaking regulatory functions only be based on smaller rather than larger numbers of Members, especially dealing with matters such as Internal Audit reports.

- (b) If the functions of the FSP are incorporated in the Audit Committee, to consider having additional ex-officio Members on the Audit Committee to deal with the discrete functions dealt with by the FSP i.e. groups leaders and / or chairs of scrutiny.
- (c) To determine the frequency of meetings – if undertaking a scrutiny role should this be based on a minimum of 6 weekly meeting. If the committee undertakes regulatory meetings only should the frequency of meetings be quarterly? Committees will have the ability to call additional meetings where necessary.
- (d) That although meetings of the Audit Committee will be held in public, to determine whether if undertaking a scrutiny should meetings be webcast in future?

3.2 FSP (if retained):

- (i) Should the Membership of the Panel be politically balanced? For a committee of 10 see the balance as set out in **Appendix 2**.

Pros and Cons of having a politically balanced Panel:

Pro:	Con
<ul style="list-style-type: none"> • The group would be constituted in accordance with the political balance • A varied balance of 50 / 50 between Executive and Opposition Groups might be achievable 	<ul style="list-style-type: none"> • Not every political group would be represented i.e. Plaid Cymru • Representation from some groups would be reduced from currently – Liberal Democrats / Greens and Labour • Executive Groups could dominate the group

- (ii) Should the Lay Member of the Audit Committee be a member of the FSP?
- (iii) Who should chair the FSP – Chair of the Audit Committee / Lay Member of the Audit Committee / Appointment by the Panel itself from its membership?

4. Scrutiny Committees

4.1 The Scrutiny Committee structure proposed by the Democratic Services Committee in May 2018 were based on Vision 2025 and the suggestion was that the following committees be established:

- Economy, Residents and Community Committee
- Health and Care Committee
- Learning and Skills Committee
- Audit Committee – which scrutinised “Making It Happen” and other Corporate functions.

4.2 The responsibilities of those committees are set out in **Appendix 1**.

Options:

(i) Establish 3 Scrutiny Committees (plus Audit) (**See Appendix 1**) as proposed by the Democratic Services Committee in May 2018 were based on Vision 2025 i.e.:

- Economy, Residents and Community Committee
- Health and Care Committee
- Learning and Skills Committee

(ii) Establish the 3 scrutiny committees (excluding Audit) based on Vision 2025 as set out below, but amended to move the “corporate” functions currently undertaken by Audit (**See Appendix 6**)

- Economy, Residents, Community and Corporate Committee
- Health and Care Committee
- Learning, Skills and Culture Committee

(iii) Establish 3 scrutiny committees based on an alternative thematic configuration (to be determined)

Other Decisions Required:

(a) Determine the size of the committee - See **Appendix 2**. In terms of political balance only for committees of 9, 10 or 14 Members do the numbers work out perfectly.

In addition the Learning and Skills Committee will have 4 statutory co-opted. The committee dealing with Crime and Disorder (Economy, Residents and Community) should have 1 Co-Opted Member but currently this post is not filled.

In determining the size of committees it is suggested to the Board that the individual size of committees may be varied to take account of co-optees to ensure that committees are not too large.

(b) To determine the frequency of meetings – it is suggested that meetings should be on a minimum of a 6 weekly basis with the ability for committees to hold additional meetings where necessary.

- (c) that meetings of committees be held in public (unless required to move into confidential session) and that the Council moves to webcast those committee meetings.

5. Working Groups

- 5.1 The Council in May decided to no longer use Working Groups for scrutiny which has been a detrimental move in hindsight and current research indicates that the best scrutiny takes place in smaller working groups. Working Groups will generally be task and finish groups dealing with specific items only as and when determined by the Scrutiny Co-Ordinating Committee (see paragraph 6 below).
- 5.2 However previously in relation to schools only the Council established a Group which operated on a longer term dealing with schools with deficit budgets and where there were performance issues, following the recommendation by Estyn that such a group be established. This would be an exception in that a more stable group brings knowledge and experience of scrutinising schools in this position, as well as a consistency in approach.
- 5.3 Discussions with Anglesey Council have suggested a possible model for working groups which could be considered for limited uses only such as where the Council has been the subject of an adverse inspection report – See **Appendix 5**. This model has Cabinet Members involved working with scrutiny members in scrutinising officers, whilst formal scrutiny of Cabinet members occurs at the main committees.
- 5.4 There is also a need to find a mechanism to involve members who are not on a scrutiny committee, but have the relevant knowledge, expertise or interest in being involved in scrutiny working groups. This will need a good forward work programme to be in place so that other Members can be contacted in advance to gauge interest.

Options:

- (i) Should Cabinet Members be involved in scrutiny working groups working with scrutiny members in specific circumstances only?
- (ii) Should the membership of the working groups be members of the relevant scrutiny committee(s) (including Co-Opted Members) or should a Working Group include Members with a subject interest who are not on a scrutiny committee e.g. Member Champions.

Other Decisions Required:

- (a) Determine the size of Working Groups - It is recommended that the Working Group should not consist of more than 7 or 8 Members in total.
- (b) Frequency of meetings – 2 working groups to meet in a 6 week period between committee meetings i.e.

No meeting	Working Group	No meeting	Working Group	No meeting	Committee meeting
Week 1	Week 2	Week 3	Week 4	Week 5	Week 6

- (c) Should the Chair of each scrutiny committee be required to attend each Working Group as he / she is in receipt of a senior salary?
- (d) If the Chair is required to attend all Working Groups, should he / she chair the Group or can another Member lead the group to allow for development of individual members?

- (e) Can Working Group reports be presented to Cabinet without having the approval of the parent committee(s) as long as the Chair of that committee approves the outcome report?

6. Co-Ordinating Committee.

- 6.1 The Council currently has a group comprising Chairs and Vice-Chairs of the Scrutiny Committees which sets the work programme for scrutiny. Following the external review it is suggested that this group needs to be widened. The Board at the last meeting agreed to recommend to the Democratic Services Committee that the new Scrutiny Co-Ordinating Committee consist of the Scrutiny Development Board together with the Chairs and Vice-Chairs of Scrutiny. The Board also decided that this committee considers the need for greater detail on Cabinet and Scrutiny Forward Work programmes regarding what each item is about.
- 6.2 The current group also undertakes scrutiny work i.e. the Corporate Improvement Plan, the Strategic Equalities Plan, the Annual Governance Statement.

Options:

- (i) That this committee only determines the Scrutiny Forward Work Programme and does not undertake any scrutiny work which will need to be considered by the "Corporate" Committee.
- (ii) That this committee determines whether items should be considered by a committee or working group as well as the focus of the review to be undertaken.

7. Rebranding

- 7.1 It has been suggested that the name "scrutiny" can provoke negative views as to the roles of those committees.

Options:

- (i) Should the name "scrutiny" not be used in committee titles – should they just be called committee?
- (ii) Should a different name be used e.g. "select or Peer" committee.

8 Chairs of Committees

- 8.1 Attached for information is the allocation of scrutiny chairs to political groups, based on current group numbers in accordance with the provisions of the Local Government (Wales) Measure 2011. **Appendix 7**

9. Public Service Board Scrutiny Committee.

- 9.1 A Public Service Board Scrutiny Committee has been established and there are no proposals to amend this Committee. **See Appendix 8 for Terms of Reference**

10. Recommendation.

- 10.1 To progress this matter the Board is asked to identify its preferred options.

Recommendation:	Reason for Recommendation:
That the Board identify its preferred options for recommendation to the Democratic Services Committee on 14 th November, 2018 and Council on 20 th November, 2018	To review the scrutiny committee structure.

Relevant Policy (ies):	
Within Policy:	Y / N
Within Budget:	Y / N

Relevant Local Member(s):	
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Person(s) To Implement Decision:	Clive Pinney / Wyn Richards
Date By When Decision To Be Implemented:	November 2018

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk

Background Papers used to prepare Report:

Column 1	Column 2	Column 3	Column 4
Economy, Residents and Community (ERC)	Health and Care (H&C)	Learning and Skills (L&S)	Audit (including FSP) (A)

<p>ECONOMY</p> <p>Planning Development Management and Planning Control. Enhancement of Conservation Areas. Listed Building control and advice. Built Heritage Conservation grants. Designation and safeguarding of trees the subject of Tree Preservation Orders. Planning Enforcement. Building Control, including health and safety of buildings, dangerous structures. Street naming and numbering service Development and Planning Policy, input into regional planning policy development. Minerals and Waste Planning. Designation Land Drainage associated with planning and land use</p> <p>Regeneration</p> <p>Community Regeneration</p>	<p>Adult Social Care</p> <p>Lead on Strategic Social Services</p> <p>Mental Health Older People Disabled People Learning Disabilities Carers Services Substance Misuse (Operational services covers both care management and provider services) Commissioning and Contracting Adult Social Services Policy Interpretation and Development. Domiciliary Care Health and Well Being Health Intervention Programme, Exercise on Prescription, Cardiac Rehabilitation).</p> <p>Health, Social Care and Well-Being Partnership</p> <p>Older Persons Champion</p>	<p>Education Special Educational Needs Exclusions Attendance Education other than at school Looked after children English as an additional language Migrant and Traveller Children Admissions Behaviour management Complementary education Education Psychology Monitoring, challenging and supporting schools and providing intervention when necessary Support for teaching and learning Support for leadership and management including governance Provision of and support for use of data Early years education Welsh Medium/ Bilingual Education Welsh Education scheme</p>	<ul style="list-style-type: none"> • Approve statement of accounts, income and expenditure and balance sheet; • Commissioning and Procurement Working Group (Joint Working Group with the People Scrutiny Committee) • External Audit Reports; • Finance Monitoring – Council wide; • Internal Audit Reports; • Oversee the authority's internal and external audit arrangements; • Performance Monitoring – Council wide, including workforce; • Review and assess risk management, internal control and corporate governance arrangements and make reports and recommendations on the adequacy and effectiveness of those arrangements; • Review and scrutinise the authority's financial affairs and make reports and
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Column 1	Column 2	Column 3	Column 4
Economy, Residents and Community (ERC)	Health and Care (H&C)	Learning and Skills (L&S)	Audit (including FSP) (A)
<p>Community Enablement Fund/Welsh Church Acts Communities First Business Services Business Grants Business Advice. Opportunity Wales and other contracts Tourism Tourist Information Service</p> <p>Europe European funds Powys Regeneration Partnership European policy External funding</p> <p>Economic Development</p> <p>Land Charges</p> <p>County Farms Estate</p> <p>Property and Assets</p> <p>Workshops</p> <p>Building Design</p> <p>Sustainability</p>	<p>Children's Services Lead Member for Children Partnership Coordination Youth Offending Service Child Protection Commissioning and Policy for Children's Services Powys Executive Safeguarding Group Safeguarding Children with Disabilities including Residential Respite Unit Family Placement Teams Children's Social Work Teams Children and Young People's Partnership Childcare Adoption Fostering Leaving Care Out of Hours Service Corporate Parenting Looked after Children</p> <p>Leisure Leisure (Recreation and Leisure policy, Leisure and</p>	<p>14-19 Learning Pathways Basic skills strategic intervention programme Workforce remodelling School Organisation Review Post 16 Education School Transport Policy Lifelong Learning (adult continuing education incl. Welsh for Adults)</p> <p>Welsh Language</p> <p>Libraries</p> <p>Culture Libraries (Public Library Service & Schools Library Service)</p> <p>Arts and Culture (Theatres, Galleries, Museums, Arts Strategy, Arts Development, Theatr Powys / Powys Dance)</p> <p>Youth Service</p> <p>YFC</p>	<p>recommendations on the authority's financial affairs;</p> <ul style="list-style-type: none"> Review the financial statements prepared by the authority. <p>CORPORATE / SCRUTINY</p> <p>Commissioning</p> <p>Procurement</p> <p>Central / Corporate Support Services</p> <p>Catering and Cleaning</p> <p>Finance Scrutiny Panel</p> <p>Making It Happen (Vision 2025)</p>

Column 1	Column 2	Column 3	Column 4
Economy, Residents and Community (ERC)	Health and Care (H&C)	Learning and Skills (L&S)	Audit (including FSP) (A)
<p>Climate Change & Sustainable Development Sustainability, Green Dragon and Carbon Management Sustainability Strategy</p> <p>RESIDENTS AND COMMUNITY</p> <p>Affordable Housing</p> <p>Welsh Housing Quality Standard</p> <p>Housing</p> <p>Public Sector Housing (landlord function) Supporting People Homelessness Private Sector Housing</p> <p>Village Halls</p> <p>Highways</p> <p>Transport Planning and Policy Traffic management Road safety Development Control Transport Co-ordination Highway asset Management Network management TRACC</p>	<p>Sports Centres, Outdoor Pursuits Centres, Indoor Bowling Centre, Sports Development (Generic Sports Development, Sports Specific Sports Development – Football, Rugby, Cricket, Netball, Hockey, Disability Sport) Outdoor Recreation (Parks and Open Spaces, Playgrounds, Sports Pitches – Bowls, Football, Rugby</p> <p>Countryside Services (Countryside Rights of Way, Maintenance, Open Access, Biodiversity, Village Greens, Commons Registration, National Trails).</p>	<p>Archives</p>	

Column 1	Column 2	Column 3	Column 4
Economy, Residents and Community (ERC)	Health and Care (H&C)	Learning and Skills (L&S)	Audit (including FSP) (A)

<p>Highways Engineering Design – Contract, Procurement, Administration & Supervision Highways Maintenance (Technical Advice). Highways Maintenance Operations (e.g. Winter Maintenance). Fleet Management (including Fuel Management). Car parks Trunk Road Agency Statutory Compliance Building Maintenance Operations Servicing Contracts and testing Street Cleaning Public Conveniences Grounds Maintenance Markets Land Drainage</p> <p>Waste Management</p> <p>Refuse Collection</p> <p>Environmental Health</p> <p>Trading Standards</p> <p>Emergency Planning</p>			
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Column 1	Column 2	Column 3	Column 4
Economy, Residents and Community (ERC)	Health and Care (H&C)	Learning and Skills (L&S)	Audit (including FSP) (A)
Community Safety Gypsies & Travellers			

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Scrutiny Committee Numbers

Political Group	Number on Group	Political Balance on Scrutiny Committees						
		9 Members	10 Members	11 Members	12 Members	13 Members	14 Members	15 Members
Independents	29	4	4	4	5	5	6	6
Conservative	19	2	3	3	3	3	4	4
Liberal Democrats / Green	14	2	2	2	2	2	3	3
Labour	7	1	1	1	1	1	1	1
Plaid Cymru	2	0	0	0	0	0	0	0
Non-Aligned Members	2	---	---	---	---	---	---	---
Total	73	9	10	10	11	11	14	14
				-1	-1	-2		-1

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Finance Scrutiny Panel.**Role, Scope and Membership.**

7.40

- 7.40.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
- Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.
- Representatives from the Audit Committee one of which should be the Independent "Lay" Member.
- 7.40.2 Chair : The Chair of the Audit Committee will chair the Panel.
- 7.40.3 Vice-Chair: The Vice-Chair of the Audit Committee will be the Vice-Chair of the Panel.
- 7.40.4 Meetings: Meetings of the Panel will be held monthly. Additional meetings of the Panel can be called with the consent of the Chair.
- 7.40.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

Terms of Reference:

7.41 The Panel will:

- 7.41.1 assist with the delivery of the plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
- 7.41.2 assist the managed transition between the current spread of service provision and the services most likely to be provided by the Council in the medium to long term;
- 7.41.3 analyse the relationship between performance and spend with emphasis on the outcomes intended to be achieved by a particular service in the context of what may be considered affordable;
- 7.41.4 consider the robustness of the evidence base upon which programmes of change are predicated;
- 7.41.5 provide a constructive environment for reasoned, detailed discussions about changes in an independent and impartial setting;
- 7.41.6 review and scrutinise:
- Assumptions underlying the budget strategy;
 - The Medium Terms Financial Strategy / Finance Resource Model;
 - Budget Assumptions;
 - Annual Local Government Settlement and any legislative changes affecting local government;

- Draft Budget and Impact Assessments;
 - Risk Register;
 - Financial Monitoring;
- 7.41.7 review and scrutinise where appropriate change plans by individual services particularly where those plans relate to high cost / risk areas of service;
- 7.41.8 provide evidence based recommendations to the Cabinet on its findings;
- 7.41.9 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

Finance Scrutiny Panel.**Role, Scope and Membership.**

7.40

- 7.40.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
- Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.
- Representatives from the Audit Committee one of which should be the Independent "Lay" Member.
- 7.40.2 Chair : The Chair of the Audit Committee will chair the Panel.
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- 7.40.4 Meetings: Meetings of the Panel will be held monthly. Additional meetings of the Panel can be called with the consent of the Chair.
- 7.40.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

Terms of Reference:

7.41 The Panel will:

- 7.41.1 assist with the delivery of the financial plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
- 7.41.2 assist in financial terms the managed transition between the current spread of service provision and the services most likely to be provided by the Council in the medium to long term;
- 7.41.3 analyse the relationship between performance and spend with emphasis on the outcomes intended to be achieved by a particular service in the context of what may be considered affordable;
- 7.41.4 consider the robustness of the evidence base upon which programmes of change are predicated;
- 7.41.5 provide a constructive environment for reasoned, detailed discussions about the financial impact of changes particularly on the MTFS in an independent and impartial setting with particular reference to high risk / high cost areas of service;
- 7.41.6 review and scrutinise:
- Assumptions underlying the budget strategy;
 - The Medium Terms Financial Strategy / Finance Resource Model;
 - Budget Assumptions;

- Annual Local Government Settlement and any legislative changes affecting local government;
- Draft Budget and Impact Assessments;
- Financial aspects of the Risk Register;
- Financial Monitoring;

~~7.41.7 review and scrutinise where appropriate change plans by individual services particularly where those plans relate to high cost / risk areas of service;~~

7.41.87 provide evidence based recommendations to the Cabinet on its findings;

7.41.89 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

Appendix 5.

Anglesey Model:

Example used – Children’s Panel:

Membership:

- Council Leader (also Social Services Portfolio Holder)
- Leader of the Opposition;
- Portfolio Holder and Shadow Portfolio Holders for Social Services and Education
- 1 representative of the Corporate Scrutiny Committee
- 1 representative of the Partnerships and Regeneration Scrutiny Committee
- Young People’s Champion
- Look After Children’s Champion
- Meets monthly
- Reports quarterly to the Corporate Scrutiny Committee – by the representative of the committee on the Panel.

Scrutiny is of officers not of Portfolio Holders as scrutiny of Portfolio Holders happens at the main committee.

This is only used for the Children’s Panel which was established following the CIW Inspection of Anglesey. The CIW have indicated that this is an example of good practice.

For other Working Groups in Anglesey these do not include Cabinet Members.

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Column 1	Column 2	Column 3	Column 4
Economy, Residents, Community and Corporate Committee	Health and Care Committee	Learning, Skills and Culture Committee	Audit
<p>ECONOMY</p> <p>Planning Development Management and Planning Control. Enhancement of Conservation Areas. Listed Building control and advice. Built Heritage Conservation grants. Designation and safeguarding of trees the subject of Tree Preservation Orders. Planning Enforcement. Building Control, including health and safety of buildings, dangerous structures. Street naming and numbering service Development and Planning Policy, input into regional planning policy development. Minerals and Waste Planning. Designation Land Drainage associated with planning and land use</p> <p>Regeneration</p> <p>Community Regeneration Community Enablement Fund/Welsh Church Acts Communities First</p>	<p>Adult Social Care</p> <p>Lead on Strategic Social Services</p> <p>Mental Health Older People Disabled People Learning Disabilities Carers Services Substance Misuse (Operational services covers both care management and provider services) Commissioning and Contracting Adult Social Services Policy Interpretation and Development. Domiciliary Care Health and Well Being Health Intervention Programme, Exercise on Prescription, Cardiac Rehabilitation).</p> <p>Health, Social Care and Well-Being Partnership</p> <p>Older Persons Champion</p>	<p>Education Special Educational Needs Exclusions Attendance Education other than at school Looked after children English as an additional language Migrant and Traveller Children Admissions Behaviour management Complementary education Education Psychology Monitoring, challenging and supporting schools and providing intervention when necessary Support for teaching and learning Support for leadership and management including governance Provision of and support for use of data Early years education Welsh Medium/ Bilingual Education Welsh Education scheme 14-19 Learning Pathways</p>	<ul style="list-style-type: none"> • Approve statement of accounts, income and expenditure and balance sheet; • Commissioning and Procurement Working Group (Joint Working Group with the People Scrutiny Committee) • External Audit Reports; • Finance Monitoring – Council wide; • Internal Audit Reports; • Oversee the authority's internal and external audit arrangements; • Performance Monitoring – Council wide, including workforce; • Review and assess risk management, internal control and corporate governance arrangements and make reports and recommendations on the adequacy and effectiveness of those arrangements; • Review and scrutinise the authority's financial affairs and make reports and recommendations on the authority's financial affairs;

Column 1	Column 2	Column 3	Column 4
Economy, Residents, Community and Corporate Committee	Health and Care Committee	Learning, Skills and Culture Committee	Audit
<p>Business Services Business Grants Business Advice. Opportunity Wales and other contracts Tourism Tourist Information Service</p> <p>Europe European funds Powys Regeneration Partnership European policy External funding</p> <p>Economic Development</p> <p>Land Charges</p> <p>County Farms Estate</p> <p>Property and Assets</p> <p>Workshops</p> <p>Building Design</p> <p>Sustainability Climate Change & Sustainable Development Sustainability, Green Dragon and Carbon Management Sustainability Strategy</p>	<p>Children's Services Lead Member for Children Partnership Coordination Youth Offending Service Child Protection Commissioning and Policy for Children's Services Powys Executive Safeguarding Group Safeguarding Children with Disabilities including Residential Respite Unit Family Placement Teams Children's Social Work Teams Children and Young People's Partnership Childcare Adoption Fostering Leaving Care Out of Hours Service Corporate Parenting Looked after Children</p> <p>Leisure Leisure (Recreation and Leisure policy, Leisure and Sports Centres, Outdoor Pursuits Centres, Indoor Bowling Centre, Sports</p>	<p>Basic skills strategic intervention programme Workforce remodelling School Organisation Review Post 16 Education School Transport Policy Lifelong Learning (adult continuing education incl. Welsh for Adults)</p> <p>Welsh Language</p> <p>Libraries</p> <p>Culture Libraries (Public Library Service & Schools Library Service)</p> <p>Arts and Culture (Theatres, Galleries, Museums, Arts Strategy, Arts Development, Theatr Powys / Powys Dance)</p> <p>Youth Service</p> <p>YFC</p> <p>Archives</p>	<ul style="list-style-type: none"> Review the financial statements prepared by the authority.

Column 1	Column 2	Column 3	Column 4
Economy, Residents, Community and Corporate Committee	Health and Care Committee	Learning, Skills and Culture Committee	Audit

<p>RESIDENTS AND COMMUNITY</p> <p>Affordable Housing</p> <p>Welsh Housing Quality Standard</p> <p>Housing Public Sector Housing (landlord function) Supporting People Homelessness Private Sector Housing</p> <p>Village Halls</p> <p>Highways Transport Planning and Policy Traffic management Road safety Development Control Transport Co-ordination Highway asset Management Network management TRACC Highways Engineering Design – Contract, Procurement, Administration & Supervision Highways Maintenance (Technical Advice).</p>	<p>Development (Generic Sports Development, Sports Specific Sports Development – Football, Rugby, Cricket, Netball, Hockey, Disability Sport) Outdoor Recreation (Parks and Open Spaces, Playgrounds, Sports Pitches – Bowls, Football, Rugby)</p> <p>Countryside Services (Countryside Rights of Way, Maintenance, Open Access, Biodiversity, Village Greens, Commons Registration, National Trails).</p> <p>Regional Partnership Board</p>		
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Column 1	Column 2	Column 3	Column 4
Economy, Residents, Community and Corporate Committee	Health and Care Committee	Learning, Skills and Culture Committee	Audit

<p>Highways Maintenance Operations (e.g. Winter Maintenance). Fleet Management (including Fuel Management). Car parks Trunk Road Agency</p> <p>Statutory Compliance Building Maintenance Operations Servicing Contracts and testing Street Cleaning Public Conveniences Grounds Maintenance Markets Sand Drainage</p> <p>Waste Management</p> <p>Refuse Collection</p> <p>Environmental Health</p> <p>Trading Standards</p> <p>Emergency Planning</p> <p>Community Safety</p> <p>Gypsies & Travellers</p> <p>CORPORATE</p>			
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Column 1	Column 2	Column 3	Column 4
Economy, Residents, Community and Corporate Committee	Health and Care Committee	Learning, Skills and Culture Committee	Audit

<p>Commissioning</p> <p>Procurement</p> <p>Central / Corporate Support Services</p> <p>Catering and Cleaning</p> <p>Making It Happen (Vision 2025)</p>			
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Allocation of Scrutiny Committee Chairs – Measure Provisions.**Step 1.**

Percentage size of “Executive” Group(s) as a proportion of the Whole Council (73 Members):

Group Name	No in Group	Percentage of Whole Council
The Independent Group	29	39.73%
Welsh Conservatives	19	26.03%
Total	48	65.76%

Step 2.

Entitlement of “Executive” Group(s) to proportion of chairs.

65.76% of 3 chairs = 1.97 chairs

If less than whole number then Rounding Down is required in accordance with the Local Government (Wales) Measure 2011.

Entitlement - 3 scrutiny chairs = 1 chair

Step 3.

As there is an entitlement of chairs for the “Executive” Group(s) the remaining chairs therefore are to be allocated to “Opposition” Groups based on the proportion size of individual groups to the size of the opposition groups taken as a whole (23 Members):

Group Name	No in Group	Percentage of Opposition Groups
Welsh Liberal Democrats	14	60.87%
Welsh Labour	7	30.43%
Plaid Cymru / Green	2	8.70%

Step 4.

Entitlement of “Opposition” Groups to proportion of remaining chairs (number of chairs multiplied by percentage in step 3):

Group Name	Entitlement (2 chairs multiplied by percentage in step 3)	Rounding Up.	Ranking
Welsh Liberal Democrats	1.22	1	
Welsh Labour	0.60	1	
Plaid Cymru / Green	0.17	0	

The result of this exercise is as follows:

Entitlement – 3 scrutiny chairs:

Executive Group(s) – 1 chair

Welsh Liberal Democrats – 1 chair

Welsh Labour – 1 chair

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Arrangements for the Scrutiny of the Public Service Board in Powys.

1. Background.

1.1 The Well-being of Future Generations (Wales) Act 2015 is aimed at improving the social, economic, environmental and cultural well-being of Wales. The Act became a requirement for public bodies from 1st April, 2016. It puts long term sustainability at the forefront of how public services are designed and delivered, and places emphasis on public bodies to work in partnership with each other and the public to prevent and tackle problems.

1.2 The Act sets seven national well-being goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

1.3 The Act establishes Public Services Boards (PSBs) for each local authority in Wales, consisting of representatives from local authorities, health boards, the Natural Resources Body for Wales and the Welsh Fire and Rescue Authority. It also places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB.

1.4 The functions of Powys PSB are:

- Assess the state of economic, social, environmental and cultural well-being in their area,
- Set local objectives designed to maximise the board's contribution to the achievement of the well-being goals,
- Publish local well-being plans setting out their local objectives and how members of the board (in exercising their collective function) intend to take all reasonable steps to meet local objectives.

1.5 The functions of the PSB Scrutiny Committee are:

- a) review or scrutinise the decisions made or actions taken by the public services board;
- b) review or scrutinise the board's governance arrangements;
- c) make reports or recommendations to the board regarding its

- functions or governance arrangements;
- d) consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and
 - e) carry out other functions in relation to the board that are imposed on it by the Act.

The PSB must consult the PSB Scrutiny Committee regarding the preparation of both the assessment of local well-being and its local well-being plan.

1.6 Structure of the Powys PSB.

STATUTORY MEMBERS	
DESIGNATION	ORGANISATION
Leader	Powys CC
Chief Executive Officer	Powys CC
Chair	Powys Teaching Health Board
Chief Executive Officer	Powys Teaching Health Board
Head of Operations Mid	Natural Resource Wales
Assistant Chief Officer	Mid and West Wales Fire and Rescue Service
INVITED MEMBERS	
Chair	Powys Association of Voluntary Organisations
Chief Executive Officer	Powys Association of Voluntary Organisations
Police & Crime Commissioner	Dyfed Powys OPCC
Superintendent	Dyfed Powys Police
Head of Dyfed Powys Local Delivery Unit	Wales Community Rehabilitation Company
Head of Energy, Water & Flood	Welsh Government
Chief Executive Officer	Brecon Beacons National Park Authority

2. The PSB Scrutiny Committee in Powys.

- 2.1 It makes practical sense that any committee established should include representatives from each of the partner agencies, whilst recognising that those representatives could not be drawn from the “executives” of any of the organisations to ensure the split of responsibilities between those who are the “executive” of the organisation and those who undertake a “scrutiny” function. Having representation from the organisations who form the PSB should also provide “buy-in” to the scrutiny process.

3. Format of the Committee.

3.1 It is suggested that the Committee be composed as follows:

Public Service Board Scrutiny Committee (from 1st April, 2016)
<ul style="list-style-type: none"> • 2 Elected Members of Powys County Council; • 2 independent Members of, of Powys teaching Local Health Board; • 1 non executive and non-County Councillor representative from the Mid and West Wales Fire and Rescue Authority; • 1 non-executive representative from the Natural Resources Wales Board. • 1 non-executive representative from PAVO and is not a representative on the LSB; • 1 representative of the Police and Crime Commissioner / Dyfed Powys Police; • 1 non-County Councillor representative from Wales Community Rehabilitation Company; • 1 non Powys County Council Member of the Brecon Beacons National Park Authority. <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above provided that the substitutes are not involved in and have not attended meetings of the PSB.</p>

3.2 The Committee will be supported by a Scrutiny Officer from the County Council.

3.3 The Committee can invite and / or co-opt any other persons with a particular interest / expertise to support the Committee work on an ad-hoc basis.

3.4 The Committee should develop a forward work programme for a 12 month basis. As a minimum this should include:

- To scrutinise the evidence base that underpins the Well-being assessment for Powys;
- To scrutinise the arrangements for the preparation of the Powys Well-being Plan;
- To pre-scrutinise the draft Powys Well-being Plan;
- To pre-scrutinise the Annual Report of the PSB;
- To scrutinise the arrangements for the review and amendment of the Powys Well-being Plan

4 Terms of Reference of the Committee.

4.1 The Terms of Reference describe the purpose and structure of the Committee. The Terms of Reference should assist in developing a common understanding of the scope among stakeholders.

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- 4.2 The Terms of Reference for the Scrutiny Committee are:
- To provide a 'critical friend' challenge to the Public Service Board;
 - To scrutinise, evaluate and actively promote improvement in work carried out in line with Public Service Board priorities and its terms of reference and not that of those individual constituent organisations represented on the Public Service Board;
 - To develop and deliver a forward work programme which seeks to contribute to the performance management and governance arrangements of the Public Service Board, and its projects;
 - To commission Research & Evaluation Group investigations into areas identified on its forward work programme.
 - To submit reports to the Public Service Board (as appropriate) and make recommendations for consideration and adoption;

5 Meetings of the Committee.

- 5.1 Election of Chair – The Committee will elect a Chair from the statutory membership of the Committee. Substitute Members will not be eligible for election as the Chair. The Chair will be appointed for an initial period of 12 month period but can be re-elected.
- 5.2 It is suggested that meetings of the Committee will be held on a quarterly cycle to mirror the cycle of the PSB. However a degree of flexibility should be incorporated in line with the wishes of the Committee e.g. members may wish to consider issues on an ad-hoc basis.
- 5.3 The nature of Scrutiny work is such that ad-hoc meetings are also held to consider issues as and when appropriate. For example, the investigative work of the Committee may require the holding of interview sessions, site visits or seminars to discuss individual issues.
- 5.4 Notes of meetings will usually be brief, containing a summary of discussions, action points and recommendations.
- 5.5 Persons invited to participate by the Committee pursuant to para 3.3 above, will be sent the notes of the meeting to ensure their accuracy.
- 5.6 The Committee may request any member of the PSB to attend a Committee meeting to assist with issues under consideration.
- 5.7 Initially meetings of the Committee will not be held in public but this will be kept under review as the work of the Committee develops. If meetings are held in public in future there may be occasions when the nature of the matters being discussed mean that the Committee will need to move into a private session at which point the press and the public will be excluded from the meeting.
- 5.8 The quorum of the Committee will be:
- 1 representative from Powys County Council;
 - 1 representative from Powys Teaching Health Board;
 - 2 representatives from any of the following organisations:
 - Natural Resources Wales
 - Mid and West Wales Fire and Rescue Service
 - Powys Association of Voluntary Organisations;

- Dyfed Powys Police / Dyfed Powys Police and Crime Commissioner;
 - Wales Community Rehabilitation Company;
 - Brecon Beacons National Park Authority;
- is present at a meeting.

6. Reports by the Committee.

- 6.1 The Committee itself will prepare recommendations based on work undertaken by the Committee as a whole, or by Research and Evaluation Groups who will submit their finalised recommendations to the full Committee for consideration.
- 6.2 Recommendations once approved by the Committee will be submitted to the PSB for action either by means of a letter from the Chair of Scrutiny or in a formal report. Where a formal report is submitted a copy will be sent to the Future Generations Commissioner for Wales, the Auditor General for Wales and the Cabinet Secretary for Finance and Local Government.
- 6.3 Draft recommendations will be circulated to relevant individuals for accuracy before being finalised.
- 6.4 The PSB will be required to consider the recommendations of the Committee and to provide a written response within 2 weeks of the next meeting of the PSB indicating whether the PSB:
- (a) accepts the recommendations and supplies an action plan; or
 - (b) does not accept the recommendations with detailed justification for this decision;
- 6.5 The Scrutiny Committee (or a Research and Evaluation Group as appropriate) will / may:
- (a) Where an action plan has been prepared, monitor progress in implementation of the action plan and request periodic updates from the PSB, until such time as the action plan has been completed;
 - (b) Where recommendations have not been accepted, call representatives of the PSB to discuss the reasons why the recommendations were not accepted with the Scrutiny Committee or a Research and Evaluation Group.

7. Research and Evaluation Groups.

- 7.1 The Scrutiny Committee can undertake a review of any matters within its functions as set out in paragraph 1.5. To do so it may establish Research and Evaluation Groups.
- 7.2 The Scrutiny Committee will establish and agree terms of reference for any reviews it undertakes or commissions as well as identifying the objectives of the review.
- 7.3 Arising from a review, the Group will produce a report that will be presented to the Scrutiny Committee for approval.
- 7.4 The Research and Evaluation Group will usually consist of between 3 and 5 members of the Committee with the membership being agreed by the Committee. The Chair of the Group will be agreed by the Committee.
- 7.5 The Chair of a Research and Evaluation Group can invite other persons with the relevant knowledge / expertise either as a co-opted member of the Group

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for the duration of the investigation or on an ad-hoc basis. Otherwise such persons can be invited to give evidence to the Group. If the Group decides to co-opt additional members for a review, the numbers of those co-opted should not exceed one third of the membership of the Group established by the Scrutiny Committee (e.g. one third of 3 or 5 members)

- 7.6 Research and Evaluation Group meetings are confidential to allow for flexibility, openness and transparency.
- 7.7 A Research and Evaluation Group should where possible be comprised of representatives from individual organisations rather than multiple representatives from a single organisation.