

## Review of the effectiveness of scrutiny – Cyngor Gwynedd

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# Summary report

## Summary

### What we reviewed and why

- 1 This review was undertaken to establish whether Cyngor Gwynedd (the Council) has effective arrangements in place for scrutiny through the public committees. The objective of the review was to provide assurance that arrangements for public scrutiny in committee were well placed to meet current and future challenges as well as to help consult effective scrutiny by elected members from the outset of this current election cycle. The work also tracked the Council's progress since a review undertaken of the scrutiny arrangements of all Welsh local authorities during 2017-2018<sup>1</sup>; the national findings, entitled *Six Themes*, were published in 2019<sup>2</sup>.
- 2 Through a combination of reviewing internal and public documents, observing committees, conducting interviews and focus groups, we sought evidence that answered the following sub-questions, relating to environment, practice and the impact of scrutiny:
  - Is the Council creating a supportive environment to enable scrutiny to operate effectively?
  - Is the implementation of the scrutiny function well designed, efficient, objective and based on evidence from a variety of sources?
  - Does overview and scrutiny activity contribute to improvements in performance and decision making?
- 3 The review was undertaken during February to April 2023.

### What we found

- 4 Our review aimed to answer the question: Does the Council have effective arrangements in place for scrutiny through the public committees?
- 5 We found that the Council has reviewed and introduced changes to oversight and scrutiny arrangements, with a higher status afforded to scrutiny within the democratic process. However, there are opportunities to strengthen the contribution, standing and impact of scrutiny further. We came to this conclusion because:
  - the Council creates a generally supportive environment to enable scrutiny to operate effectively but there are opportunities to strengthen training that equips members to hold Cabinet to account.

<sup>1</sup>Audit Wales Publication (2018): [Gwynedd Council – Overview and Scrutiny – Fit for the future?](#)

<sup>2</sup>Audit Wales Publication (2019): [Discussion Paper: Six themes to help make scrutiny 'Fit for the Future'](#)

- the Council has developed criteria to produce an annual scrutiny programme, but there is an opportunity to strengthen alignment with the Cabinet work programme and the Council Plan.
- although there are instances where scrutiny input has contributed to Cabinet decisions, there is no formal procedure for tracking the impact of scrutiny. The public scrutiny committees do not receive regular input from the latest performance management regime.

## Recommendations

### Exhibit 1: recommendations

The table below sets out the recommendations we have set out following this review.

Recommendations
<p><b>Formulating a scrutiny programme</b></p> <p><b>R1</b> – The Cabinet forward programme and the Council Plan should have further influence on the forward programme of the public scrutiny committees so that the output of scrutiny feeds into decisions planned by Cabinet.</p>
<p><b>Highlighting performance information</b></p> <p><b>R2</b> – Performance information should be given higher visibility within the public scrutiny committees to challenge progress made.</p>
<p><b>Training</b></p> <p><b>R3</b> – Appropriate providers, whether internal or external, should be used to deliver training in specialist areas such as questioning skills, financial affairs and the Wellbeing of Future Generations Act, to effectively increase members' confidence to challenge.</p>
<p><b>Strengthening legislative consideration</b></p> <p><b>R4</b> – Scrutiny processes should be reviewed to ensure there is a proper emphasis on legislation including the Equality Act 2010 and the Well-being of Future Generations (Wales) Act 2015, to ensure compliance with them.</p>
<p><b>Scrutiny investigations</b></p>

## Recommendations

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**R5** - Consideration should be given to conducting a higher number of investigations inviting a limited number of members to join the task group and finish from all scrutiny committees or all members, so that those interested in the field have the opportunity to participate and maintain enthusiasm. This will be a medium for public engagement as well.

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### Tracking the impact of scrutiny

**R6** - The reporting of scrutiny committee decisions and the adoption of a formal tracking regime should be strengthened, to get the best value for money and publicly highlight the contribution of the scrutiny regime to council governance.

# Detailed report

## The Council creates a generally supportive environment to enable scrutiny to operate effectively but there are opportunities to strengthen training that equips members to hold Cabinet to account

- 6 There is an example of committees scrutinising matters that go before Cabinet and making representations about amendments or further considerations. However, a small percentage of Cabinet items have been pre-scrutinised. A scrutiny programme has also considered nine items related to the 2018-23 Council Plan's improvement priorities, but it is not known how the main findings and recommendations of that scrutiny will be reported to Cabinet.
- 7 A comprehensive programme of 'core' and optional training has been designed for members as a whole with the opportunity for them to influence the offering by delivering formal feedback to the centrally organised sessions. Specific scrutiny training is provided by the Democracy and Language Service.
- 8 Members have received training on the basics of the Well-being of Future Generations Act, however they recognise that they are not equipped to scrutinise whether plans and prospective decisions presented to them comply with the Five Ways of Working. Similarly, there are no mature arrangements for scrutinising compliance with the Equality Act 2010 or access to the results of equality impact assessments.
- 9 Members of scrutiny committees would benefit from further training relating specifically to scrutiny. Although an external provider has been identified for holding a session on asking scrutiny questions, no sessions have been held recently and there is an opportunity to make more extensive use of external providers including bodies such as CIPFA and the Future Generations Commissioner.
- 10 Members believe that it is the same cadre of individuals who agree to serve on investigations and task and finish groups, and that this dedication is time-consuming. The Centre for Public Scrutiny states that members of a working group or task and finish group may be convened from any committee or non-scrutiny member, as long as they are not a member of the Cabinet<sup>3</sup>. When there are not enough members of one scrutiny committee available, they already extend an invitation to elected members at large and there is an opportunity to consider extending the invitation to everyone from the outset with the potential to involve members who are genuinely interested in the terms of reference for the investigation. The current arrangements only extend an invitation to a wider group when group formation has failed and limits an opportunity to attract input from a wider cross-section of members.

<sup>3</sup>Cyhoeddiad Local Government Association (2017): [A councillor's workbook on scrutiny \(local.gov.uk\)](http://local.gov.uk)

- 11 The function of scrutiny is valued in the Council. However, frustration was expressed on the occasions when items to a committee slipped at short notice, which led some to question whether scrutiny had an appropriate status.
- 12 The Council has reflected on the purpose of a scrutiny function in the context of the resources available in the form of a survey in 2019, in line with a recommendation from Audit Wales. The resources available to support scrutiny appear to have increased since the 2019 survey, but it is less than the period before 2017.
- 13 Cabinet Members recognise that scrutiny enhances decision making, but a few believe they are under-challenged. Some members expressed that increasing the support available for scrutiny would equip members to be more effective.

## The Council has developed criteria to produce an annual scrutiny programme, but there is an opportunity to strengthen alignment with the Cabinet programme of work and the Council Plan

- 14 There is a rigorous process for selecting items to include reasonable and proportionate criteria but planning ahead is limited to 12 months rather than a published rolling programme. Scrutiny members have contributed (via the Scrutiny Forum) to formulating the methodology to select items to the programme of work and committee structure. Overall, this has reduced the likelihood of an item being 'for information'.
- 15 However, the Cabinet forward programme is drawn up six months in advance and therefore there is a risk that the second half of the year of the scrutiny programme is not as well-aligned with the Cabinet forward programme. Officers recognised that the 2023-28 Council Plan would provide a number of potential items for scrutiny over the next period, with the ability to shape a long-term forward programme.
- 16 Officers and members believe that scrutiny activities at Cyngor Gwynedd focus on scrutiny before making a decision that enriches the development of policies, plans and strategies. However, a small percentage of Cabinet items have been before the scrutiny committees beforehand, and a minority of scrutiny items feed messages into Cabinet decisions.
- 17 There are no obvious examples of community engagement within the scrutiny committees' latest programme of work. Scrutiny investigations placed an emphasis on community engagement but have rarely been undertaken recently. Following a period of maintaining an average number of three per year up to and including 2017 and then three in 2019, the Council has initiated one investigation in 2023. A shortage of officers was cited as one reason for the drop.
- 18 The scrutiny committees' information page on the Council's website explains that meetings can be observed by the public and to propose areas to be subject to scrutiny investigation (telephone assistance is offered to complete the form) and provides an email address for comments to be submitted in general. This in itself is unlikely to attract much response.



- 19 Chairs consider a variety of sources including regulators' reports. Not all regulators' reports are formally scrutinised in committee.
- 20 The Council has produced a Scrutiny Handbook which contains useful elements, e.g., discussing how corporate priorities are being met. Further development and inclusion of further information on policy review and development and scrutiny of Value for Money would enable members to make the best use of it.
- 21 The current number of agenda items (two or three main items) allows time for proper attention. Some members find this number inadequate, while others wish for more time to scrutinise items.
- 22 Scrutiny committees benefit from good chairing skills. There are occasions when members lose focus and make comments about their ward or ask officers about issues peripheral to the item in question, which suggests there is an opportunity to hone their focus at committee.
- 23 Chairs and scrutiny members are generally aware of the committees' powers to 'call in' a decision made by Cabinet and officers are available to confirm whether the required constitutional steps have been met. There are no examples of this happening recently.
- 24 The Council has already identified a risk of corporate matters under the care of the Education and Economy Scrutiny Committee since the Governance and Audit Committee's terms of reference changed in July 2022. Assessing whether the committee is coping with the increase has been identified as an action point for autumn 2023.

**While there are instances where scrutiny input has contributed to Cabinet decisions, there is no formal procedure for tracking the impact of scrutiny. Public scrutiny committees do not receive regular input from the latest performance management regime**

- 25 The Council is supportive of the scrutiny process, and there are instances where scrutiny has made a difference. Some of the issues considered by the scrutiny committee have been reported to Cabinet, but these numbers are in the minority. It is not possible to follow the golden thread which shows the impact that scrutiny has had for a majority of scrutiny committee items.
- 26 The Council has identified within its 2021-22 Self-Assessment<sup>4</sup> that there is scope to enhance the role of scrutiny in corporate planning ensuring that the scrutiny programme is linked to the realisation of the Council Plan's priorities and also

<sup>4</sup> [Self-Assessment-CG-202122.pdf \(gov.wales\)](#)

holding Cabinet to account on performance. It was recognised that scrutiny members should have access to the risk registers as well as wider performance measures.

- 27 Scrutiny committee representatives are invited to observe two service performance challenge meetings per year. Issues do not tend to be elevated by scrutiny representatives following internal performance challenge meetings. As a result, limited input from the scrutiny regime misses an opportunity to influence continued poor performance. Furthermore, the Council does not produce an overview of performance across all services within one single report, which would allow the committees as well as any other stakeholders to scrutinise and consider the performance of all services at once.
- 28 There are instances where scrutiny committee comments are quoted at Cabinet meetings and suggested amendments are incorporated before the final decision is made. However, it is not widely known what the exact procedure or mechanism is for elevating comments to Cabinet. For example, in occasions where and verbal presentation directly from the Chair would have been appropriate, it is the portfolio holder who appears to be relaying the messages on behalf of the committee. Some other councils invite a representative from the scrutiny committees to make their oral representations, which highlight the lines of accountability and provide a platform for the work of the scrutiny committees as an independent layer.
- 29 There is a standing item, number 4 on the Cabinet programme for 'Issues arising from overview and scrutiny'. It is noted that only once in four years an issue has been brought under it. Comments from scrutiny committees are included with the appropriate agenda item, but the lack of use of standard item 4 suggests that there is an opportunity for re-consideration if the best use is made of the reporting mechanisms between scrutiny and Cabinet.
- 30 The Council records the conclusions of the public scrutiny committees, but they are not in the form of clear recommendations, and there is no clear and public response from Cabinet to the majority of findings. It is not possible to trace whether there has been further action, particularly if they are not Cabinet items. Stakeholders therefore do not see if the recommendations and comments from the scrutiny committees are acted upon.
- 31 The choice of subjects to scrutinise tends to place sufficient emphasis on aspects where a difference can be made, which includes scrutiny of services provided by other public bodies. Officers on behalf of other bodies, such as the Ambulance Service, will be invited to give a presentation. Such activity is described as an opportunity for members to discuss the main issues that affect the daily lives of their constituents with other bodies, but accountability arrangements for the scrutiny committee have not been formalised in a memorandum of understanding or similar.





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