

<b>SUBJECT:</b>	<b>Future Generations Act: Scrutiny Arrangements</b>
<b>MEETING:</b>	<b>Council</b>
<b>DATE:</b>	<b>21<sup>st</sup> January 2016</b>
<b>DIVISIONS/WARDS AFFECTED:</b>	<b>All</b>

## **1 PURPOSE**

- 1.1 To advise Members of the requirements of the Future Generations Act in relation to Local Authority scrutiny and to guide Members on the establishment of fit for purpose scrutiny arrangements for Monmouthshire.

## **2 RECOMMENDATIONS**

- (i) That the Council notes the new responsibility for Select Committees to ensure the principles of the Act are applied to policy and decision-making in Monmouthshire.
- (ii) That the Council agrees to the proposal recommended in this report to establish a bespoke scrutiny arrangement to scrutinise the Public Service Board (PSB) in line with the Acts' requirement.

## **3 KEY ISSUES**

- 3.1 The Wellbeing of Future Generations Act achieved Royal Assent in April 2015 and the legislation comes into force in April 2016. The Act requires public bodies to improve social, economic, environmental and cultural wellbeing, by taking action in accordance with the sustainable development principle, aimed at achieving the 'Wellbeing Goals'.
- 3.2 The guidance (extract attached as Appendix A) advises that public bodies need to embed the Act within their existing corporate processes if they are to effectively carry out sustainable development. This requires the Council to integrate the thinking behind the Act into policy and decision making at every level and the Council's Select Committees to ensure that this occurs. Councils will be subject to review by the Future Generations Commissioner for Wales and for examination by the Auditor General for Wales in terms of their implementation of the Act.
- 3.3 The Act places a collective well-being duty on Public Service Boards, requiring each Public Service Board (PSB) to improve the economic, social, environmental and cultural well-being of its area by contributing to the achievement of the well-being goals through preparing a wellbeing assessment and publishing a well-being plan in addition to producing annual reports. PSB's must also act in accordance with the sustainable development principle and the responsibility to ensure PSB's are challenged appropriately and supported to deliver these objectives has been given to local government scrutiny functions.

3.4 The Future Generations Act guidance states that;

“In order to assure democratic accountability, there is a requirement for a designated local government scrutiny committee of the relevant local authority to scrutinise the work of the public services board” (paragraph 163).

The Future Generations Act states that;

“where a local authority has more than one overview and scrutiny committee, the references in this part to its overview and scrutiny committee are to the committee that the local authority designates for the purposes of this section” (Section 35).

3.5 Whilst the guidance is something the Council only needs to ‘have regard to’, the Act is definitive and under Section 21 of the Local Government Act 2000, the Council must ensure a scrutiny Committee (new or existing) adopts the remit.

3.6 The full responsibilities for local government scrutiny functions are outlined in Appendix A, however, there are two distinct roles for Local government scrutiny:

- The scrutiny that would take place within the existing Select Committees to ensure the Council applies the principles of the Act to its own decisions and policy – this will require Members to ask different questions to ensure the Council is implementing the act across all that it delivers.
- Purposeful scrutiny of the PSB – this should be strategic and focussed on the work of the Public Service Board as a whole.

3.7 Monmouthshire County Council has volunteered to be part of the Welsh Local Government Association’s “early adopter” scheme, which offers support to help local authorities take steps in 2015/16 to prepare for the Act. Ensuring a ‘fit for purpose’ scrutiny arrangement is in place in readiness for the Act with Members who have been trained in this important role is a key priority.

3.8 Significant thought has been given to what would work best in Monmouthshire to provide both democratic accountability and multi-sector input into scrutinising the work of the PSB, ensuring statutory partners, invitees, and others could contribute and add value to scrutiny of the PSB. These issues are still to be determined, however, what is clear is that in order to avoid a scrutiny ‘bolt-on’ arrangement and to ensure that scrutiny can assist in shaping the evolving PSB, it is advisable to establish scrutiny arrangements at an early stage.

3.9 There are two options for scrutiny of the PSB that the Council could consider in line with the requirements of the Act:

3.10 Option 1: To allocate the new responsibilities to an existing Select Committee:

- Members have reflected that the current Select Committees are operating at full capacity ~ the concern would be that an existing committee may be overloaded and that there would be insufficient capacity to conduct the scrutiny effectively, the additional burden also conflicting with other scrutiny priorities.
- Members have advised that they do not consider this responsibility should sit within one Committee's remit, rather that it should be overarching of the 4 existing Select Committees.
- If an existing Select Committee were designated as a parent Select Committee with a Sub-Committee of that Select Committee established, in line with the constitution, Members would need to be drawn from the parent Select Committee with the following implications:
  - They Sub-Committee may not necessarily comprise of the appropriate Members – for example, the four Select Chairs would not be able to sit on the Sub-Committee and thus to oversee the work of the PSB and feed into their Select Committees as appropriate.
  - Some Members who may wish to sit on the Sub-Committee that would oversee the work of the PSB would be unable to do so because they are not Members of the parent committee.

3.11 Option 2: To allocate the new responsibilities to a bespoke PSB Select Committee:

- The new Select Committee would play a distinct and strategic role in scrutinising the work of the PSB, the establishment of a designated Select Committee offering it a sense of status and legitimacy.
- This would ensure clarity in terms of role - avoid the confusion of 'scrutiny of the PSB' with 'scrutiny of the Council's application of the Act to policy and decision-making'.
- A stand-alone Select Committee comprising the 4 Select Committee Chairs would provide genuine integration, providing direct links to the other Select Committees. The Select Chairs could refer detailed work to their Select Committees ~ the Members of that Select Committee would decide whether to accept the referral. Given that the legislation is overarching and will impact on all facets of the Council's work, this approach would bridge the knowledge across the Select Committees.
- Other Members could be appointed to ensure political balance, political groups nominating Members on the basis of 'their offer' and commitment to the role. Representatives from outside the Council could be co-opted as appropriate, embracing the spirit of the act.
- If the Select Committee Chairs agreed to rotate the Chairmanship of the Committee, there would be no additional SRA required (cost-neutral).

3.12 The recommendation based upon the above factors is for:

- A stand-alone PSB Select Committee to be established as soon as possible after a Council decision has been reached.
- The Select Committee to comprise 9 Members (in line with the other Select Committees), with the ability to co-opt non-voting Members as it sees fit.
- The four Select Committee Chairs to be standing Members of the new Committee with the remaining elected Membership politically balanced.
- The four Select Chairs to rotate the chairing at each meeting to provide strategic leadership (it is anticipated the Committee would meet four to five times a year). The rotated chairing would also negate the need to budget for another Special Responsibility Allowance.

3.13 If the Council agrees this option, an expert in Future Generations has agreed to work with Monmouthshire Members to design a 'Monmouthshire approach' to scrutiny of the PSB. This would provide an excellent opportunity for Members to proactively design an effective scrutiny arrangement based on the five sustainable development principles (involvement, collaboration, prevention, integration, long term). Members could consider multi-sector contribution via co-option of non-elected Members to ensure the Committee has the necessary expertise to ensure the spirit of the Act is genuinely implemented.

3.13 The success in delivering effective scrutiny of the PSB will hinge upon ensuring clarity of the terms of reference of the PSB Select Committee, ensuring the recruitment of suitable individuals to perform the role, establishing an arrangement that is overarching and adopting an integrated approach suitable for Monmouthshire. Appendix B provides greater detail on the parameters for Scrutiny.

## **4 REASONS**

4.1 Scrutiny is a statutory function and performs a fundamental role in the Council's decision-making process. The new responsibilities for local government scrutiny functions arising from the Act requires the Council to ensure its' scrutiny arrangements are fit for purpose and can deliver these responsibilities effectively.

## **5. RESOURCE IMPLICATIONS**

5.1 There are no direct implications arising from the report, providing the four Select Chairs rotate the chairing of any new Committee (negating the need for a further Special Responsibility Allowance. There is likely to be indirect implications on staff resources and these will need to be managed as appropriate.

## **6. SAFEGUARDING, SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS**

6.1 There are no direct implications arising from the report.

**7. CONSULTEES**

Scrutiny Chairs Liaison Group  
Head of Legal Services  
Political Leadership Group

**8. BACKGROUND PAPERS**

None.

**9. AUTHOR**

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