

## Appendix 5 - Scrutiny Procedure Rules

### 1 Quorum

- 1.1 The Corporate Scrutiny Committee and all other scrutiny committees will not transact any business unless at least four members are present.

### 2 The Party Whip

- 2.1 The party whip is defined as *“any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council and any committee or sub-committee or the application or threat to apply any sanction by the group in respect of that Councillor should they speak or vote in any particular manner.”*
- 2.2 When considering any matter in respect of which a member of a scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

### 3 Chairs of Scrutiny Committees

- 3.1 The Council will appoint the Chairs and Vice-Chairs of Scrutiny Committees.
- 3.2 Chairs and Vice-Chairs of Sub-Committees will be appointed by the Committee establishing them.
- 3.3 Where the Committee establishes a Sub-committee or Working Group, the Committee will appoint a Chair (and, if necessary, a Vice-Chair).

- 3.4 Membership of a Sub Committee or working Group will be from Members of the parent Scrutiny committee.

Proportionality

- 3.5 All Scrutiny committees and Sub-Committees will be established in accordance with the political proportionality principles. However any informal Working Groups will not be the subject of proportionality.
- 3.6 Government Statutory Scrutiny Guidance (2019) promotes the four core principles for effective scrutiny originally proposed by The Centre for Governance and Scrutiny namely:
- a) Provide constructive 'critical friend' challenge;
  - b) Amplify the voices and concerns of the public;
  - c) Be led by independent people who take responsibility for their role;
  - d) Drive improvement in public services.
- 3.7 Each Committee within the existing structure will meet in public on a staggered, quarterly basis as a minimum. These quarterly meetings will principally be focused on the 'overview' function, e.g. receiving performance & monitor type reports and identifying areas for further work.
- 3.8 Informal Forum meetings will take place quarterly between public Committee meetings. The initial Forum meeting of each municipal year will be used as an opportunity for the Committee to meet with the relevant Executive Member to discuss the development of a work programme for the forthcoming year. Thereafter Forum meetings will be utilised for horizon-scanning and scoping work, as task groups to undertake work which informs future agenda topics or for other such uses which inform and contribute to the Committees' work programme.

- 3.9 There will be two additional slots every month for potential public Scrutiny meetings. One will be dedicated for a 'commissioned' policy development / pre-decision scrutiny and the second will be used for Corporate Scrutiny Committee Call-ins or a second 'commissioned' meeting. Call-in will continue to function in the usual way and must be requested using the call-in pro forma. The additional public Scrutiny meetings will be commissioned through Corporate Scrutiny Committee following discussion with Executive Members, Corporate Management Team (CMT) and Scrutiny Chairs.
- 3.10 A Scrutiny Chairs' and Vice Chairs Forum will meet bi-monthly to discuss work-plans after these have been agreed by the relevant Committee members, in conjunction with the Chair and Vice Chair of the Corporate Scrutiny Committee.
- 3.11 The Forums will be a place in which the members of the Corporate Management Team and Executive Members can speak about their plans longer term and identify potential areas for policy development and pre-decision Scrutiny. Forums will discuss and manage their Quarterly Committee's work plans and make recommendations for policy development and pre-decision input to Corporate Scrutiny Committee.
- 3.12 Scrutiny Chairs, in liaison with CMT and Executive will identify the most appropriate timescales to recommend pre-decision and policy development meetings on particular topics and Corporate Scrutiny Committee will then 'commission' a Scrutiny Committee to undertake a discreet piece of work which will either come back to Corporate Scrutiny Committee or make a recommendation to a meeting of the Executive or Executive Member Decision Session.
- 3.13 Executive Members, CMT and appropriate Officers will attend Forums and Committee meetings as required.
- 3.14 Reports will be published in advance of meetings wherever possible. Where this is not possible (e.g. due to short notice) this

will be with the agreement of the Chair / Vice Chair.

- 3.15 Reports and Information will be provided to Members in advance of Forum meetings wherever possible but this cannot be guaranteed.

## **4 Agreeing New Scrutiny Topics**

- 4.1 In order for a scrutiny review to be carried out Councillors must complete a topic registration form outlining the reasons behind the need for the review. Councillors can do this in writing or online through their 'Work to Do' area on the Council intranet.
- 4.2 New topics are added to the scrutiny committees work plan for consideration at a Scrutiny Chairs Forum, which is coordinated and support by Corporate Scrutiny Committee.
- 4.3 For each topic the Scrutiny Chair's and Vice Chair's Forum may decide, with the coordination and support of Corporate Scrutiny Committee, to:
- a) defer a decision until such time as further information is available which may influence that decision.
  - b) decide not to carry out a review of the registered topic. In which case, the reasons will be recorded in the minutes of the meeting to inform any decisions about topics registered in the future.
  - c) decide to proceed with a review. The new review will be added to the committee's work plan following consultation with the Chair and Vice Chair of the Corporate Scrutiny Committee.

## **5 Carrying Out a Scrutiny Review**

- 5.1 Common Practice

5.2 All scrutiny committees can:

- a) carry out a review or appoint a task group from within their membership, to carry out the review on their behalf. Alternatively a task group can be formed to examine specific aspects of a review and report back its findings to the Committee.
- b) appoint non-voting co-optees for the duration of a review. Such co-optees will be chosen for their relevant professional knowledge, expertise and/or where their involvement will ensure that the views of local residents or interested parties are represented. All co-opting arrangements shall be subject to periodic review by the Corporate Scrutiny Committee.
- c) seek the advice of an Expert Advisor (one who has previously been identified to support the work of the Scrutiny Committee based on their relevant academic knowledge), and may pay them expenses for doing so.
- d) hold enquiries, go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations, subject to budget availability.
- e) ask any external consultants / witnesses to attend to address them on any matter under consideration and may pay them a reasonable fee and expenses for doing so - see Witness Charter in Annex 4.
- f) require any Councillor (including Members of the Executive) or Officers to attend a meeting to explain about matters within their remit. It is the duty of those persons to attend if so required and they may be

required to answer questions relating to:

- any particular decisions or series of decisions;
- the extent to which the actions taken implement Council policy;
- their performance.

**Note:** *All attendees (Councillor or officer) must be informed of why they have been asked to attend, the date and time of the scheduled meeting, what they need to prepare i.e. produce a report or provide statistical information, and be given enough time in which to do so. All such Councillors and Officers will be treated fairly and considerately in accordance with the Witness Charter. Where, in exceptional circumstance, an attendee is unable to attend on the required date then the Scrutiny Officer in consultation with the Chair shall arrange an alternative date for attendance.*

## **6 Councillors Rights to Access Information**

- 6.1 In addition to their rights as Councillors, members of scrutiny committees have additional right to documents and to notice of meetings if they can claim a 'need to know' basis in law – see the Access to Information Procedure Rules at Appendix 7 of this Constitution.

## **7 Co-opted Voting Members**

- 7.1 The People Scrutiny Committee shall include in its membership such co-opted voting Members as are required by statute for scrutinising educational matters. These will include the following representatives:
- a) one Church of England diocese representative
  - b) one Roman Catholic diocese representative

c) two parent governor representatives

- 7.2 These statutory co-optees will be invited to attend meetings of the People Scrutiny Committee whenever educational issues are being discussed and scrutinised. They will not be expected to attend meetings when the published agenda does not contain education related matters.
- 7.3 All co-opted voting Members are required to abide by the standards set out in the Council's Code of Conduct for elected Councillors, and appointments do not take effect until such an undertaking has been given.

## **8 Cycle of Meetings**

- 8.1 On commencement of a scrutiny review, the committee will consider a scoping report. If required, the Committee may agree some additional formal public meeting dates in order to progress the ongoing review and these will be added to the Committee's workplan.
- 8.2 Councillors can also hold a number of Forum meetings to ensure the review remains on focus. These meetings are usually supported by a briefing note to update Members on the review's progress.

## **9 Producing Scrutiny Reports**

- 9.1 A scrutiny committee may produce an interim report to update Corporate Scrutiny Committee during an ongoing review. Once the review has been completed and the recommendations have been formed, scrutiny committees must prepare a final report and submit it for consideration to the Executive and/or Council. If requested, it may also be presented to Corporate Scrutiny Committee for their consideration.
- 9.2 Where a scrutiny committee cannot agree on one single final report to Corporate Scrutiny Committee then the report with the

support of the greatest number of Members of the scrutiny body shall be the report of that.

- 9.3 The final report shall be added to the Executive Forward Plan for consideration by the Executive within one month of it being submitted (or at the earliest available meeting if there is not a meeting scheduled within one month).

## **10 Pre-Decision Scrutiny**

- 10.1 The Council has established a Pre-Decision Scrutiny Protocol which is Annex 1 to these Rules.

## **11 Post-Decision Call-in**

- 11.1 When a decision is made either by an Executive Member or the Executive it is published in a decision list online and circulated to all Councillors. In the case of an Officer key decision this is published online and all Councillors receive electronic notification.
- 11.2 Within two days of the decision being made, the decision lists and electronic notifications bear the date on which they are published and will specify that the decision will come into force, and may then be implemented on the expiry of 5 working days after the publication of the decision, unless it is called-in under these procedures.
- 11.3 Not fewer than 3 named Councillors must lodge a written notice using the Call-In Request Form at Annex 2 of these rules of their wish to call-in a decision with Democratic Services not later than 4pm five working days after the decision has been taken.
- 11.4 The Monitoring Officer will then consider the completed Call-In Request form and may take one of the following options:



- a) Accept the Request for a Call-In as valid in which case arrangements will be made for a meeting of the Corporate Scrutiny Committee using the next available published Call-In meeting slot;  
or
- b) Reject the Call-In for one or more of the following reasons:
  - i. The request is relating to a decision of a non-executive function;
  - ii. The decision was a non-key decision taken by an Officer under delegated powers;
  - iii. The decision was an urgent decision taken under the urgent decision procedures;
  - iv. The issue has been the subject of a call-in within the last 6 months of the date of the decision being made;
  - v. The issue was the subject of pre-decision scrutiny in accordance with the Pre-decision scrutiny Protocol
  - vi. The decision relates to the formulation of a policy or budget matter that requires Full Council approval;
  - vii. The decision was, or is a decision, requiring a decision of Full Council;
  - viii. The request is vexatious in that there are no, or insufficiently detailed, reasonable grounds which could justify the call-in request being accepted;
  - ix. The request for a call-in was received after the expiry of the five working days of the decision being made.

11.5 In the event that the Monitoring Officer is absent when a call-in request is received, the matter shall be referred to the Chief Operating Officer for consideration.

- 11.6 If, having considered the decision, the Corporate Scrutiny Committee is still concerned about it, then it may exercise the powers set out in the Local Government Act 2000 which will usually be by a referral to the Executive. If referred to the decision maker they shall then reconsider the decision, amending the decision or not, before adopting a final decision.
- 11.7 If, following an objection to the decision, the Corporate Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Corporate Scrutiny Committee meeting.
- 11.8 The call-in procedure shall not apply where the decision being taken is urgent. A decision will be considered urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one together with the reason for urgency, and therefore not subject to call-in.
- 11.9 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Corporate Scrutiny Committee with proposals for review if necessary. This will be incorporated as part of the six monthly and annual review of the constitution.
- 11.10 There may be requirements for changes and/or additions to these procedures in the future. Any such changes are subject to the approval of Council for inclusion in or amendment of the constitution.

**Procedure to be followed by the Corporate Scrutiny Committee when considering a Call-In request**

**12 Procedure to be Adopted When a Decision is Called-In**

- 12.1 Democratic Services will check that the call-in notice [completed Call-In Request Form] is signed by at least three Members. The call-in notice must identify which principle(s) and give reasons. This requirement will be checked by the Monitoring Officer or the Chief Operating Officer.
- 12.2 If the Call-In Request has been accepted by the Monitoring Officer, Democratic Services will arrange a meeting of the Corporate Scrutiny Committee for the next published / scheduled call-in meeting in consultation with the Chair. This meeting will be scheduled within 14 working days of the Call-In request being received if an appropriate date has not already been diarised.
- 12.3 Democratic Services will acknowledge the call-in request and notify all Executive Members.
- 12.4 Democratic Services will invite all of the signatories to the call-in request, the relevant Executive Member(s) and the relevant Chief Officer to attend the call-in meeting. All of the call-in signatories and the relevant Executive Member or their nominee would be expected to attend. The relevant Chief Officer may nominate an officer to attend in their place. If none of the call-in signatories attend, the Committee will decide whether to proceed. If the Committee decides not to proceed, then the call-in will be determined on the basis that the Committee does not have any concerns it wishes to refer to the Executive, and the Executive will not be required to reconsider the decision.
- 12.5 Democratic Services will send copies of the completed Call-in Request Form, decision notice (or minute) of Executive and any associated reports to Members of the Committee with the agenda for the meeting, or to follow if the agenda has already been issued.
- 12.6 Democratic Services will liaise with the Chair and Vice Chair of Corporate Scrutiny Committee over any other appropriate

arrangements for the call-in, e.g. additional information, witnesses etc. If the Chair or Vice Chair(s) have signed the call-in notice, Democratic Services will liaise with another Member of the Committee nominated by the Chair or Vice Chair.

- 12.7 The aim of the Committee meeting when the call-in is considered should be inquisitorial not adversarial. The Meeting Procedure for a Call-in of an Executive decision will be adopted which is detailed within these Rules.

### **13 The role of the Chair**

- 13.1 This Meeting Procedure for a call in shall be implemented at the meeting by the Chair and any deviation from this procedure will be at the discretion of the Chair. The Chair will advise attendees at a Call-in meeting of any reasonable intention to deviate from the procedure at the start of the meeting where possible.
- 13.2 In the absence of the Chair, the meeting will be led by the Vice-Chair. In the absence of both, the Monitoring Officer or their representative shall facilitate a vote of Members so that a Chair is appointed. The appointed Member will chair for the duration of the meeting or until the Chair or Vice-Chair is present.
- 13.3 Where the Chair is in attendance, the Vice-Chair shall be treated in the same way as every other Member of the Committee.

### **14 Role of signatories to the Call-in notice and the Executive Member**

- 14.1 Signatories to the completed Call-in Request Form will be invited to provide evidence to the Corporate Scrutiny Committee, in terms of a presentation of their reasons supporting the call-in and by answering questions put to them

by the Committee. The Executive Member will be invited to respond to the call in and provide reasoning and evidence supporting the subject decision.

- 14.2 There is no provision for either the signatories to the Call-in or the Executive Member to question each other, either directly or through the Chair.

## **15 Role of Officers in attendance**

- 15.1 Supporting Officers will be present from Democratic Services (providing advice to the Chair and Committee as required and recording decisions). The Monitoring Officer or their representative will also be present and may undertake any of these duties in addition to providing any legal advice if required.
- 15.2 Chief Officers and or Heads of Service may provide assistance to the Executive Member and contribute to the meeting as required by advising the Committee on the strategic, financial, legal, technical or operational basis of decisions taken or considerations given relevant to the Call-in, or by responding to technical or procedural questions referred by the Executive Member to them. Officers must not be drawn into offering opinion or answering questions of political judgment.

## **16 Procedure at the meeting**

- 16.1 Public Participation as per the Public Participation Protocol at Appendix 8 of this constitution will be included as part of the agenda for a meeting of Corporate Scrutiny Committee solely focussed on considering a Call-In Request. Any contributions from members of the public are to be directed towards the topic of the call-in only.
- 16.2 The signatories will nominate a lead spokesperson and all three signatories to the Call-in notice will be invited to address

the Committee on the Call-in, and will be required to focus on justifying why they considered the core principles set out in the Call In Request Form have been breached as raised in the signed Call-in Notice lodged with the Monitoring Officer. Signatories shall limit their contributions to the reasons for the call-in. The time allowed for the signatories to state their case is limited to 10 minutes in total.

- 16.3 After all signatories have made their contributions, members of the Committee will be invited to put questions to the signatories and receive responses to those questions. As a guide it is anticipated that this should not exceed 20 minutes in total.
- 16.4 The Executive Member will then be invited to address the Committee on the Call-in by the Chair and will be required to respond to the assertions relating to the failure to meet the principles as set out in the Call-in notice. The time allowed for the Executive Member to respond to the call-in is limited to 10 minutes.
- 16.5 After the Executive Member has made their contribution, Members of the Committee will be invited to put questions to the Executive Member
- 16.6 By way of summing up, the nominated lead signatory shall be invited to make a further statement to the Committee, lasting no more than five minutes, summarising the signatories' case for the call in.
- 16.7 By way of summing up, the Executive Member shall be invited to make a further statement to the Committee, lasting no more than five minutes, responding to the Call-in.
- 16.8 There shall be no further contributions from signatories to the Call-in notice, Executive Member or Officers attending in support of the Executive Member.

## **17 Contributions by Members of the Committee**

- 17.1 The Chair, following any observations they may have:
- in direct response to, and or
  - to acknowledge any concessions made by the Executive Member and lead signatories during the meeting which have directly arisen during the debate in the call in meeting,
- shall invite Members of the Committee to make any contributions they may wish prior to the vote being taken. Each Member of the Committee shall be permitted to make one speech lasting no more than five minutes.

## **18 Voting on whether core principles have or have not been breached**

- 18.1 The Chair shall then ask each Member in turn to state whether they consider the core principles identified in the Call-in Request were, or, were not, breached giving reasons if they so wish. There is no requirement to seek a recommendation which is seconded to enable a vote to be taken.
- 18.2 The Chair may, at their discretion, state whether they believe the core principles identified in the Call-in Request were or were not breached, giving reasons if he or she so wishes.
- 18.3 The vote to be taken will be a single vote by a show of hands.

## **19 Finding of no breach**

- 19.1 In the event that a majority of Members consider that there was not a breach, the Chair will state that the Committee has resolved that the Executive decision identified in the Call-in Request did not breach the core principles and immediately close the call-in aspect of the meeting. Members of the committee, without re-opening the debate, may then continue the meeting to suggest any areas they consider worthy of

future exploration via the scrutiny function. At the conclusion of this discussion, the meeting will formally end.

## **20 Finding of a breach**

- 20.1 In the event that a majority of Members consider that there was a breach, the Chair will declare the outcome and the resultant resolution and close the meeting referring the decision in full back to the next appropriate meeting of the Executive.

## **21 Consideration of multiple Call-in notices in relation to one decision of Executive**

- 21.1 In the event that more than one Call-in notice is received in relation to a single matter, the Chair will use their discretion to vary the procedure accordingly to afford signatories to all Call-in Requests equal opportunity to state their case.



## **Annex 1 - City of York Council Pre-decision scrutiny Protocol**

- 1 The Leader and relevant Portfolio Holders attend the relevant Scrutiny Committee to outline their aims and objectives for the year and issues likely to be in the Forward Plan.
- 2 From this the Scrutiny Committee considers areas where Scrutiny may wish to contribute and via the Chair and Vice Chair of each Committee share their agreed preferences with the Chair and Vice Chair of the Corporate Scrutiny Committee for consideration of the Council's Scrutiny Annual Work Programme.
- 3 The Scrutiny Committee determines which items it would like scrutiny input into, based on strategic impact, relevance to the Committee's work programme, public interest and/or financial implications, and the Democratic Services Officer, on behalf of the Chair of Corporate Scrutiny Committee and Chair of the relevant scrutiny committee advises the relevant Corporate Director and or Chief Officer of the Scrutiny Committee's request for pre-decision Scrutiny. The Chief Officer discuss the request with the relevant Senior Officers and Executive Member(s), in particular in respect of timings and will then provide a response to the Chair of Corporate Scrutiny Committee and Chair of the relevant scrutiny committee via Democratic Services regarding the viability of the request. The Chair of Corporate Scrutiny Committee must give consideration to any such response when agreeing the future work plan of the Scrutiny Committees.
- 4 The Chief Officer and Portfolio Holder will attend the Committee meeting to discuss the issue and set out the nature of the matter under consideration, the key issues identified, any constraints, timescale for a decision, intended impact and a summary of progress to date.
- 5 The Scrutiny Committee discusses the issue and identifies any points, by way of recommendations, it would like addressed in the final report. These are minuted.

- 6 The report author drafts the final report for Executive, clearly identifying points/recommendations raised by the Scrutiny Committee and demonstrating how they have been addressed, or alternatively giving reasons as to why these recommendations were not able to be taken forward for example, legal, financial or technical issues. Where points or recommendations represent a political or judgment call, Officers will only make technical comment relevant to the decision and professional advice. This will clearly demonstrate how Scrutiny is contributing to better cross-party decision-making.
- 7 The Scrutiny Committee is not obliged to have an input at this stage, though early input in decision-making is encouraged, if practicable. Where no input has been provided, Members would retain the right to call-in the decision after it had been made on specific grounds (using the Council's call-in request form).
- 8 Where it was felt appropriate for the Scrutiny Committee to consider a draft final report for Executive, it must be approved for release by the relevant Corporate Director, the Leader or the relevant Portfolio Holder, before submission to the Scrutiny Committee. If the Scrutiny Committee consider a draft report, the item will not be subject to call-in procedures.
- 9 The final report is submitted to Executive with any relevant Minute and/or recommendation from the Scrutiny Committee formally recorded with the report as appropriate.

## Annex 2 - Call-in Request Form

This form must be completed and signed by **THREE** City of York Councillors and **MUST** be returned to Democratic Services within 5 working days of the decision being published (*not including the day of publication*).

Decision taker:	
Date of publication of decision:	
Title of Decision Called in:	
Date Decision Called in:	

	REASONS FOR CALL-IN	Tick which reason applies
1.	Decision contrary to the policy framework?	
2.	Decision contrary to or not wholly consistent with the budget?	
3.	Decision is Key but it has not been dealt with in accordance with the Council's Constitution.	
4.	Decision does not follow principles of good decision-making set out in Article 7 of the Council's Constitution.	
	If reason 4, please tick which specific element of Article 7 the decision maker has not followed:	
	(a) respect for human rights and equality of opportunity	
	(b) presumption of openness, transparency and public accountability	
	(c) clarity of aims and desired outcomes	
	(d) decisions will be proportionate to the intended objective (i.e. the action must be proportionate to the desired outcome)	

(e)	having regard to the relevant facts, legislation and relevant considerations and disregarding irrelevant considerations	
(f)	due consultation and taking professional advice from Officers	
(g)	explaining options considered and giving reasons	
(h)	lawfulness and financial propriety	
(i)	taking due account of Council policy and procedures	
(j)	consideration of relevant implications	
(k)	reasons being given for the decision, as appropriate	

Detailed Reason(s) for Call-in.

*Please explain below why one of the reasons for call-in applies (e.g. for number 1 - which major policy affected and how/why).*

*PLEASE NOTE: If you wish to produce and rely on significant supplementary, external evidence in support of your reasons for this call-in it must be provided to Democratic Services prior to the publication of the agenda. It will not be permissible to introduce and rely upon evidence at the meeting without it being subject to prior circulation unless by consent of the Chair.*

	Name (please print)	Signature ( <i>please note that signatures will not be published with the agenda. Electronic signature will be accepted</i> )	Date
1.			
2.			
3.			

**For office use only:**

Received on behalf of the Monitoring Officer by: (signature)

Name:

Date:

Time:

**Validation Check:**

Monitoring Officer / Chief Operating Officer

Valid: YES / NO

Reason:

Completed by: (signature)

Date:

Time:

### **Annex 3 - Councillor Call for Action (CCfA) Guidance for Councillors and Officers**

<b>Introduction</b>	<p>Ward Councillors play a central role in the life of a local authority, as a conduit for discussion between the Council and its residents and as a champion for local concerns. To strengthen Councillors' ability to carry out this second role the Government has enacted in the Local Government and Public Involvement in Health Act 2007, provisions for a "Councillor Call for Action" (CCfA). This provides Councillors with the opportunity to ask for discussions at Scrutiny Committees on issues where local problems have arisen and where other methods of resolution have been exhausted.</p>
<b>Background &amp; context</b>	<p>For some time the Government has been pursuing the aim of giving more power to local people and local Ward Councillors. This aim has run through both 2006's 'Strong and Prosperous Communities' and 2008's 'Communities in Control' White Papers.</p> <p>Recent legislation has given more powers for scrutiny functions to work more closely with partners and across organisational boundaries. These include powers to scrutinise a wide range of national, regional and local bodies, some of which were not previously subject to local authority challenge. This means that scrutiny is in a stronger position to resolve a wide range of policy issues. CCfA needs to be viewed in this context.</p>

<b>Principles</b>	<p>The successful operation of CCfA relies on several broad principles being recognised and supported in local authorities. These principles are:</p> <ul style="list-style-type: none"><li>• Transparency in decision making and the involvement of scrutiny in the decision making process at some level;</li><li>• A willingness to identify mistakes and shortcomings and the recognition of the need to resolve problems through discussion;</li><li>• An understanding (among senior Officers and Executive Members) of the role that scrutiny can play to help the Council improve its services;</li><li>• An understanding and a wish to bolster and support the role that Ward Councillors play as champions and leaders of their communities.</li></ul>
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<b>How can CCfA be used?</b>	<p>CCfA is a tool that can be used by Councillors to tackle problems on a neighbourhood or ward specific basis that it has not been possible to resolve through the normal channels.</p> <p>A CCfA should represent genuine local community concerns and should focus on neighbourhood and ward issues, specifically the quality of public service provision, both by the Council and its partners. CCfA is a means of last resort when all other avenues have been exhausted and the Council has been unable to resolve the issue.</p> <p>It is important to recognise that CCfA is not guaranteed to solve a problem. What CCfA can provide is:</p> <ul style="list-style-type: none"><li>• Recognition that an issue is significant enough for time, attention and resources to be spent in trying to resolve it;</li><li>• A public forum for discussion of the issues;</li><li>• An opportunity to discuss the issues in a neutral environment;</li><li>• An opportunity to discuss a problem with the explicit and sole aim of solving it;</li></ul> <p>A high profile process owner by the Ward Councillor.</p>
<b>What CCfA is not</b>	<p>CCfA should not be regarded as merely a scrutiny process. It is a whole council approach which can help councillors to resolve issues and problems on behalf of their residents.</p> <p>CCfA is not:</p> <ul style="list-style-type: none"><li>• About a Councillor's everyday casework;</li><li>• Appropriate for dealing with individual complaints;</li><li>• To be used for dealing with issues that relate to individual quasi-judicial decisions (e.g. planning or licensing) or to council tax and non-domestic rates as these are subject to their own statutory appeals</li></ul>



	<p>process.</p> <p>Any member can bring a CCfA on any issue they choose, however there are certain exceptions for example if a CCfA is:</p> <ul style="list-style-type: none"><li>• Vexations, not reasonable and/or persistent – whether the request is likely to cause distress, disruption or irritation without any proper or justified cause;</li><li>• Discriminatory – implying a group of people or an area receives better or worse services on account of that group's predominant religion, race, sex or other characteristic.</li></ul> <p>It does not replace the corporate complaints procedure or petitions to Council.</p>
<b>What kind of issues can be tackled?</b>	<p>Issues should be genuine local community concerns which focus on the quality of public service provision at a local level. It can include any function of the authority which affects the Councillor's ward and constituents. It can also include issues relating to crime and anti social behaviour.</p> <p>Issues that can be tackled by CCfA are usually persistent and have remained unresolved for a long period of time. They may be issues that the Councillor is aware of from their work within their ward or they may decide to champion a request on behalf of the public.</p>
<b>What does championing a request mean?</b>	<p>Championing a request will mean taking the issue up on behalf of the resident(s) concerned and trying to resolve the problem by liaising with council services, the Executive and/or outside agencies.</p>

<b>What if a councillor doesn't want to champion a request from a member of the public?</b>	If a Councillor decides not to champion a request, no further action will be taken under a CCfA. There is not a right of appeal by a member of the public.	
	<b><i>Implications for Members</i></b>	<b><i>Implications for Officers</i></b>
<b>Who can raise a CCfA</b>	The power to initiate a CCfA lies solely with a Councillor and it is up to them to determine which issues they want to take forward as a potential CCfA.	If a member of the public contacts an officer to say that they want to raise a CCfA, the officer should signpost them to their local Ward Councillor.
<b>Initiating a CCfA</b>	The first thing a Councillor should do is log a potential CCfA with the Scrutiny Team who will help them to decide if any issue is suitable for the CCfA process (see contact details below).	
<b>If it is a CCfA, what next?</b>	The Councillor will need to continue trying to resolve the concern themselves. They should keep the Scrutiny Team informed about the progress they have made, keeping them up to date with	As part of Councillors' attempts to resolve issues Officers may be asked to assist, for example by: <ul style="list-style-type: none"><li>• Support Councillors through the usual</li></ul>

	<p>key developments. The scrutiny team will try to assist in resolving the concern by, for example:</p> <ul style="list-style-type: none"><li>• Providing advice to Councillors in approaching partner agencies such as the PCT, Police or relevant partnerships;</li><li>• Helping to formally raise an issue with services/partner agencies.</li></ul>	<p>complaint or enquiry processes;</p> <ul style="list-style-type: none"><li>• Attend meetings specifically set up to try and help Councillors resolve the issue.</li></ul>
<b>If the issue remains unresolved</b>	<p>At this stage the councillor should inform the Scrutiny Team who will discuss the issue and actions to date in more detail with the Councillor. A scrutiny officer will then prepare a feasibility report to the relevant Scrutiny Committee which details the background and history of the issue.</p> <p>The Scrutiny Committee will then consider the request to carry out a CCfA review. The Councillor is welcome to participate at the meeting and a decision will be made to either:</p> <ul style="list-style-type: none"><li>• Carry out the review; or</li><li>• Identify possible courses of action that the Councillor has not thus far pursued; or</li></ul>	<p>Officers may be asked to provide advice to the Scrutiny Team on action taken in relation to the issue. If the Councillor flags an issue as a potential CCfA, Officers might wish to consider more detailed recording of actions taken in case they are required to produce it for scrutiny purposes.</p> <p>Officers may also be asked to attend the relevant Scrutiny Committee meeting.</p>

	<ul style="list-style-type: none"><li>• Request further information in order to make a decision; or</li><li>• Determine that the issue is not suitable for the CCfA process and that no further action will be taken.</li></ul>	
<b>The Scrutiny Committee has agreed to carry out a CCfA review – what happens now?</b>	The CCfA will be added to the Scrutiny Committee’s work plan. The Scrutiny Team will produce a scoping report and if appropriate the Councillor will be invited to participate in the review.	Officers may be required to provide technical support throughout the scrutiny review and/or to participate at relevant scrutiny meetings
<b>What will happen after a CCfA review has been concluded?</b>	<p>A report will be produced together with a set of recommendations which will be presented to the Executive for consideration.</p> <p>Those recommendations approved by the Executive will be implemented and that implementation will be tracked by the Scrutiny Team and reported back to the Scrutiny Committee on a regular basis until completion.</p>	Officers will be responsible for implementing agreed recommendations relevant to their service areas and providing update information as necessary to the Scrutiny Team.
<b>Contact details</b>	For further information and advice contact the Scrutiny Team on 01904	

	552054/4279.	
<b>Partner organisations (examples)</b>	North Yorkshire Fire & Rescue Service North Yorkshire Police Safer York Partnership Leeds and York Partnership NHS Foundation Trust Vale of York Clinical Commissioning Group York Teaching Hospital NHS Foundation Trust Council for Voluntary Service Higher York Partnership	

## **Annex 4 – Scrutiny Witness Charter**

Attending a Scrutiny Committee meeting as a witness is voluntary and often a new experience for people. The City of York Council recognises the need to support witnesses. We will keep witnesses informed throughout the scrutiny process to try and ensure that the experience is as stress free as possible.

The Council will:

- 1 inform the witness of the time, date and place of the scrutiny meeting at which their evidence is to be taken.
- 2 inform the witnesses of the matters about which the scrutiny committee wish to ask them. Inform the witnesses of any documents that the scrutiny committee want the witness to produce or provide to them
- 3 provide reasonable notice of all of the requirements of the scrutiny committee to enable the witness to respond in full at the earliest opportunity.
- 4 provide copies of all relevant reports, papers and background information.
- 5 arrange for the Chair of the scrutiny meeting to introduce themselves to the witness prior to the proceedings.
- 6 ensure that all witnesses are treated with courtesy and respect and that all questions to witnesses are made in an orderly manner as directed by the Chair of the meeting.
- 7 ensure where appropriate that the witness is provided with information about claiming expenses.
- 8 following the proceedings, write to the witness and where appropriate, inform them of the outcome.

- 9 the Council's protocol on Officer/Member relations will apply to all internal witnesses.

## **Notes of Guidance for Witnesses**

- 1 Who will be at the scrutiny meeting?

All formal scrutiny meetings are held in public and the press and media may be present. In practice, unless it is a high profile issue it is rare for there to be more than one journalist taking notes. Members of the public are always welcome, but are not usually present in large numbers. Members of the scrutiny committee will be elected Councillors and possibly one or two co-opted Members e.g. from the voluntary sector. A Scrutiny Officer will be present (usually the person you've had contact with about attending the meeting), and a Democracy Officer will minute the meeting. Other Officers with an interest in the scrutiny topic(s) on the agenda may also be present.

- 2 What happens when I arrive to attend a scrutiny meeting?

Upon arrival at the venue for the scrutiny meeting you will normally be met by someone from the Scrutiny team. The Scrutiny Officer will make contact with you prior to the meeting to confirm the arrangements, and where possible give you an indication of when your evidence is likely to be heard and explain the format for the meeting. If you have any particular anxieties or questions then you should not hesitate to raise these with the Scrutiny Officer. The Chair of the scrutiny meeting will also introduce themselves to you before the start of the meeting.

- 3 What happens when I give evidence?

Witnesses are welcome to attend the entire meeting or can wait at reception until needed. When you are called you will be shown to a seat at the table with the Members of the scrutiny committee. Members of the scrutiny committee will ask you questions in an orderly and respectful manner as directed by the Chair of the meeting. Remember:

- Take your time and speak slowly and clearly;
- Ask for questions to be repeated if you don't understand or cannot hear;
- If you are not sure of the answer then say so.

After you have finished giving your evidence you are free to leave if you wish to do so.

#### 4 Can I claim expenses?

If you have incurred any “out of pocket” expenses when asked to attend a scrutiny committee, where possible obtain receipts for them. If you would like to claim for your expenses, please ask the Scrutiny Officer and they will provide a form for you to make your claim. The Council does not reimburse the expenses of witnesses employed by the City of York Council.