

Corporate Services Climate Change and Scrutiny Management Committee

9 September 2024

Report of the Director of Governance
Leader, Portfolio Holder for Policy, Strategy and Partnerships

Review of the Scrutiny Function

Summary

1. In February 2024, a Local Government Association (LGA) Peer Challenge was undertaken at the City of York Council. The subsequent report that was presented to the Council's Executive in May 2024 included the following remarks:
"Scrutiny arrangements at CYC would benefit from review. As a function of governance, it can be hugely beneficial for quality of decision-making if it is fully supported and empowered to be a positive and integral part of policy development. It is clear that this is recognised by the administration as an area where a fresh look at how improvements can be made would also be a good use of time and effort."
2. The council has prepared a detailed draft Corporate Improvement Action Plan, which includes work to strengthen and review scrutiny oversight.

Background

3. Overview and scrutiny committees were established in English and Welsh local authorities by the Local Government Act 2000. They were intended as a counterweight to the new executive structures created by that Act. Their role was to develop and review policy and make recommendations to the council. Relevant councils must have at least one overview and scrutiny committee.
4. The legislative provisions for overview and scrutiny committees for England are set out in Section 9F of the Act as amended by Localism Act 2011. These state:

- Executive arrangements by a local authority must ensure that its overview and scrutiny committee has power (or its overview and scrutiny committees, and any joint overview and scrutiny committees, have power between them)—
 - to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
 - to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
 - to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
 - to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
 - to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.
5. Overview and scrutiny committees must have the power to 'call in' decisions made by their executives but not yet implemented. The statutory minimum requirement is that "call in" enables the scrutiny committee to recommend that the decision be reconsidered by the person who made it.
6. Local authorities also have limited powers of 'external scrutiny', where their committees look at issues which lie outside the council's responsibilities, with specific powers to scrutinise health bodies, community safety partnerships, and Police and Crime Commissioners.
7. The City of York council Scrutiny structure consists of four Scrutiny Committees, each of which has 10 scheduled meetings each year:
- Corporate Services, Climate Change and Scrutiny Management Committee

- Children, Culture and Communities Scrutiny Committee
 - Economy, Place, Access and Transport Scrutiny Committee
 - Health, Housing and Adult Social Care Scrutiny Committee
8. The Corporate Services, Climate Change and Scrutiny Management Committee acts as the overarching committee, meeting separately as a “calling in” committee to consider call in requests.

Options

9. The Centre for Governance and Scrutiny (CfGS) exists to help councils implement transformative governance, offering guidance and practical support. As part of their work, they offer councils a Scrutiny Impact Review, which will include the following:
- Review of current arrangements around operating culture, behaviours, relationships, and mindset
 - Evaluation of organisational commitment and clarity of purpose
 - Observation of member and officer skills and capacity
 - Investigation of the current impact of the scrutiny process
 - Production of a report based on the findings
 - Provision of actionable recommendations to enhance scrutiny arrangements, ensuring they are robust, impactful, and contribute to better governance outcomes
 - Evaluation and enhancement the effectiveness of scrutiny
 - Application of best practices along with statutory and non-statutory guidance, to ensure scrutiny processes are effective and aligned with national standards
10. Officers have met with the CfGS alongside representatives from the LGA, to discuss the potential of them supporting a scrutiny impact review for CYC. The LGA has indicated that there is some likelihood that they will be able to part fund the cost of the review, with the remaining costs to be met by CYC. A draft proposal has been received and the indicative cost of the review is £17,000. Details of any external support element are awaited, and will be reported to members as soon as the information is received, along with details of the proposal.
11. Alternately, members may wish to pursue other options such an internal, member/office led review, or to investigate other sources of external support.

Implications

12. **Financial** There is no dedicated reserve for actions arising from the LGA Peer Review. The anticipated cost of the review work is £17,000. It is not yet known what level of external contribution may be on offer, and further comment may be provided once this information is available.
13. **Human Resources (HR)** None arising.
14. **Legal** The Council has a statutory duty to operate a scrutiny function.
15. **Equalities and Human Rights** None directly arising from the report. Any review of the scrutiny function will fully address these issues.
16. **Reputational** Failing to review the way in which Scrutiny operates at CYC, and the structures and resources that support Scrutiny, may have a detrimental effect, both internally and externally, on the reputation of the authority in terms of the effectiveness of the Scrutiny function.

Recommendation

17. The Committee is invited to consider all options available in respect of a review of the council's scrutiny function.

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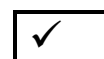
Report
Approved



Date 30/08/24

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

LGA Peer Review Report: [LGA Corporate Peer Challenge Final Report \(york.gov.uk\)](https://www.york.gov.uk/peer-review-report)

Corporate Improvement Framework: [Annex B DRAFT IMPROVEMENT FRAMEWORK FINAL FOR CONSULTATION.pdf \(york.gov.uk\)](https://www.york.gov.uk/cif)

Statutory Guidance, Overview & Scrutiny:

<https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-combined-authorities-and-combined-county-authorities/overview-and-scrutiny-statutory-guidance-for-councils-combined-authorities-and-combined-county-authorities>