

Corporate Services Climate Change and Scrutiny Management Committee

7 October 2024

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

Review of the Scrutiny Function

Summary

1. This report seeks to provide members with further information regarding the proposal received from the Centre for Governance and Scrutiny, and first reported to the Committee on 9 September 2024, in respect of a review of the scrutiny procedures and structures of City of York Council.
2. Following the February 2024 Local Government Association (LGA) Peer Challenge of the City of York Council, the subsequent report presented to the Council's Executive in May 2024 stated:
"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."
3. The council has prepared a draft Corporate Improvement Action Plan in response to the Peer Challenge report, which includes a commitment to undertake work to strengthen and review scrutiny oversight.

Background

4. 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.

5. 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.
6. 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.
7. 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.

8. 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
9. 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.

The CfGS Review Proposal

10. As reported to the previous meeting of the Committee, the Centre for Governance and Scrutiny (CfGS) proposes to conduct a Scrutiny Impact Review for CYC, 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
11. The indicative cost of the review is £17,000. The LGA has confirmed that it will fund £7,000 of that cost, leaving CYC to fund the balance of £10,000.
12. There is currently an annual budgetary provision of £5,000 for external research and consultancy work to support the scrutiny function. There has been no spend in this current financial year against this budget. In previous

years, some of the budget has been used to fund training for scrutiny members.

13. The funding offer from the LGA presents an opportunity to have an in-depth review, delivered by external experts working in conjunction with member, for a relatively small cost. The budgetary provision has been made, specifically, to fund a CfGS external review.
14. Officers are due to meet representatives of the CfGS on 7 October and the outcome of that will be reported verbally to the Committee.

Implications

15. **Financial** The estimated cost of the review is £17,000. The Centre for Governance and Scrutiny has confirmed that £7,000 of the cost of undertaking the review will be met by the LGA, leaving the remaining cost of £10,000 to be funded by CYC. Given the importance of this work, which will strengthen the council's scrutiny function and thereby enhance its democratic function as required by the Corporate Improvement Plan, funding will be identified from within existing budgets.
16. **Human Resources (HR)** None arising.
17. **Legal** The Council has a statutory duty to operate a scrutiny function.
18. **Equalities and Human Rights** None directly arising from the report. Any review of the scrutiny function will fully address these issues.
19. **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.

Proposal

20. The report is presented for information, however, the views of Committee members are invited so that they may help to shape the review work.

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Report
Approved



Date 26/09/24

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 \(york.gov.uk\)](#)

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

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>