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| <b>Meeting:</b>      | Council   |
| <b>Meeting date:</b> | 27/03/2025  |
| <b>Report of:</b>    | Bryn Roberts, Director of Governance  |
| <b>Portfolio of:</b> | Cllr Douglas, Leader of the Council and Executive Member for Policy, Strategy and Partnerships, jointly with Cllr Fenton, Chair of Corporate Services, Climate Change & Scrutiny Management Committee |

## **Decision Report:** Review of the City of York Council Scrutiny Function

### **Introduction**

1. 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."
2. The Centre for Governance and Scrutiny (CfGS) was therefore commissioned to undertake a Scrutiny Impact Review of the City of York Council. The review was conducted in November and December 2024.
3. The final CfGS recommendations were reported to Corporate Services, Climate Change and Scrutiny Management Committee on 10 March 2025, with a proposed action plan to address each of the recommendations in full. All Scrutiny Chairs and Vice Chairs were invited to attend the meeting and contribute to the debate. The recommendations, action plan and the comments of the Committee were then presented to Executive on 11 March 2025.

This report summarises the outcome of the review and sets out the joint proposals from Scrutiny members and the Executive, for implementation of the review recommendations.

## **Benefits and Challenges**

4. The benefits of implementing the recommendations of the scrutiny impact review will be a strengthened scrutiny function, providing accountability; improved decision making through effective policy development; enhanced public engagement; and an appropriate check and balance of the Executive decision-making process.
5. The challenges of implementing the recommendations will be in ensuring that the resulting scrutiny structures are the right ones for CYC; in developing the vision, procedures and protocols set out in the Action Plan, with appropriate resource and expertise required to encourage and embed good scrutiny across the organisation.

## **Policy Basis for Decision**

6. 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.
7. 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.'
8. 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.
9. 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.

## **Financial Strategy Implications**

10. There will be costs associated with the provision of training for members and officers which can be met from existing budgets. The cost of adding a revised Scrutiny Officer post to the Democratic Services team can be partially met from within the current staffing budget of the Democratic Governance service. However, additional resource will be required, the exact amount being dependent on the outcome of a job evaluation exercise. Any change to the number of Scrutiny Committees will have an impact on the member allowance budget in respect of Special Responsibility Allowances for Committee Chairs.

## Recommendation and Reasons

11. Council is recommended to:

- i. Agree the actions set out in Annex B in respect of Scrutiny Review Report recommendations 1-2, 4-7 and 9-12;
- ii. Establish a cross-party working group to lead on and oversee the work required in implementing the Scrutiny Review recommendations, with a core membership comprising the existing Scrutiny Chairs and Vice Chairs;
- iii. Establish three new Scrutiny Committees; an overarching Overview and Scrutiny Committee (with calling in functions), a People Scrutiny Committee and a Place Scrutiny Committee, each comprising nine members, to replace the four existing Committees (Corporate Services, Climate Change and Scrutiny Management Committee; Children, Culture and Communities Scrutiny Committee; Environment, Place, Access and Transport Scrutiny Committee; Housing, Health and Adult Social Care Scrutiny Committee), effective from 22 May 2025, and to delegate authority to the Monitoring Officer to make any consequent constitutional changes. The revised structure to be reviewed after twelve months.

Reason: To establish an effective Scrutiny function for City of York Council.

## Background

12. The City of York council Scrutiny structure currently consists of four Scrutiny Committees, each of which has ten 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

13. 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.
14. The Scrutiny Impact Review process was conducted during November and December 2024, and consisted of an online, written survey of all members, followed by a series of interviews, mainly in person, but with some conducted via Teams/hybrid, with the following:
  - Scrutiny Chairs and Vice Chairs
  - Executive Members
  - Leader of the Council
  - Deputy Leader of the Council
  - Labour Group members
  - Liberal Democrat and Conservative Group members
  - Liberal Democrat Group Leader
  - Conservative Group Leader
  - Former Scrutiny Chairs
  - Independent Member
  - Chief Operating Officer
  - Monitoring Officer
  - Chief Finance Officer
  - Labour Group Political Assistant
  - Liberal Democrat Group Political Assistant
15. The interviews consisted of questions and discussions, designed to identify views on the effectiveness of Scrutiny; the operating culture, behaviours, relationships, and mindset within the authority in relation to Scrutiny; the level of skills and capacity in the organisation and the desire to change and improve the way that Scrutiny is undertaken.
16. The lead reviewer offered all Scrutiny and non-Executive members an opportunity to hear the draft recommendations at a briefing on 20 January 2025, and a separate briefing was provided for Executive members on 28 January.
17. The draft recommendation report was received on 14 February and was circulated to Scrutiny Chairs, the three Political Group Leaders and the Chief Operating Officer, Monitoring Officer and Chief Finance Officer, with requests for comments and

observations by Friday 21 February. The final recommendation report was received on Monday 24 February and is appended to this report at Annex A.

18. There are twelve recommendations contained within the CfGS report. The aim of the recommendations is, in very general terms, to seek to change the culture of the organisation in the way that it conducts scrutiny, to develop a shared vision across the authority and to ensure application of best practices along with statutory and non-statutory guidance, to ensure scrutiny processes are effective and aligned with national standards.
19. Officers drafted a proposed Action Plan, to address each of the twelve CfGS recommendations in full. The Action Plan, which is at Annex B, was initially considered by CSCCSM Committee at its meeting on 10 March. The comments from that meeting were reported to Executive when it considered the Scrutiny Review report and proposed Action Plan at its meeting on 11 March. The Action Plan has therefore been updated to reflect the recommendations made to Council by Executive.
20. A clear message that came across during member interviews and the member survey was the need for a dedicated Scrutiny Officer to properly support and advise members to deliver good scrutiny across the organisation. This is reflected in recommendation 2 of the CfGS report. The capacity and resource available within Democratic Governance to deliver this is partly dependent upon the recommendations in respect of the Scrutiny Committee structure and frequency of formal meetings.
21. Members will note the proposed shift in focus of the format and purpose of the Scrutiny Committees, so that the bulk of the pre scrutiny work is undertaken by Task and Finish Groups (TFG). The Committees would be responsible for setting work plans, and for receiving the recommendations of the TFGs. Undertaking scrutiny in this way does not mean that scrutiny will be less visible; members have the power to decide whether it wishes to hold TFG meetings in the public domain. Further, membership of TFGs is not restricted to scrutiny members; any elected member with the interest, expertise and knowledge of the topic to be scrutinised may be appointed to a TFG. External participants may also be appointed. This therefore represents an opportunity to open up the interaction with the scrutiny process to a much wider audience.

22. Recommendation 8 concerns the structure of scrutiny committees, which it states should be better aligned to reflect council business and goes on to explain that this means fewer committees, not more. Executive are recommending that the structure be amended to replace the four existing committees with three new scrutiny committees; an overarching Overview and Scrutiny Committee with calling-in functions, a People Scrutiny Committee (to include Housing functions) and a Place Scrutiny Committee. It is proposed that each of the new committees will have nine seats. Executive is also recommending that this structure is reviewed after twelve months.
23. Recommendation 9 concerns the frequency of scrutiny meetings, and there was some discussion at the briefing session for scrutiny members, where it was suggested that bi-monthly meetings would afford the opportunity for informal member briefings in the intervening months. The scrutiny agendas currently contain a lot of information items, and the review recommends that these should be presented to members in a different way, rather than taking up valuable space at business meetings. Along with member briefings, there is also some work being undertaken within Democratic Governance to develop and strengthen the member training and development programme, with the potential to enhance the member internet portal to provide a library for information notes and briefings. Executive supported the proposal to move to bi-monthly meetings for each of the proposed three new scrutiny committees.
24. Many of the recommendations will require an ongoing programme of work, to develop the vision for scrutiny and the protocols and procedures that will provide the framework with which to deliver that vision. Executive supported the establishment of a cross-party working group to undertake this work, and it is suggested that the core group comprises the current Scrutiny Committee Chairs and Vice Chairs, who will work with the Statutory Scrutiny Officer and relevant officers from the Democratic Services team, to develop those plans. At a suitable point, the Leader and Deputy Leader of the Council will be invited to meet with the Working Group to seek agreement on the shared vision, and on the protocols for collaboration and work planning. Other members may also be added to the Working Group from time to time, where appropriate.
25. Scrutiny members and the Executive were all in agreement that recommendation 3 of the CfGS report, which concerns named substitute members, should not be adopted. The working group

may instead wish to review the procedure for appointing substitute members and consider whether, for example, there should be a requirement that members have undergone relevant scrutiny training in order to sit as a member or substitute member of a scrutiny committee.

26. Finally, the report recognises the need for robust training for members. It is proposed to commission appropriate training for scrutiny members, for Executive members and for officers.

## **Consultation Analysis**

27. All elected members were offered the opportunity to complete a survey on the effectiveness of the Scrutiny function. All members were then offered either an individual or a group interview with the lead reviewer from CfGS.
28. The Scrutiny Chairs and Vice Chairs, at their quarterly meeting on 28 February, requested that messages be posted on the Council's social media platforms to alert local residents to the review report and ask for comments. Two local residents spoke at the CSCCSM meeting on 10 March and one resident spoke at the Executive meeting on 11 March in connection with the review.

## **Organisational Impact and Implications**

- **Financial:** As set out at Paragraph 10.
- **Human Resources (HR):** The appropriate processes will be followed in respect of the establishment of a new Scrutiny Officer post that reflects the work required to support the scrutiny function through the implementation of the recommendations.
- **Legal:** The Council has a statutory duty to operate a scrutiny function.

### **Annexes:**

**Annex A:** York Scrutiny Impact Report

**Annex B:** Scrutiny Review Action Plan



## Contact Details

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**Report  
Approved**

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**Date** 18 March  
2025

**Wards Affected:**

**All**

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**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/corporate-peer-challenge-final-report)

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>

CfGS the Good Scrutiny Digest:

[Resources - CFGS](#)