Notice of meeting of a public meeting of

Audit & Governance Committee

To:	Councillors Potter (Chair), Brooks (Vice-Chair), Ayre, Barnes, Fraser, Gunnell, Wiseman and Mr Whiteley (Co-opted Non-Statutory Member)
Date:	Thursday, 2 October 2014
Time:	5.30 pm
Venue:	The Craven Room - Ground Floor, West Offices (G048)

AGENDA

1. **Declarations of Interest**

   Members are asked to declare:
   - Any personal interests not included on the Register of Interests
   - Any prejudicial interests or
   - Any disclosable pecuniary interests

   which they may have in respect of business on the agenda.

2. **Public Participation**

   At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5.00pm on Wednesday 1 October 2014.**

   Filming, Recording or Webcasting Meetings
   Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their

permission. This broadcast can be viewed at
http://www.york.gov.uk/webcasts.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at
http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

3. **Enhancing Scrutiny in York** (Pages 1 - 10)

This report seeks Members' views as to whether any changes in the governance arrangements for scrutiny are required.

4. **Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:
Name: Jayne Carr
Contact Details:
Telephone – (01904) 552030
Email – jayne.carr@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

(Urdu) یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔

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CITY OF YORK COUNCIL

Audit and Governance Committee   2 October 2014

Report of the Monitoring Officer

Enhancing Scrutiny in York

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1.   Summary

1.1   This report seeks Members' views as to whether any changes in the governance arrangements for scrutiny are required.

2.   Background

2.1   While Overview and Scrutiny systems were established as a result of the 2000 Act, in York, Overview and Scrutiny was relatively under developed until quite recently.

2.2   The Scrutiny function, led by the Chair of the Corporate and Scrutiny Management Committee has been and continues to be proactive in looking to improve its performance. A number of changes have been made including changing the remit of the Corporate and Scrutiny Management Committee, improving the work planning arrangements and securing training for both Scrutiny and Cabinet Members. In addition, more recently, Corporate and Scrutiny Management Committee has renewed its commitment to an evidence and outcome based approach for scrutiny reviews, with targets, where appropriate, as well as ensuring equalities monitoring information is now presented regularly to all Scrutiny Committees in their performance monitoring reports.

2.3   Nevertheless there is still a widely held view that Scrutiny could have even greater influence. Over the last year there

has been a great deal of discussion with political groups over this issue. Amongst views expressed by Members have been the following:

- That scrutiny is not sufficiently well resourced
- That some scrutiny Members lack enthusiasm for the role
- That senior officer support should be strengthened
- That work planning could still be improved
- That Substitute Members do not always attend meetings adequately briefed to contribute
- That training should be better supported
- That scrutiny committees should have an Opposition Chair and, conversely, that too many opposition party Scrutiny chairs leads to oppositional rather than constructive scrutiny
- A question as to whether the current allocation of responsibilities between Scrutiny Committees is the best arrangement.
- A question as to whether call in should be handled differently

3. What makes effective scrutiny?

3.1 During discussions it has been widely accepted that a strong scrutiny system needs to have, as a minimum, the following elements:

- Committed, willing and well trained Scrutiny Members
- A productive relationship between Cabinet and Scrutiny
- An inclusive and non partisan approach to scrutiny
- Strong collective Officer support
- An effectively managed work programme

4. Committed and well trained Members

4.1 Doing Scrutiny properly is hard work. There is no doubt that there are many Scrutiny Members who are very committed to the process and who put in considerable time and effort into contributing, particularly, in scrutiny task groups which are reliant on Members volunteering to participate.

4.2 The overview element of the Committees' work is largely carried out in formal Committee meetings. As with other Committees there is an allocation of places to the political groups and independent members. These allocations are based on political proportionalities. The political groups nominate Members to serve on Committees from their own ranks. The Council may wish to consider how it ensures that the size of Scrutiny Committees does not become too large for the Groups to be able to nominate sufficient Members who have an interest in and commitment to scrutinising the area covered by the Committee to which they are appointed.

4.3 There is advantage in having continuity of membership on Scrutiny Committees. Members can develop an understanding of the key issues for the functions covered by their Committee, should be able to "hit the ground running" at the start of the Municipal year and will have an understanding of the outcomes of previous reviews so will be best placed to monitor their implementation. This, of course, is more difficult in an election year, where a significantly high proportion of new Members may be elected to the Council, with no previous experience.

4.4 As with other Committees Scrutiny Committees allow substitutes to attend. This may mean that not all Committee members share the same understanding of the background to an issue which has been considered over a period of time. There has been at least one example of a decision being deferred as to whether a Review should proceed as the majority of Members present were substitutes. If Scrutiny Committees are to continue to allow substitutes then they clearly need to be properly briefed. In reality that responsibility must lie with the Member who is using the substitute. There is a strong case to prohibit the use of substitutes on Task Groups.

4.5 Scrutiny training has been part of each programme during the last few years and has covered a range of issues. Training on scrutiny techniques and practice as well as subject specific training should and will be a key part of the

induction programme following the 2015 elections. Members' attendance at training activities beyond their induction year is perennially a difficulty as their time becomes more and more restricted.   Scrutiny is not the only area to 'suffer' in this regard.

5.   A productive relationship between Cabinet and Scrutiny

5.1   The Cabinet has consistently expressed support for the scrutiny process. Cabinet Members have participated in the annual work programme planning session. Cabinet Members have also attended Scrutiny Committee meetings to explain their priorities and some have offered to attend to share other information.

5.2   All reports from task groups which the Cabinet has received have been treated with respect. All have had a prompt response or the promise of one and most recommendations have been accepted and implemented. Some improvements may still be made though to the process of responding to reviews to ensure that, when recommendations are accepted, a clear timetable for action is set out.

5.3   Some Scrutiny Members are concerned too that recently Cabinet has not directly accepted (or indeed rejected) review recommendations, rather they have been received, noted and taken forward for further detailed consideration. This can make it more difficult for scrutiny to monitor implementation.

5.4   On occasions Scrutiny Members have had a perception that the work supporting the Cabinet Member has been given priority by Officers over the work of a Task Group on a related area. Whether or not this perception is accurate there is an issue for Cabinet Members and Senior Officers to ensure that they work with relevant Scrutiny Committees when related policy development work is being undertaken. There also needs to be a proactive approach from Scrutiny Committees in questioning Cabinet Members as to their priorities and offering support (and a critical challenge) in meeting them.

6. An inclusive and non partisan approach to Scrutiny

6.1 It would be naive to believe that scrutiny can ever be divorced from politics. Nevertheless task groups generally operate in a collegiate manner and produce agreed reports.

6.2 Call in, in York, is an inherently political process. Call ins are considered by the Corporate and Scrutiny Management Committee in a meeting specially convened for the purpose. There is perhaps a tension in a Committee which generally strives to be non partisan, dealing with a politicised process. An option could be to have a separate call in Committee.

6.3 Some Councillors believe that all Scrutiny committees should be chaired by an opposition Councillor. There are arguments for this in terms of demonstrating independence from the Cabinet. There are arguments against – chiefly that giving all Chairs to the opposition sets up scrutiny to be opposition.

7. Strong Officer Support

7.1 All Committees have a senior officer (either a Chief Officer of Head of Service) as their Lead Officer. Each Committee also has support from one of two Scrutiny Officers, to assist in the development and completion of scrutiny reviews and work. A Democratic Services Officer attends formal meetings to record minutes in accordance with the usual good practice and statutory requirements.

7.2 The majority of Reviews have been supported by Assistant Directors. However, concern has been expressed on occasion about the consistency and extent of Senior Officer support. The Chief Executive has included support for scrutiny as an objective for each Director in the performance review process.

7.3 Scrutiny Officers currently provide research support to Committees in conjunction with lead officers and other officers designated to work on scrutiny topics or requests. Those Officers are also responsible for preparing draft review reports as well as some of the reports considered within the

overview function. Scrutiny Members have been public in their praise for the quality of work support provided to Reviews by the Scrutiny Officers. There are, however, only two of them and they have duties beyond supporting scrutiny. They are also not experts in the service areas under scrutiny.

7.4   In the past many Scrutiny Members have felt that there was a need for Scrutiny to be supported by Officers who were independent of the service to ensure an adequate level of challenge. There is an alternative view that if scrutiny reports were prepared by the service then they would be a clear priority for the service and the recommendations would be owned by the service.

7.5   The policy team have provided some support to Scrutiny and this developed during the last year with the policy team having a significant role in supporting the cross cutting review into the Night Time Economy.

8.   Effectively managed work programme

8.1   There are several aspects to this including the selection of topics, managing the numbers of reviews being undertaken at any one time, ensuring that task groups reach a conclusion to their work and allocating topics between Committees.

8.2   Prior to 2011 Scrutiny Committees were largely free to develop work programmes in isolation. The introduction of an annual work planning event allowed a wider group of Members to contribute to the identification of potential scrutiny topics. The filtering and selection of scrutiny topics is left to each Committee. There is a risk with this approach that the topics which are selected are those of most interest to Members who volunteer to serve on a task group rather than those which might make the biggest impact corporately or on residents.

8.3 There is a further risk of new topics being agreed in year without discussion as to how the existing work programme should be restructured. However, there is a balance to be drawn here as willing scrutineers are more likely to be effective than press ganged men and women. The choice of topics must also be carefully considered by both Members and Officers.

8.4 The annual work planning event has had a mixed response and Members may wish to consider whether there are other ways of ensuring that the right topics are being scrutinised and work programmes properly managed.

8.5 Some Members have questioned whether the remit of each Committee should be altered as they do not all mirror Cabinet Member portfolios. On the other hand there is a question as to whether the remit of Committees needs to reflect portfolios which would involve functions moving between Committees on a more regular basis than hitherto.

9. Conclusions

9.1 The role of the Audit and Governance Committee is to consider whether the Council has effective arrangements in place to allow for proper scrutiny. In that regard it is clear that the current arrangements meet the requirements of legislation.

9.2 This report highlights though a number of areas where changes could be considered to the existing governance arrangements for scrutiny. In particular Audit and Governance Committee could consider making recommendations to Council in relation to:

- The size of committees
- The use of substitutes, particularly on Task Groups
- Whether there should be an element of compulsion in relation to attending scrutiny training
- Whether a separate call in Committee should be established

- Whether the remit of Committees should be reviewed

10   Council Plan

10.1 Scrutiny is an essential element in helping the Council to achieve its priorities.

11. Implications

11.1 There are no specific implications to this report in relation to:

- **Finance**

- **Human Resources (HR)**

- **Equalities**

- **Legal**

- **Crime and Disorder**

- **Information Technology (IT)**

- **Property**

12   Consultation

12.1 Political groups have been consulted on how scrutiny processes can be improved.

13 Recommendations

13.1 Members are asked to note this report and consider whether there any changes to the present governance arrangements in respect of scrutiny which they would wish to recommend Council to adopt.
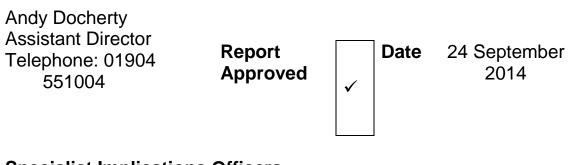
<u>Reason</u>

To ensure that overview and scrutiny operates effectively

Contact Details

Author and Chief Officer responsible for the report:

Andy Docherty
Assistant Director
Telephone: 01904
551004

Report Approved ☑ **Date** 24 September 2014

Specialist Implications Officers

Not applicable

Wards Affected: Not applicable **All** ☑

For further information please contact the author of the report

Background Papers

None

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