

**Customer & Corporate Services Scrutiny
Management Committee**

11 March 2019

Report of the CSMC Scrutiny Review Task Group

Scrutiny Operations and Functions Review –Final Report

Summary

1. This report presents the Customer and Corporate Services Scrutiny Management Committee (CSMC) with all the information gathered by the Task Group assigned to review scrutiny operations and functions at City of York Council, along with its conclusions and recommendations.

Background

2. In June 2018 CSMC considered an update report on the implementation of changes to the Council's scrutiny function resulting from the review of 'Future Ways of Working in Scrutiny' completed in March 2017.
3. Specifically the Committee considered the operation of a trial in relation to Economy and Place Scrutiny and the alignment of Scrutiny Committees to Directorates. The Committee were told that the changes had allowed members of the Economy and Place Policy Development Committee to look at long-term policy development and give early input to Executive on emerging issues. By comparison, the E&P Scrutiny Committee had struggled to find appropriate topics to review so the focus had been more on overview.
4. During the debate it was noted that the previous year had not been a particularly productive one for any of the Scrutiny Committees and it was felt that member engagement was an issue, as was support from Officers and that there might be some merit in reviewing the organisation's cultural approach towards scrutiny in an effort to help it become more effective.
5. Concern was also raised at that time regarding the increased workload faced by the Health, Housing and Adult Social Care Policy and Scrutiny Committee now that the housing and community safety elements of the

Directorate has been included in the remit of the former Health and Adult Social Care policy and Scrutiny Committee.

6. Whilst CSMC agreed to extend the pilot arrangements with the two Economy and Place Committees for a further year, Members also agreed to review how the scrutiny function moves forward for the next administration and to appoint a Task Group comprising Councillors Williams, Galvin, Reid and D'Agorne to carry out this work on the Committee's behalf.
7. In August 2018 the Task Group met for the first time and proposed a remit for the review, along with the aims and objectives below. The remit was agreed, as set out below, by a full meeting of this Committee in September 2018.

Remit

8. **Aim:** To propose operational arrangements and a structure for scrutiny to improve engagement and outcomes, ensuring that the function is as effective as possible.
9. **Objectives:**

Structure

- To address the balance of committee workloads
- To evaluate the current functions of Scrutiny Committees, including pre and post decision call-in, overview and the performance management role

Engagement

- To assess the current level of officer and member engagement and explore ways to improve it
- To explore ways to establish robust and measurable work planning

Training

- To assess the need for member training and on-going development on scrutiny topics
10. Over a series of meetings, the Task Group sought to identify and resolve a number of challenges to allow the next administration to begin their

tenure with a solid foundation for Scrutiny work in York.

Information Gathered

Scoping Meeting

11. The Task Group agreed that it would be essential to investigate the views of Members in key Scrutiny positions (Chairs / Vice-Chairs) in order to ascertain their views on the current effectiveness of Scrutiny.
12. It was highlighted in this meeting that a number of similar reviews had previously been carried out and that this review would not be focussed solely on the structure of scrutiny committees as it was felt that engagement with the function was of equal, if not greater, importance at the current time.
13. Members also discussed the importance of discussing the operation of the Scrutiny function with the Corporate Management Team in order to address concerns regarding the engagement and support of senior officers.

Meeting with Scrutiny Chairs and Vice-Chairs

14. On 10 December 2018 the Chairs and Vice-Chairs of all the Scrutiny were invited to a meeting with the Task Group to share their view on how scrutiny was working in York.
15. During the discussions it was noted that there was a belief that Councillors are not always assigned to the Committees and Task Groups in which they have the most interest / expertise and that this resulted in a lack of engagement and focus in Scrutiny. It was also noted that Scrutiny Members were often left feeling disheartened as they did not always see the fruit of their labours. The Task Group felt this could be improved with better communication and feedback about the progress of implementation of scrutiny recommendations.
16. The meeting considered that Scrutiny Committees were presented with too many reports which were simply 'to note' by Members. It was felt that the purpose and effectiveness of scrutiny was not being fulfilled in this respect.
17. One of the key issues discussed at the meeting was that of timing. Members suggested that reports to Scrutiny often came too late for the various committees to have meaningful input into subsequent decisions. If Scrutiny is to be effective in making a cross-party contribution, prior to

formal decision making, then these reports need to be made available at a much earlier stage in the process. There were discussions regarding how this could be resolved in terms of improved committee work planning and review of the forward plan process.

18. The meeting discussed the culture of the organisation with regard to the role of scrutiny. Whilst it was acknowledged that some scrutiny members do not always value scrutiny as it could be, it was also felt that at times further efforts could be made to engage scrutiny early by officers and future controlling administrations, of whatever political makeup to enable it to add real value to the work of the Council and the quality of life for York residents.
19. The meeting also discussed the effectiveness of the new working arrangements for the Economy and Place Scrutiny and Policy Committees. It was noted that whilst the acknowledgement of the different roles of Scrutiny was important, the distinction between the committees was not always clear.
20. It endorsed the view that the remit of the Health, Housing and Adult Social Care Policy and Scrutiny Committee was too big and that forming two committees covering this work area might be helpful. In suggesting that, however, Members were mindful of avoiding too much potential constitutional or structure change by endeavouring to adhere to the current principle of matching scrutiny committees to directorates.

Corporate Management Team

21. On 18 December 2018 the Task Group then met members of the Corporate Management Team to discuss issues around scrutiny from an Officer perspective.
22. It was noted that whilst there was good Officer / Member engagement with the Health, Housing and Adult Social Care Policy and Scrutiny Committee, the Committee found it difficult to get to grips with its new responsibilities, particularly around community safety. There was sympathy for members given the wide range of complex topics presented to the committee. As a consequence, issues were not being examined in detail or to the extent that the committee would have liked.
23. It was also felt that the Committee's extended remit led to Members moving between the work of varied sections of the directorate too often.

24. CMT spoke of the on-going governance review being undertaken, and suggested that any recommendations from this review, take into account the wider context.

Further to that review, CMT suggested that Members could consider allocating further resources to Scrutiny which might help address the operational effectiveness of and engagement with scrutiny and could include support for training.

25. A feeling was expressed that Scrutiny Members sometimes asked for generic information from specialist officers leading to time consuming discussions around data. It was suggested that factual briefings for the committee from a member of the Scrutiny team could help fill any gaps in Member knowledge prior to formal meetings.
26. The Corporate Management Team also expressed their view that there needed to be further member development on the role of Scrutiny and this was a potential area in which further resources could be allocated to the Scrutiny function, as suggested in paragraph 24 above..
27. The culture of the authority was again discussed and it was expressed that members and officers could focus more on early engagement with scrutiny on matters where value could be added.
28. Finally Officers discussed the art of work planning for Scrutiny committees and highlighted opportunities to explore ways in which the planning of Committee workloads could challenge the topics most important to York's communities and CYC as an authority.

Local Government Association - 'Scrutiny for Councillors'

29. The following excerpts have been taken from the LGA's 'Scrutiny for Councillors' Workbook from 2015. Many of these points are reinforced by the Centre for Public Scrutiny's own response to the CLG's Committee Review, and identify recommendations on good scrutiny practice.

What is Scrutiny?

- The principal power of a Scrutiny Committee is to influence the policies and decisions made by the Council and other organisations delivering public services.

- Scrutiny committees identify where decisions and policies could be improved and recommend ways in which mistakes, and the recurrence of mistakes, could be prevented.
- Scrutiny is designed to influence positive change, rather than apportioning blame or focussing on the negatives. Scrutiny should be seen as a policy improvement tool, rather than a forum for criticism. It is a challenge, not the outright condemnation of policy.

How should Scrutiny operate?

- Scrutiny should gather evidence on issues affecting local people and make recommendations based on its findings.
- Scrutiny works best when it is seen as a ‘critical friend’.
- Scrutiny is only effective when there is a positive attitude to Scrutiny from the Executive, Council officers and Scrutiny Members
- Good scrutiny involves:
 - Tackling issues of relevance to local people
 - Adding value
 - Talking to a wide range of stakeholders
 - Challenging previously accepted ways of working

Analysis

Structure

30. Further to its work and consultation, the Task Group found that the Health, Housing and Adult Social Care Scrutiny Committee had too large a remit and that the current structure of Economy and Place Scrutiny and Policy Committees had not resulted in improved working arrangements for scrutiny.

Engagement

31. It is important for senior officers, the Executive and members of scrutiny committees to better understand and embrace the purpose of Scrutiny and how this can positively contribute to decision making and improved outcomes for Scrutiny. Whilst the Task Group also felt that it was important for Members to be assigned to Scrutiny areas in which their

interest lies, it recognised there were difficulties in doing this consistently, given the current number of Committees and proportionality arrangements.

32. A Scrutiny Committee raising an issue should not be seen as a threat, but instead an opportunity for cross party discussion and early consultation, ensuring that Scrutiny contributes to balanced Executive decision making.
33. There is also an opportunity to increase engagement with the community and as a result help focus scrutiny on topical issues most important to the public, as well as take into account their views on relevant issues, through drop-ins and other methods.
34. In order for scrutiny to be truly embedded within any local authority, the Task Group felt, as the LGA guidance identifies, that proper working relationships, with the Executive continuing to embrace the value of scrutiny, are essential. Culturally, scrutiny should be regarded as a forum where the Executive and Officers can refer issues for consideration which are of significant public interest or worthy of cross party engagement. This would enable effective pre-decision Scrutiny, at an earlier stage, helping to inform Executive decision making.

Work planning

35. Views received indicate that closer affiliation with the Executive, corporate and Directorate priorities is important in ensuring that each committee can effectively spend its time scrutinising work appropriate to the Council's future direction, as well as reviewing performance.

The 'Calling in' processes

36. Whilst acknowledging that the existing pre-decision 'call in' process was a genuine organisational commitment to providing an additional opportunity and route for Scrutiny Members to get involved in future decision making at an early stage, practical experience had given rise to a strong feeling that it was neither beneficial nor effective. The working arrangements and associated timescales of pre-decision 'call in' linked to the Forward Plan as it currently is, often resulted in its purpose not being fulfilled. Removing this mechanism ought to encourage both Scrutiny Members and Officers to engage with more genuine pre-decision scrutiny, freed from the restrictive timescales of the Forward Plan. This is where greater scrutiny familiarity with directorate and corporate priorities would be helpful.

The Task Group believe that the current working arrangements for post-decision 'call in' via CSMC should continue as presently operated.

Support and Development for Scrutiny Members

37. The importance of enhancing support for Members in relation to Scrutiny was raised by both Members and Officers, having particular regard to the complexity and wide-ranging issues discussed by each committee. The Task Group feel that further support could help improve both Member and officer engagement, ultimately improving the quality of the discussion and the outcomes achieved.

Conclusions

38. As stated at the beginning of this review, altering the committee structure was not a key objective. However, the need to review the Health, Housing and Adult Social Care Scrutiny and Policy Committee came from significant feedback from Members and Officers, who agreed this committee currently has too wide a remit to function effectively. It was felt that health issues were being marginalised and the burgeoning housing agenda was being afforded little capacity.
39. Based on the consultation the Task Group had undertaken, there was a feeling that the scrutiny function was not necessarily perceived to be a useful experience for either Members or Officers involved. A shift in the Council's cultural approach would be necessary in order for Scrutiny to become a valued resource in delivering effective and efficient services for its residents as well as providing considered and measured future policy and strategic direction.
40. In coming to this conclusion, the Task Group acknowledged the proper and constitutional role of the democratically elected ruling Administration in making key decisions and delivering its manifesto. Further to that, however, the Task Group also recognised the LGA and CfPS key principles relating to effective scrutiny and that Members working in cross party scrutiny could provide support in policy development and checks and balances to an Executive.
41. In achieving greater engagement with scrutiny, the Task Group recognised that the way in which Scrutiny currently plans its workload is flawed. In order to work effectively, Scrutiny ought to have early information on planned decisions and work so that it can review issues as it feels necessary. Pre-decision 'calling in' was added to the working arrangements of Scrutiny to help positively influence this, but due to the

limited time involved in an item appearing on the forward plan, prior to a decision being made, this process is ineffective. As referred to elsewhere in this report, scrutiny work plans ought to be considered alongside, and in conjunction with, the Executive Forward Plan and Directorate priorities. This will help to ensure scrutiny is valued as a resource and has the necessary information to review executive decision making and provide appropriate advice and support to decision makers.

42. The subsequent recommendations focus on practical ways to influence cultural and collective change.

Consultation

43. The Task Group has consulted with the Chairs and Vice-Chairs of the Council's Policy and Scrutiny Committees and members of the Corporate Management Team. In addition it has taken into account the Local Government Committee's recommendations to Central Government on the Effectiveness of Local Government Overview and Scrutiny Committees and the Local Government Association's 'Scrutiny for Councillors' Workbook 2015.

Review Recommendations

44. Structure:

- i. That the Health, Housing and Adult Social Care Policy and Scrutiny Committee be split into:
 - Health and Adult Social Care policy and Scrutiny Committee;
 - Housing and Safer Neighbourhoods Policy and Scrutiny Committee.

Reason: The Committee's extended remit is too large to allow effective scrutiny.

- ii. That the Economy and Place Policy Development and Scrutiny Committees are rejoined.

Reason: To end the uncertainty around the roles of each committee and to provide Economy and Place with a comprehensive scrutiny function

Engagement

- iii. In support of the work undertaken by scrutiny, that the Executive continue to formally respond to all Scrutiny Reviews, implementing recommendations it considers appropriate and reporting back to Scrutiny on any it considers inappropriate, explaining its reasons.

Reason: To demonstrate that the work of scrutiny is valued and to keep it informed of the implementation of review recommendations

- iv. That the relevant Chief Officers attend appropriate Scrutiny Committee meetings as a matter of course.

Reason: To fully engage with scrutiny members and to present and assist with detailed reports.

- v. That the Chief Executive and other Chief Officers actively promote involving scrutiny in the development of policy to their teams and encourage that issue be brought early to scrutiny for discussion.

Reason: To give scrutiny a greater opportunity to add value and bring greater transparency to policy development.

- vi. That Executive Members are encouraged to attend relevant scrutiny committee meetings on a regular basis.

Reason: To give scrutiny a greater opportunity to add value and bring greater transparency to policy development.

- vii. That public engagement with scrutiny is reviewed to better promote its aims and outcomes.

Reason: To improve public awareness of and engagement with the role of scrutiny

Work Planning

- viii. That the Executive's Forward Plan be used to guide scrutiny as a matter of course and help inform its own work planning.

Reason: So scrutiny is involved in early consultation and discussion on issues due for decision

- ix. That Directorate priorities are shared with the Chairs and Vice-Chairs of the relevant scrutiny committees and that regular meetings take place between these members and the relevant Chief Officers

in order to help inform the business of their Committees.

Reason: To help Scrutiny plan its programme of work.

- x. That scrutiny committee meetings are held monthly.

Reason: To respond to the increased workloads experienced by some scrutiny committees and to allow for more pro-active and extensive scrutiny.

- xi. That scrutiny committees be aware of relevant opportunities to scrutinise the activities of external bodies providing public services affecting the city and its residents (Health Overview & Scrutiny Committee already actively performing this role given its statutory obligations).

Reason: To enable scrutiny to maintain a watching brief on organisations providing services that affect members of the public.

Calling-in process

- xii. That the Pre-Decision Call-In process be removed from the Constitution.

Reason: To encourage a more timely and pro-active approach to pre-decision scrutiny.

Support and Development for Members

- xiii. That current scrutiny resource is reviewed with consideration being given to additional support for scrutiny to enhance support for Members and help improve the organisational quality of Scrutiny and its outcomes in the context of the wider governance review identified in the report

Reason: To further improve engagement with and the delivery of the scrutiny function in York.

- xiv. That Scrutiny Members receive factual briefings on areas of chosen interest or review in relation to their Committees, to ensure they are better and adequately equipped to undertake allocated work.

Reason: To improve the quality of scrutiny.

CSMC

- xv. That the Customer and Corporate Services Scrutiny Management Committee review the work and functionality of Scrutiny on an annual basis.

Reason: To ensure the scrutiny function improves and develops.

Council Plan

45. As Scrutiny has an overarching function within CYC activities the recommendations in this report will at some stage be linked to all the priorities in the Council Plan.

Implications

46. There are no direct implications associated with any of the recommendations, other than:
47. **Financial:** If, following future review, additional resources were to be provided within the Scrutiny Team, it would be necessary to identify the budgetary implications associated with any increase in staff resources.
48. **Human Resources:** In light of any future review of resources within the Scrutiny Team, clearly, the Council's appropriate HR procedural rules would need to be applied in relation to any increase in staffing complement and to any subsequent recruitment process
49. **Legal:** Whilst there are no direct legal implications arising from any of the recommendations, recommendations 44 (i), (ii) and (xii) would require constitutional change if endorsed and as such would require consideration and approval by Full Council, prior to any implementation.

Risk Management

50. There are no direct risks associated with the recommendations in this report. However, it should perhaps be noted that if none of the recommendations are implemented and none of the identified steps are taken to address the generic issues of engagement with and commitment to scrutiny, there is a danger that both Officers and Scrutiny Members will continue to feel that the Council's scrutiny function is not best placed to add value to the organisation or to get suitably involved in scrutinising the Council's decisions or contributing to its future direction of travel.

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Wards Affected:

All

For further information please contact the author of the report