

## **ARTICLE 8 – POLICY, OVERVIEW AND SCRUTINY**

### **1 Role and Function of Policy, Overview and Scrutiny**

- 1.1 Effective scrutiny offers non-executive members the opportunity to propose policy changes, suggest improvements, commend good practice, involve communities and take a leadership role on issues of significant concern in local areas.
- 1.2 The Council will appoint the following Policy, Overview and Scrutiny bodies to discharge the functions conferred by section 21 of the Local Government Act 2000:
- Customer & Corporate Services Scrutiny Management Committee (will act as the Council’s statutory scrutiny committee)
- 1.3 Standing Policy, Overview & Scrutiny Committees:
- Economy & Place Policy and Scrutiny Committee
  - Children, Education & Communities Policy & Scrutiny Committee
  - Health & Adult Social Care Policy & Scrutiny Committee
  - Housing & Community Safety Policy & Scrutiny Committee
  - Climate Emergency Committee
- 1.4 The Chairs and Vice Chairs of the Policy, Overview and Scrutiny Committees are appointed by Full Council.
- 1.5 The common functions and individual terms of reference for each of the Policy, Overview and Scrutiny Committees are set out below.
- 1.6 All Councillors, except Members of the Executive, may be members of a scrutiny committee. However, no Councillor may be involved in scrutinising a decision in which he or she has been directly involved.

1.7 Government Statutory Scrutiny Guidance (2019) promotes the four core principles for effective scrutiny originally proposed by The Centre for Governance and Scrutiny namely:

- Provide constructive ‘critical friend’ challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role;
- Drive improvement in public services.

1.8 Any efficiency reviews undertaken by a Overview, Policy and Scrutiny Committee should:

- a) be outcome focused and reflect the Council’s corporate priorities;
- b) challenge assumptions about the Council’s operational processes;
- c) ensure all feasible options for the future delivery of services are explored and appraised;
- d) encourage the involvement of interested parties and external partners;
- e) make relevant recommendations to the Executive or Council

1.9 For further information on how scrutiny fits into the Council’s committee structure see Article 8, Appendix 5 and Appendix 7 of this Constitution

## **2 General Role**

2.1 Within their terms of reference, the Scrutiny Committees will:

- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;

- b) make reports and/or recommendations to the full Council and/or the Executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- c) consider any matter affecting the area or its inhabitants; and
- d) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive. A call-in request received will be considered by the Customer and Corporate Services Scrutiny Management Committee in accordance with the procedures at Appendix 5 of this Constitution

### **3 Specific Functions**

3.1 Policy development and review.

3.2 The Scrutiny Committees may:

- a) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d) question members of the Executive and committees and Senior Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects on the issues and proposals affecting the area; and
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

## **4 Scrutiny**

### **4.1 The Scrutiny Committees may:**

- a) review and scrutinise the decisions made by and performance of the Executive and/or committees and Council officers both in relation to individual decisions and over time;
- b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- c) question members of the Executive and or committees and Senior Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- d) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
  - i. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address an Improvement and Scrutiny Committee and local people about their activities and performance; and
  - ii. question and gather evidence from any person (with their consent).

## **5 Best Value**

- 5.1 To oversee specific Best Value reviews undertaken on the Council's functions; receive progress reports; and make recommendations for consideration by the Executive on measures to be implemented.

## **6 Annual Report**

- 6.1 The Scrutiny Committee (CCSMC) must report annually to full Council on their working and make recommendations for future work programmes and amended working methods if appropriate.

## **7 Proceedings of Scrutiny Committees**

- 7.1 The Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Appendix 5 of this Constitution.

## **8 Impartiality**

- 8.1 When considering any matter as a member of a Scrutiny body the party whip will not be exercised.

*Note: the Party whip is defined as any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council and any committee or sub-committee or the application or threat to apply any sanction by the group in respect of that Councillor should he or she speak or vote in any particular manner.*

## **9 Access to Information**

- 9.1 Requests for access to information by a Member of a Scrutiny Committee will be considered in accordance with the Access to Information rules at Appendix 7 of this constitution.

## **10 Customer & Corporate Services Scrutiny Management Committee**

- 10.1 To oversee and co-ordinate/support the work of the Scrutiny Committees in its capacity as the Council's statutory scrutiny committee.

- 10.2 This will include:

- a) Allocating responsibility for issues which fall between more than one Overview & Scrutiny Committee;
  - b) Allocating, in consultation with the Chair/Vice-Chair, urgent issues to be considered by an appropriate committee (including and-hoc scrutiny committee), as may be necessary;
  - c) Reviewing progress against the work plans of the Overview & Scrutiny Committees, as may be necessary and receiving updates from Chairs of those scrutiny committees, as required;
  - d) Receiving periodical progress reports, as appropriate, on specific scrutiny reviews.
  - e) Considering and commenting on any final reports arising from completed reviews produced by the Overview & Scrutiny Committees, as required.
- 10.3 To provide an annual report to Full Council on the work of the overview & scrutiny function
- 10.4 To consider all post-decision Call-in for scrutiny in accordance with the Scrutiny Procedure Rules as set out in Appendix 5 of the Constitution and to question any Executive Member, as may be required
- 10.5 In consultation with the Monitoring Officer, to periodically review the scrutiny procedures to ensure that the function is operating effectively and recommend to Council any appropriate constitutional changes relating to the scrutiny structure or procedural rules.
- 10.6 To receive details of petitions received by the Council in line with the Council's published arrangements and responses or proposed responses to those petitions. To consider using its powers as a scrutiny committee to support the Council in responding appropriately to issues raised by such petitions and, in so doing, to promote public engagement.
- 10.7 Is responsible for monitoring performance of the following areas:
- a) Legal Services
  - b) Information Governance and Complaints

- c) Civic & Democratic Services
- d) Electoral Services
- e) Corporate Finance and Procurement
- f) Human Resources and Organisational Development
- g) Customer, Resident and Exchequer Services
- h) Digital and ICT

## **11 Policy and Scrutiny Committees**

- 11.1 The Council will establish Standing Policy and Scrutiny Committees whose overarching functions are:
- 11.2 To exercise the powers of an Overview and Scrutiny Committee under section 21 of the Local Government Act 2000 by:
- a) Promoting a culture of continuous improvement across specific service plan areas
  - b) Challenging and reviewing the performance of those services
  - c) Assisting in the development of appropriate council policy in relation to those services
  - d) Maintain an annual work programme and ensure the efficient use of resources
- 11.3 In accordance with the powers of the Council, the Executive and Customer & Corporate Services Scrutiny Management Committee and subject to the Scrutiny Review Procedural Rules in Appendix 5 of this Constitution:
- a) Review any issue that it considers appropriate or any matter referred to it by the Executive, Customer & Corporate Services Scrutiny Management Committee or Council and report back to the body which referred the matter.
  - b) Identify aspects of the Council's operation and delivery of services, and/or those of the Council's statutory partners, suitable for efficiency reviews

- c) Carry out efficiency reviews or set up a Task Group from within their membership to conduct a review on their behalf.
- d) Scrutinise issues identified from the Executive's Forward Plan, prior to a decision being made subject to the Pre-Decision protocol at Appendix 5 of this Constitution
- e) Receive Executive Member reports relating to their portfolio, associated priorities & service performance when requested by the committee
- f) Scrutinise the services provided to residents of York by other service providers, as appropriate
- g) To make final or interim recommendations to the Executive and/or Council
- h) To report any final or interim recommendations to Customer & Corporate Services Scrutiny Management Committee, if so requested
- i) Monitor the Council's financial performance during the year
- j) Monitor progress on the relevant Council Priorities and advise on potential future priorities.
- k) Initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to their service plan areas

11.4 In carrying out their individual remit each Scrutiny Committee must ensure their work further promotes inclusiveness and sustainability.

## **12 Scrutiny Service Plan Responsibilities**

12.1 Each Scrutiny Committee is responsible for the following service plan areas.



12.2 Economy & Place Policy and Scrutiny Committee:

- a) Highways
- b) Transport & Parking
- c) Planning & Development
- d) Regeneration & Asset / Property Management
- e) Economic Growth
- f) Emergency Planning
- g) Flood Risk
- h) Public Realm
- i) Waste
- j) Fleet
- k) Public Protection (Trading Standards, Environmental Health, Food Safety Licensing)
- l) Client Management: Make it York, GLL
- m) Client Management: YorWaste

12.3 This committee is responsible for examining long term policy development, strategic objectives and horizon scanning for best and emerging practice across the Economy & Place Directorate and for examining performance, operational outcomes and customer expectation and major project progress across the above service areas.

12.4 Children, Education & Communities Policy & Scrutiny Committee:

- a) School effectiveness and achievement, including school attendance and school safeguarding
- b) Children's Social Care
- c) School services, which include:
  - School place planning and capital maintenance
  - School transport
  - Admissions
  - The School governance service and SENDIASS
  - Behaviour and attendance
  - Elective home education
  - Children missing education

- d) Local Area Teams
- e) Skills
- f) Early Years and childcare
- g) The Virtual School for children in care
- h) SEN and disability services
- i) Educational Psychology
- j) Neighbourhood Working
- k) Community Centres
- l) Voluntary Sector
- m) Culture
- n) Museums
- o) Libraries & Archives
- p) York Learning
- q) Children's Social Care

12.5 This committee is responsible for monitoring the performance of the above service areas through regular performance monitoring reports.

12.6 Health & Adult Social Care Policy & Scrutiny Committee:

- a) Public Health
- b) Services for carers
- c) Adult Safeguarding
- d) Adult Social Care Provision
- e) Adult Social Care Community Teams
- f) Commissioning, Quality Improvement and Partnerships
- g) Early Intervention and Prevention

12.7 This committee is responsible for monitoring the performance of the above service areas through regular performance monitoring reports.

12.8 In addition to the general powers and delegated authorities of Scrutiny Committees of this Council as set out above, the Health & Adult Social Care Scrutiny Committee is also responsible for:

- a) the discharge of the health and scrutiny functions conferred on the Council by the Local Government Act 2000

- b) undertaking all of the Council's statutory functions in accordance with section 7 of the Health and Social Care Act 2001, NHS Reformed & Health Care Professional Act 2002, and section 244 of the National Health Service Act 2006 and associated regulations, including appointing members, from within the membership of the Committee, to any joint overview and scrutiny committees with other local authorities, as directed under the National Health Service Act 2006.
- c) reviewing and scrutinising the impact of the services and policies of key partners on the health of the City's population
- d) reviewing arrangements made by the Council and local NHS bodies for public health within the City
- e) making reports and recommendations to the local NHS body or other local providers of services and to evaluate and review the effectiveness of its reports and recommendations
- f) delegating functions of overview and scrutiny of health to another Local Authority Committee
- g) reporting to the Secretary of State of Health when:
  - i. concerned that consultation on substantial variation or development of service has been inadequate
  - ii. it considers that the proposals are not in the interests of the health service

12.9 Housing and Community Safety Policy & Scrutiny Committee:

- a) Housing Revenue Account
- b) Housing general
- c) Commissioning and contracts
- d) Older People's Accommodation Programme
- e) Landlord services
- f) Homelessness and Housing options, standards and adaptations
- g) Community Safety
- h) Early intervention, prevention and community development
- i) People & Neighbourhoods Strategy & Policy

- j) Anti-social behaviour
- k) Building Services
- l) Repairs and maintenance
- m) Housing Development

12.10 This committee is responsible for monitoring the performance of the above service areas through regular performance monitoring reports.

12.11 Climate Emergency Committee:

- a) Producing a ten-year Climate Emergency Action Plan and a Sustainable Energy Action Plan that engage and involve all departments within the Council and the wider city;
- b) Reviewing the Council's practices, policies, and procedures to develop an understanding of emission impacts on the city;
- c) Seeking advice from experts to recommend 5-year carbon budgets, across all the Council's activities;
- d) Establishing a carbon emissions baseline for the city that can be maintained to quantify the challenges that York faces and to provide annual reports on citywide progress towards the 2030 target;
- e) Developing mitigation strategies to enable communities to become more resilient in the face of climate change;
- f) Learning from best practice in other cities;
- g) Reviewing best practice across major UK institutions and local authorities on moving away from holding investments in fossil fuel companies that have not aligned their businesses with the Paris Climate Accord by 2023;
- h) Identifying external funding streams, locally, nationally and EU-wide, that may help us deliver a carbon neutral York;
- i) Considering how the committee's recommendations would reduce carbon emissions, to be developed in

the context of environmental responsibility, economic prosperity, social equity and cultural vitality;

- j) Endeavouring to ensure that the ten-year Climate Emergency Action Plan obtains cross-party support and commitment to guarantee its delivery;
- k) Work in collaboration with the York Climate Change Commission.

## **13 Task Groups**

- 13.1 These will be formed from within the membership of an individual Scrutiny Committee to undertake a specific scrutiny review in accordance with the powers conferred by section 21 of the Local Government Act 2000.