

## **PART 4F - SCRUTINY REVIEW PROCEDURE RULES**

### **1 Registration of New Scrutiny Topics**

- 1.1 In order for a scrutiny review to be carried out Councillors must complete a topic registration form outlining the reasons behind the need for the review. For example, it may be as a result of an unresolved Councillor Call for Action (CCfA) – for guidance on CCfA see Annex A. Councillors can do this in writing or online through their ‘Work to Do’ area on the Council intranet.
- 1.2 New topics are added to the relevant scrutiny committee’s workplan and the Scrutiny Officer with responsibility for that scrutiny committee will produce a feasibility report in consultation with Councillors, relevant officers across the Council and where necessary relevant partner organisations.
- 1.3 For each topic the relevant scrutiny committee may decide to:
- (a) defer a decision until such time as further information is available which may influence that decision.
  - (b) decide not to carry out a review of the registered topic. In which case, the reasons will be recorded in the minutes of the meeting to inform any decisions about topics registered in the future.
  - (c) decide to proceed with a review. The new review will be added to the committee’s workplan.

### **2 Carrying Out A Scrutiny Review**

#### **2.1 Common Practice**

- 2.1.1 All scrutiny committees can:
- (a) carry out a review or appoint a task group from within their membership, to carry out the review on their behalf. Alternatively a task group can be formed to examine specific aspects of a review and report back its findings to the Committee.

- (b) appoint non-voting co-optees for the duration of a review. Such co-optees will be chosen for their relevant professional knowledge, expertise or where their involvement will ensure that the views of local residents or interested parties are represented. All co-opting arrangements shall be subject to periodic review by the Corporate and Scrutiny Management Committee.
- (c) seek the advice of an Expert Advisor (one who has previously been identified to support the work of the Scrutiny Committee based on their relevant academic knowledge), and may pay them expenses for doing so.
- (d) hold enquiries, go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations, subject to budget availability.
- (e) ask any external consultants / witnesses to attend to address them on any matter under consideration and may pay them a reasonable fee and expenses for doing so - see Witness Charter in Annex B.
- (f) require any Councillor (including Members of the Cabinet) or officers to attend a meeting to explain about matters within their remit. It is the duty of those persons to attend if so required and they may be required to answer questions relating to:
  - any particular decisions or series of decisions;
  - the extent to which the actions taken implement Council policy;
  - their performance.

**Note:** All attendees(Councillor or officer) must be informed of why they have been asked to attend, the date and time of the scheduled meeting, what they need to prepare i.e. produce a report or provide statistical information, and be given enough time in which to do so. All such Councillors and officers will be treated fairly and considerately in accordance with the

Witness Charter. Where, in exceptional circumstance, an attendee is unable to attend on the required date then the Scrutiny Officer in consultation with the Chair shall arrange an alternative date for attendance.

## **2.2 Councillors Rights to Access Information**

2.2.1 In addition to their rights as Councillors, members of scrutiny committees have additional right to documents and to notice of meetings if they can claim a 'need to know' basis in law – see the Access to Information Protocol in Part 5 of this Constitution.

## **2.3 Co-opted Voting Members**

2.3.1 The Learning & Culture Overview and Scrutiny Committee shall include in its membership such co-opted voting members as are required by statute for scrutinising educational matters. These will include the following representatives:

- (a) one Church of England diocese representative
- (b) one Roman Catholic diocese representative
- (c) two parent governor representatives

2.3.2 These statutory co-optees will be invited to attend meetings of the Learning & Culture Overview and Scrutiny Committee whenever educational issues are being discussed and scrutinised. They will not be expected to attend meetings when and if there are only items relating to leisure on the agenda.

2.3.3 All co-opted voting members are required to abide by the standards set out in the Council's Code of Conduct for elected Councillors, and appointments do not take effect until such an undertaking has been given.

## **2.4 Cycle of Meetings**

2.4.1 On commencement of a scrutiny review, the committee will consider a scoping report. If required, the Committee may agree some additional formal public meeting dates in order to

progress the ongoing review and these will be added to the Committee's workplan. This in turn will create a number of prompts within the committee management system for the Scrutiny Officer. These prompts will ensure the production of the right type of report within the right timescale for each stage of the review.

2.4.2 Councillors can also hold a number of informal meetings to ensure the review remains on focus. These meetings are usually supported by a briefing note to update members on the review's progress.

## 2.5 **Producing Scrutiny Reports**

2.5.1 A scrutiny committee may produce an interim report to update Corporate and Scrutiny Management Committee during an ongoing review. Once the review has been completed and the recommendations have been formed, scrutiny committees must prepare a final report and submit it for consideration to the Cabinet and/or Council. If requested, it must also be presented to Corporate and Scrutiny Management Committee for their consideration.

2.5.2 Where a scrutiny committee cannot agree on one single final report to Corporate and Scrutiny Management Committee then up to one minority report may be prepared and submitted for consideration at the same time as the majority report. In these circumstances each member of the scrutiny body may support (by signature) no more than one report. The report with the support of the greatest number of members of the scrutiny body shall be the report of that body and the report with the support of the least number of members shall be the minority report.

2.5.3 The final report shall be added to the Cabinet Forward Plan for consideration by the Cabinet within one month of it being submitted (or at the earliest available meeting if there is not a meeting scheduled within one month).

2.5.4 Templates for all the different types of scrutiny reports can be found at:  
<http://democracy.york.gov.uk/ecCatDisplay.asp?sch=doc&cat=12829&path=0>).

### **3 Call-in**

- 3.1 When a decision is made either by a Cabinet Member or the Cabinet it is published in a decision list online and circulated to all Councillors. In the case of an Officer key decision this is published online and all Councillors receive electronic notification.
- 3.1.1 The decision lists and electronic notifications bear the date on which they are published and will specify that the decision will come into force, and may then be implemented on the expiry of 2 working days after the publication of the decision, unless it is called-in under these procedures.
- 3.1.2 Not fewer than 3 named Councillors must lodge a written notice of their wish to call-in a decision with Democratic Services not later than 4pm two days after the decision has been taken. Upon receipt of a valid notice the Assistant Director of Governance and ICT will arrange for a meeting of the Corporate and Scrutiny Management Committee to be called. The notice must identify the item to be “called in” and give reasons for the calling-in.
- 3.1.3 If, having considered the decision, the Corporate and Scrutiny Management Committee is still concerned about it, then it may exercise the powers set out in the Local Government Act 2000 which will usually be by a referral to the Cabinet. If referred to the decision maker they shall then reconsider the decision, amending the decision or not, before adopting a final decision.
- 3.1.4 If, following an objection to the decision, the Corporate and Scrutiny Management Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Corporate and Scrutiny Management meeting.
- 3.1.5 The call-in procedure shall not apply where the decision being taken is urgent. A decision will be considered urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council’s or the public’s interests. The record of the decision, and notice by which it is

made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one together with the reason for urgency, and therefore not subject to call-in.

The call-in procedure shall not apply in relation to matters that have been subject of a previous call-in or to decisions that require approval of Full Council.

- 3.1.6 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Corporate and Scrutiny Management Committee with proposals for review if necessary.
- 3.1.6.1 There may be requirements for changes and/or additions to these procedures in the future. Any such changes are subject to the approval of Council.

**Annex A - Councillor Call for Action (CCfA)  
Guidance for Councillors and Officers**

<b>Introduction</b>	<p>Ward Councillors play a central role in the life of a local authority, as a conduit for discussion between the Council and its residents and as a champion for local concerns. To strengthen Councillors' ability to carry out this second role the Government has enacted in the Local Government and Public Involvement in Health Act 2007, provisions for a "Councillor Call for Action" (CCfA). This provides Councillors with the opportunity to ask for discussions at Scrutiny Committees on issues where local problems have arisen and where other methods of resolution have been exhausted.</p>
<b>Background &amp; context</b>	<p>For some time the Government has been pursuing the aim of giving more power to local people and local ward councillors. This aim has run through both 2006's 'Strong and Prosperous Communities' and 2008's 'Communities in Control' White Papers.</p> <p>Recent legislation has given more powers for overview and scrutiny functions to work more closely with partners and across organisational boundaries. These include powers to scrutinise a wide range of national, regional and local bodies, some of which were not previously subject to local authority challenge. This means that scrutiny is in a stronger position to resolve a wide range of policy issues. CCfA needs to be viewed in this context.</p>

<p><b>Principles</b></p>	<p>The successful operation of CCfA relies on several broad principles being recognised and supported in local authorities. These principles are:</p> <ul style="list-style-type: none"> <li>• Transparency in decision making and the involvement of scrutiny in the decision making process at some level;</li> <li>• A willingness to identify mistakes and shortcomings and the recognition of the need to resolve problems through discussion;</li> <li>• An understanding (among senior officers and executive members) of the role that scrutiny can play to help the Council improve its services;</li> <li>• An understanding and a wish to bolster and support the role that ward councillors play as champions and leaders of their communities.</li> </ul>
<p><b>How can CCfA be used?</b></p>	<p>CCfA is a tool that can be used by Councillors to tackle problems on a neighbourhood or ward specific basis that it has not been possible to resolve through the normal channels.</p> <p>A CCfA should represent genuine local community concerns and should focus on neighbourhood and ward issues, specifically the quality of public service provision, both by the Council and its partners. CCfA is a means of last resort when all other avenues have been exhausted and the Council has been unable to resolve the issue.</p> <p>It is important to recognise that CCfA is not guaranteed to solve a problem. What CCfA can provide is:</p> <ul style="list-style-type: none"> <li>• Recognition that an issue is significant enough for time, attention and resources to be spent in trying to resolve it;</li> <li>• A public forum for discussion of the issues;</li> <li>• An opportunity to discuss the issues in a neutral environment;</li> <li>• An opportunity to discuss a problem with the explicit and sole aim of solving it;</li> </ul> <p>A high profile process owner by the ward councillor.</p>



<p><b>What CCfA is not</b></p>	<p>CCfA should not be regarded as merely a scrutiny process. It is a whole Council approach which can help Councillors to resolve issues and problems on behalf of their residents.</p> <p>CCfA is not:</p> <ul style="list-style-type: none"> <li>• About a councillor’s everyday casework;</li> <li>• Appropriate for dealing with individual complaints;</li> <li>• To be used for dealing with issues that relate to individual quasi-judicial decisions (e.g. planning or licensing) or to council tax and non-domestic rates as these are subject to their own statutory appeals process.</li> </ul> <p>Any member can bring a CCfA on any issue they choose, however there are certain exceptions for example if a CCfA is:</p> <ul style="list-style-type: none"> <li>• Vexations, not reasonable and/or persistent – whether the request is likely to cause distress, disruption or irritation without any proper or justified cause;</li> <li>• Discriminatory – implying a group of people or an area receives better or worse services on account of that group’s predominant religion, race, sex or other characteristic.</li> </ul> <p>It does not replace the corporate complaints procedure or petitions to Council.</p>
<p><b>What kind of issues can be tackled?</b></p>	<p>Issues should be genuine local community concerns which focus on the quality of public service provision at a local level. It can include any function of the authority which affects the councillor’s ward and constituents. It can also include issues relating to crime and anti social behaviour.</p> <p>Issues that can be tackled by CCfA are usually persistent and have remained unresolved for a long period of time. They may be issues that the councillor is aware of from their work within their ward or they may decide to champion a request on behalf of the public.</p>

<p><b>What does championing a request mean?</b></p>	<p>Championing a request will mean taking the issue up on behalf of the resident(s) concerned and trying to resolve the problem by liaising with council services, the Cabinet and/or outside agencies.</p>	
<p><b>What if a councillor doesn't want to champion a request from a member of the public?</b></p>	<p>If a councillor decides not to champion a request, no further action will be taken under a CCfA. There is not a right of appeal by a member of the public.</p>	
	<p><i><b>Implications for Members</b></i></p>	<p><i><b>Implications for officers</b></i></p>
<p><b>Who can raise a CCfA</b></p>	<p>The power to initiate a CCfA lies solely with a councillor and it is up to them to determine which issues they want to take forward as a potential CCfA.</p>	<p>If a member of the public contacts an officer to say that they want to raise a CCfA, the officer should signpost them to their local ward councillor.</p>
<p><b>Initiating a CCfA</b></p>	<p>The first thing a councillor should do is log a potential CCfA with the Overview and Scrutiny Team (O&amp;S Team) who will help them to decide if any issue is suitable for the CCfA process (see contact details below).</p>	
<p><b>If it is a CCfA, what next?</b></p>	<p>The councillor will need to continue trying to resolve the concern themselves. They should keep the O&amp;S Team informed about the progress</p>	<p>As part of councillors' attempts to resolve issues officers may be asked to assist, for example by:</p>

	<p>they have made, keeping them up to date with key developments. The scrutiny team will try to assist in resolving the concern by, for example:</p> <ul style="list-style-type: none"> <li>• Providing advice to councillors in approaching partner agencies such as the PCT, Police or relevant partnerships;</li> <li>• Helping to formally raise an issue with services/partner agencies.</li> </ul>	<ul style="list-style-type: none"> <li>• Support councillors through the usual complaint or enquiry processes;</li> <li>• Attend meetings specifically set up to try and help councillors resolve the issue.</li> </ul>
<p><b>If the issue remains unresolved</b></p>	<p>At this stage the councillor should inform the O&amp;S Team who will discuss the issue and actions to date in more detail with the councillor. A scrutiny officer will then prepare a feasibility report to the relevant Overview and Scrutiny Committee which details the background and history of the issue.</p> <p>The Overview and Scrutiny Committee will then consider the request to carry out a CCfA review. The councillor is welcome to participate at the meeting and a decision will be made to either:</p> <ul style="list-style-type: none"> <li>• Carry out the review; or</li> <li>• Identify possible courses of action that the councillor has not thus far pursued; or</li> <li>• Request further information in order to</li> </ul>	<p>Officers may be asked to provide advice to the O&amp;S Team on action taken in relation to the issue. If the councillor flags an issue as a potential CCfA, officers might wish to consider more detailed recording of actions taken in case they are required to produce it for scrutiny purposes.</p> <p>Officers may also be asked to attend the relevant Overview and Scrutiny Committee meeting.</p>

	<p>make a decision; or</p> <ul style="list-style-type: none"> <li>• Determine that the issue is not suitable for the CCfA process and that no further action will be taken.</li> </ul>	
<p><b>The Scrutiny Committee has agreed to carry out a CCfA review – what happens now?</b></p>	<p>The CCfA will be added to the Scrutiny Committee’s work plan. The O&amp;S Team will produce a scoping report and if appropriate the councillor will be invited to participate in the review.</p>	<p>Officers may be required to provide technical support throughout the scrutiny review and/or to participate at relevant scrutiny meetings</p>
<p><b>What will happen after a CCfA review has been concluded?</b></p>	<p>A report will be produced together with a set of recommendations which will be presented to the Cabinet for consideration.</p> <p>Those recommendations approved by the Cabinet will be implemented and that implementation will be tracked by the O&amp;S Team and reported back to the Scrutiny Committee on a regular basis until completion.</p>	<p>Officers will be responsible for implementing agreed recommendations relevant to their service areas and providing update information as necessary to the O&amp;S Team.</p>
<p><b>Contact details</b></p>	<p>For further information and advice contact the Overview &amp; Scrutiny Team on 01904 552054/4279.</p>	
<p><b>Partner organisations (examples)</b></p>	<p>North Yorkshire Fire &amp; Rescue Service North Yorkshire Police Safer York Partnership</p>	

	<p>Leeds and York Partnership NHS Foundation Trust Vale of York Clinical Commissioning Group York Teaching Hospital NHS Foundation Trust Council for Voluntary Service Higher York Partnership</p>	
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## **Annex B – Scrutiny Witness Charter**

Attending a Scrutiny Committee meeting as a witness is voluntary and often a new experience for people. The City of York Council recognises the need to support witnesses. We will keep witnesses informed throughout the scrutiny process to try and ensure that the experience is as stress free as possible.

The Council will:

- 1 inform the witness of the time, date and place of the scrutiny meeting at which their evidence is to be taken.
- 2 inform the witnesses of the matters about which the scrutiny committee wish to ask them. Inform the witnesses of any documents that the scrutiny committee wish to have produced for them.
- 3 provide reasonable notice of all of the requirements of the scrutiny committee to enable the witness to respond in full at the earliest opportunity.
- 4 provide copies of all relevant reports, papers and background information.
- 5 arrange for the Chair of the scrutiny meeting to introduce him/herself to the witness prior to the proceedings.
- 6 ensure that all witnesses are treated with courtesy and respect and that all questions to witnesses are made in an orderly manner as directed by the Chair of the meeting.
- 7 ensure where appropriate that the witness is provided with information about claiming witness expenses.
- 8 following the proceedings, write to the witness and where appropriate, inform them of the outcome.
- 9 the Council's protocol on Officer/Member relations will apply to all internal witnesses.

## Notes of Guidance for Witnesses

### 1 Who will be at the scrutiny meeting?

All formal scrutiny meetings are held in public and the press and media may be present. In practice, unless it is a high profile issue it is rare for there to be more than one journalist taking notes. Members of the public are always welcome, but are not usually present in large numbers. Members of the scrutiny committee will be elected Councillors and possibly one or two co-opted Members e.g. from the voluntary sector. A Scrutiny Officer will be present (usually the person you've had contact with about attending the meeting), and a Democracy Officer will minute the meeting. Other officers with an interest in the scrutiny topic(s) on the agenda may also be present.

### 2 What happens when I arrive to attend a scrutiny meeting?

Upon arrival at the venue for the scrutiny meeting you will normally be met by someone from the Scrutiny team. The Scrutiny Officer will make contact with you prior to the meeting to confirm the arrangements, and where possible give you an indication of when your evidence is likely to be heard and explain the format for the meeting. If you have any particular anxieties or questions then you should not hesitate to raise these with the Scrutiny Officer. The Chair of the scrutiny meeting will also introduce him/herself to you before the start of the meeting.

### 3 What happens when I give evidence?

Witnesses are welcome to attend the entire meeting or can wait at reception until the board or panel reach the relevant agenda item. When you are called you will be shown to a seat at the table with the Members of the scrutiny committee. Members of the scrutiny committee will ask you questions in an orderly and respectful manner as directed by the Chair of the meeting. Remember:

- Take your time and speak slowly and clearly;
- Ask for questions to be repeated if you don't understand or cannot hear;
- If you are not sure of the answer then say so.

After you have finished giving your evidence you are free to leave if you wish to do so.

#### 4 Can I claim expenses?

If as a result of being asked to attend a City of York Council scrutiny committee you have incurred expenditure then you are entitled to claim reasonable “out of pocket” expenses. You should, where possible obtain receipts of any expenditure. If you would like to claim for your expenses, please ask the Scrutiny Officer and they will provide a form for you to make your claim. The Council does not reimburse the expenses of witnesses employed by the City of York Council.