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**Learning and Culture Policy and Scrutiny  
Committee**

**22 June 2015**

Report of the Assistant Director, Governance & ICT

**Arrangements for Overview & Scrutiny in York**

**Summary**

1. This report highlights the Council's structure for the provision of the overview and scrutiny function and the resources available to support it. It also details the current terms of reference for the individual Policy & Scrutiny Committees. These terms of reference may be subject to change by the new administration following the re-naming and redesignation of the Scrutiny Committees.

**Background**

2. In 2009 the Council restructured its overview and scrutiny function which led to the formation of a number of overview & scrutiny committees. In May 2015 the Council agreed to change these to Policy and Scrutiny Committees

**Introduction**

3. The Council's overview and scrutiny function currently has the following Policy & Scrutiny Committees in place:
  - Corporate & Scrutiny Management
  - Economic Development and Transport
  - Learning & Culture
  - Communities and Environment
  - Health & Adult Social Care

**Corporate & Scrutiny Management Policy and Scrutiny Committee  
(CSMC)**

4. This Committee oversees and co-ordinates the scrutiny function, including:

- allocating responsibility for issues which fall between more than one Policy & Scrutiny Committee
- allocating, in consultation with the Chair/Vice-Chair, urgent issues to be considered by an appropriate Committee (including an Ad-Hoc Scrutiny Committee), as may be necessary;
- reviewing progress against the Work Plans of the Policy & Scrutiny Committees, as may be necessary and receiving bi-annual updates from Chairs of those Scrutiny Committees, as required;
- receiving periodical progress reports, as appropriate, on particular scrutiny reviews;
- considering and commenting on any final reports arising from completed reviews produced by the Policy & Scrutiny Committees, as required
- provides an annual report to Full Council on the work of the Policy & Scrutiny Committees
- recommends to the Executive an appropriate budget to support the undertaking of scrutiny reviews as part of the Council's budget setting process, and manages the overall allocation of any such budget
- periodically reviews the scrutiny procedures to ensure that they are operating effectively and recommends to Council any appropriate constitutional changes relating to the scrutiny structure or procedural rules
- Consider any decision "called in" for scrutiny in accordance with the Scrutiny Procedure Rules as set out in Part 4 of the Council's Constitution.

5. In Addition, CSMC exercises the powers of an Overview & Scrutiny Committee under section 21 of the Local Government Act 2000, by promoting a culture of continuous improvement across all corporate, strategic and business services through developing, challenging and reviewing those services and by monitoring the performance of the following Council service plan areas through regular performance monitoring reports:

- |                           |                              |
|---------------------------|------------------------------|
| • Audit & Risk Management | • Human Resources &          |
| • Strategic Finance       | Directorate HR Services      |
| • IT&T                    | • Performance & Improvements |
| • Public Services         | • Resources & Business       |
| • Property Services       | Management                   |
| • Policy & Development    | • Business Support Services  |

- Civic Democratic & Legal Services
- Marketing & Communications
- Corporate Services
- Directorate Financial Services
- Management Information Services

## **Standing Policy & Scrutiny Committees**

6. Each of the four standing Policy & Scrutiny Committees has its own individual remit as detailed below:
  
7. Economic Development & Transport Policy & Scrutiny Committee  
 This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports:
  - Economic Development & Regeneration
  - Strategic Housing
  - Civil Engineering & Highways
  - Parking Services
  - Transport Strategy
  - Parking Strategy
  - Highways Strategy
  - Reinvigorate York
  - Environment Strategy
  - Carbon Reduction
  - Air Quality
  - National & Regional Transport Infrastructure
  - Digital Infrastructure,
  - Fleet Management
  - Planning, Conservation & Urban Design
  - Local Plan
  
8. Learning & Culture Policy & Scrutiny Committee  
 This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports
  - School Improvement & Staff Development
  - Children and Families
  - Partnerships & Early Intervention
  - Resource Management
  - Lifelong Learning
  - Youth Services
  - School Place Planning
  - Play Policy
  - Leisure
  - Tourism
  - City Centre Management, Markets & Events
  - Arts and Culture
  - Heritage
  - Parks

9. Communities & Environment Policy & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports:

- Flood Protection
- Smarter York
- Waste Management
- Street Environment
- Housing Landlord (HRA)
- Housing General
- Taxi Licensing
- Trading Standards
- Licensing Policy & Enforcement
- Licensing & Bereavement
- Registrar
- Safer City
- Emergency Planning
- Domestic Violence
- Safer Neighbourhoods
- Anti-social Behaviour
- Youth Offending
- Environmental Health
- Alcohol & Drugs Action
- Food Hygiene
- Animal Welfare

10. In addition, the Communities & Environment Policy & Scrutiny Committee is also responsible for the discharge of the functions conferred on the Council by sections 19 & 20 of the Police & Justice Act 2006, in relation to the scrutiny of community safety issues, the Police and the work of the local Crime and Disorder Reduction Partnership (known in York as the Safer York Partnership), made up of the following community safety partners:

- The Local Authority
- The Police Force
- The Police Authority
- The Fire and Rescue Authority
- The Primary Care Trust

11. Health & Adult Social Care Policy & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports

- Public Health
- Services for Carers
- Adult Safeguarding
- Assessment & Personalisation
- Older People, Mental Health & Respite
- Commissioning & Partnerships

12. In addition, the Health & Adult Social Care Policy & 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 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

### **Standing Policy & Scrutiny Committees - Common Functions**

13. In exercising the powers of an Overview and Scrutiny Committee under section 21 of the Local Government Act 2000, the four Policy & Scrutiny Committees shown above have the following common functions:
- Maintain an annual work programme and ensure the efficient use of resources.
  - Assist in the development and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to their service plan areas
  - Review any issue that it considers appropriate or consider any matter referred to it by the Executive, CSMC or Council and report back to the body that referred the matter.

- Identify aspects of the Council's operation and delivery of services, and/or those of the relevant Council's statutory partners, suitable for an efficiency review.
- Carry out efficiency reviews or set up a Task Group from within their membership to conduct a review on their behalf.
- Scrutinise issues identified from the Executive's Forward Plan, prior to a decision being made.
- Receive Executive Member reports relating to their portfolio, associated priorities & service performance.
- Scrutinise the services provided to residents of York by other service providers, as appropriate.
- Comment on the annual budget proposals and elements of the Corporate Strategy.
- Make final or interim recommendations to the Executive and/or Council
- Report any final or interim recommendations to CSMC, if requested
- Monitor the Council's financial performance during the year.
- Monitor progress on the relevant Council Priorities and advise on potential future priorities.
- Support the achievement of the relevant 'Local Area Agreement' priority targets

## **Work Planning**

14. Each of the four Policy & Scrutiny Committees will produce and maintain an annual work plan. This will appear on the agenda for each meeting, and will show the different stages of any ongoing reviews and the scheduled dates for receiving the following:
  - Performance and Finance Monitoring Reports
  - Reports from Local Strategic Partners
  - Updates from Executive Members
  - Updates on the implementation of recommendations arising from previous scrutiny reviews.

## **Council Plan 2011/2015**

15. The Policy & Scrutiny Committees are designed to be cross-cutting across Directorates and in carrying out its remit, may undertake work that supports one or more on the Council's Strategic Priorities. The Council's Corporate Strategy for 2011-15 contained the following priorities:

- Create Jobs & Grow the Economy
- Get York Moving
- Build Strong Communities
- Protect Vulnerable People
- Protect the Environment

16. In addition, CSMC and each of the Policy & Scrutiny Committees are responsible for ensuring their work promotes inclusiveness and sustainability.

### **Working Effectively as a Scrutiny Member**

17. The vast majority of Scrutiny Committee meetings are held in public, as with all other formal meetings of Committees upon which elected Councillors sit. For such public meetings, agenda and reports must be published 5 clear working days in advance of the meeting itself. This allows time for the public to engage with the issues being discussed and for them to attend or speak at the meeting, as they wish. These formal meetings are an important part of the scrutiny function, publicly being seen to examine and question plans, policies and actions.

18. Members of the Policy & Scrutiny Committees can:

- Meet on a regular basis
- Prepare for meetings and visits by reading briefing papers and preparing any questions for witnesses
- Formulate and agree an annual work plan for their Committee, in consultation with the relevant Scrutiny Officer
- Discuss and decide on the remit and scope of each scrutiny review they undertake
- Contribute to discussions as community representatives but without a political agenda
- Develop each review through constructive debate
- Participate as fully in Scrutiny reviews as their time commitments will allow – e.g. by attending site visits and taking part in smaller task groups
- Make recommendations based on their deliberations and information received
- Take ownership of their final reports and any recommendations, and work with the Scrutiny Officer on their production
- Monitor Scrutiny recommendations approved by the Executive to see how they are being implemented

- Identify items on the Executive Forward Plan for potential consideration by the Committee
- Treat officers, witnesses and other members with respect and consideration.

19. Chairs of Policy & Scrutiny Committees - in addition to their member role, each Chair is will:

- Provide leadership and direction at meetings and in terms of managing the progress of scrutiny work;
- Attend Chair's Briefing meetings with the Scrutiny Officer, Vice Chair and other officers as appropriate, to discuss how meetings will run and to manage the business
- Work with the Scrutiny Officer and senior officers to ensure an effective exchange of information, at all times
- Support Officers in setting realistic timescales scrutiny reviews, taking into account existing workload, resources and related pressures
- Ensure everyone gets the opportunity to contribute at meetings and their views are heard and considered
- Ensure that officers and witnesses are properly introduced at meetings and are always treated with respect and consideration, as set out in the Witness Charter
- Work with the Scrutiny Officer on the production of any final review reports, as appropriate
- Present the Committee's review final reports and recommendations to the Executive

20. Vice Chairs perform the Chair's role in their absence.

21. Statutory Voting Co-optees

- Are required for the Learning & Culture Policy & Scrutiny Committee, to represent parents and religious groups in relation to educational activity;
- Participate fully within the Scrutiny work as a member of the Committee (see member's role) and vote on issues within their educational remit;
- Provide advice and information to the Committee based on their specific skill, knowledge or expertise;



- Are not required to attend meetings which have no educational aspect.

22. Non-Statutory and Non-Voting Co-optees

- Can be invited by a Committee to provide advice and information based on their specific skill, knowledge or expertise, either on a permanent basis or for the duration of a review.
- Participate as a member of the Committee would do, but cannot take part in a vote if one is held during a meeting.

**Officer Roles Supporting Policy & Scrutiny Committees**

23. The work of the Policy & Scrutiny Committees is supported by officers in a number of ways:

24. The Scrutiny Services Team

- Facilitate and support CSMC and the Policy & Scrutiny Committees, and organise events and meetings
- Support CSMC in reviewing and improving the Scrutiny function
- Work with individual Committees to develop their annual work plans, and with CSMC to co-ordinate the overall scrutiny function
- Provide independent and impartial advice to Councillors
- Carry out research and gather information as directed by the Committees
- Provide a link between the Committees, senior officers of the council and external witnesses, inviting them to meetings and supporting them throughout the scrutiny process to ensure an effective exchange of information
- Liaise and consult with residents, partnerships and other external parties on behalf of the Committees
- Draft final reports in close consultation with the Chairs of the Committees
- Forward reports and agenda items to the appropriate Democracy Officer on time so these can be published
- Stay up to date with new developments in Scrutiny legislation and implement changes as necessary

25. Lead Officers

- Each Committee has a designated Lead Officer responsible for 'championing' scrutiny within their Directorates and ensuring

Scrutiny Officers receive appropriate technical support and information for scrutiny reviews/reports within agreed timescales.

- Lead Officers will attend Chair's Briefings and the Committee meetings.
- Relevant technical officers will also support scrutiny and Scrutiny Officers in providing Scrutiny Committees with technical reports and information and in attending meetings to advise Members.

## 26. Democracy Officers

- Provide constitutional advice at scrutiny meetings or to Scrutiny Officers and councillors when required
- Timetable meetings in consultation with Committee members
- Book meeting rooms and cancel bookings when necessary
- Receive reports and compile agenda for meetings, publish and circulate within the legal deadlines
- Write Minutes of policy & scrutiny meetings, consult with Scrutiny Officer afterwards and get Minutes signed off by the Chair of the Committee
- Provide a registration facility for members of the public wishing to speak at scrutiny meetings

## **Consultation**

27. This report is for information only - no specific consultation has taken place on this report.

## **Implications & Risk Management**

28. There are no known Legal, HR, Finance, Equalities, Crime & Disorder, Property or other implications associated with the recommendation in this report.
29. There are no known risks, associated with the recommendation in this report.

## **Recommendations**

30. Members are asked note the contents of this report and the specific remits of the individual Policy & Scrutiny Committees.

Reason: To inform Members of scrutiny arrangements

## Contact Details

**Author:**

Melanie Carr  
Scrutiny Officer  
Ext. 2063

**Chief Officer Responsible for the report:**

Andrew Docherty  
Assistant Director, Governance & ICT  
Ext 1004

**Report  
Approved**



**Date** 17 April 2015

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Background Papers:** N/A