



Notice of meeting of

Scrutiny Management Committee

To: Councillors Galvin (Chair), Aspden, Blanchard (Vice-Chair), Scott, Simpson-Laing, Taylor, R Watson and I Waudby

Date: Monday, 17 November 2008

Time: 5.00 pm

Venue: The Guildhall

AGENDA

1. **Declarations of Interest**

At this point in the meeting, Members will be invited to declare any personal or prejudicial interests they may have in the business on the agenda.

2. **Minutes** (Pages 3 - 16)

To approve and sign the Minutes of the meeting of the Scrutiny Management Committee held on 15 September 2008 and the final meeting of the Barbican Ad Hoc Scrutiny Committee held on 16 July 2008.

3. **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. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Friday 14 November 2008 at 5 pm.

4. Update on the Work of the Health Scrutiny Committee (Pages 17 - 22)

This report presents a summary of the work undertaken by the Health Scrutiny Committee since April 2008.

5. Protocol on Joint Scrutiny Reviews (Pages 23 - 30)

This report asks Members to consider adopting a protocol to enable joint scrutiny reviews to be undertaken in York should the need arise.

6. Review of the Council's Overview and Scrutiny Function (Pages 31 - 82)

This report sets out the findings to date of a project, undertaken by officers within the Democratic Services Team, to review the existing arrangements at City of York Council for fulfilling the legislative requirements for facilitating Overview and Scrutiny within the council. It considers the existing arrangements at York in the light of recent research and experience from other authorities, seeks to highlight some key areas of variation and goes on to present potential alternatives to the current scrutiny structure within the council. It asks Scrutiny Management Committee to consider a revised structure, in order to simplify the existing arrangements by bringing them more in to line with other authorities and to make more effective use of the limited resources available.

7. Any other business which the Chair decides is urgent under the Local Government Act 1972

Democracy Officer:

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

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- Business of the meeting
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Further information about what's being discussed at this meeting

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	SCRUTINY MANAGEMENT COMMITTEE
DATE	15 SEPTEMBER 2008
PRESENT	COUNCILLORS GALVIN (CHAIR), ASPDEN, BLANCHARD (VICE-CHAIR), SCOTT (JOINED THE MEETING AT 5.40PM), SIMPSON-LAING, TAYLOR, R WATSON AND I WAUDBY
IN ATTENDANCE	COUNCILLORS BROOKS AND LOOKER (JOINED THE MEETING AT 5.40PM)

12. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Waudby declared a personal non-prejudicial interest in agenda item 5 (Final Report of the Education Scrutiny Committee – School Governors) as a governor of Lakeside Primary School.

Councillor Simpson-Laing declared a personal non-prejudicial interest in agenda item 5 (Final Report of the Education Scrutiny Committee – School Governors) as a governor of Carr Infant School.

Councillor Blanchard declared a personal non-prejudicial interest in agenda item 5 (Final Report of the Education Scrutiny Committee – School Governors) as a team leader of Young Enterprise.

Councillor Scott declared a personal non-prejudicial interest in agenda item 4 (Final Report of the Barbican Ad-hoc Scrutiny Committee – Sale of the Barbican) as a resident of Fishergate since 2002.

13. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 28 July 2008 be approved as a correct record and be signed by the Chair.

14. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

15. FINAL REPORT OF THE BARBICAN AD-HOC SCRUTINY COMMITTEE – SALE OF THE BARBICAN

Members received a report, which presented details from the final report of the Barbican Ad-Hoc Scrutiny Committee detailing their review of the sale of the Barbican.

Councillor Looker, as Chair of the Scrutiny Committee, reminded Members that the Committee had investigated the arrangements surrounding the sale of the Barbican site, with the purpose of learning some key lessons for the future. She stated that consultation had been undertaken with Officers, Political Group Leaders and representatives of the pressure groups in order to inform their final report.

Their findings did agree that the decisions taken in relation to the sale had resulted in a significant reduction of capital receipts to the Council. They agreed that this had been due in part to the complicated nature of the transaction, changes to the brief by both the Council and the developers together with the issues and subsequent legal actions around an Environmental Impact Assessment. The Committee had also acknowledged that best value had not been achieved.

Consideration was given to the Scrutiny Committees agreed recommendations:

- i. it was realistic to take two years to formulate a proposal
- ii. it was not unreasonable for a new administration to exercise its democratic right and change the proposal, taking into account the associated risks
- iii. although each decision taken in relation to the sale had been taken in good faith, the delays in making those decisions, the longevity of unforeseen legal action and the shift in land values, had resulted in a significant reduction in capital receipt to the Council
- iv. best value was not achieved taking the project as a whole, even with recognising the reasons outlined in paragraph 24.
- v. there might have been a more effective way of dealing with the pressure groups

Members then questioned the following points in respect of the final report:

- Paragraph 20 – had it been known in 2005 that there was downturn in the property market?;
- It was a fact that no other development had produced such public interest;
- That the democratic process was not suited to deal with complex property deals;
- Had the second consultation exercise been necessary?

Following further discussion it was

- RESOLVED:
- (i) That the Committee endorse the final report and findings of the Barbican Ad-Hoc Scrutiny Committee subject to the following comments being taken into consideration:
 - Scrutiny Management Committees regret at the failure of the Scrutiny Committee to fully take into account the second level consultation.

- The inappropriate language used in the report when referring to pressure groups and Scrutiny Management Committees preference for the use of the words “working with” rather than “dealing with” in recommendation (v).¹
- (ii) The Committee endorse the recommendation that the Executive should commission an officer report which sets out a corporate approach for the Council when dealing with pressure groups and
- (iii) That all future projects have a robust system of risk management, which is regularly reviewed and updated throughout the period of each project.

REASON: To inform the Executive’s consideration of the final report.

Action Required

1. Submit an item onto the Executive Forward Plan and prepare a report for the Executive.

GR

16. FINAL REPORT OF THE EDUCATION SCRUTINY COMMITTEE - SCHOOL GOVERNORS

Members received the final report from the Education Scrutiny Committee detailing their review of School Governors. This Committee had had the remit of encouraging an improved level of community involvement and maximising the diversity and skills of school governors.

Councillor Aspden, as Chair of the Scrutiny Committee, presented the final report and answered Members questions. He confirmed that Members had recognised that there had not been an issue around the current clerking arrangements in extended schools and had therefore agreed not to proceed with Part B of the Review.

Members made the following comments and questioned the following points:

- Had the exit questionnaires listed the timing of meetings and time involvement as reasons for leaving and could this restrict the recruitment of new members?
- Concern that the Governor Support and Development Service did not already have information relating to current governors age, gender, ethnicity, skills and economic background;
- Tribute paid to the hard work undertaken by Governors and to their immense workload to which a high level of commitment was required;

RESOLVED: (i) That the Committee note the contents of the final report and annexes of the Education

Scrutiny Committee on School Governors and endorse the recommendations therein; ¹.

- (ii) That the Committees thanks be conveyed to the Scrutiny Committee for this useful piece of work.

REASON: To inform the Executive's consideration of the final report.

Action Required

1. Submit item onto the Executive Forward Plan and prepare a report for the Executive. GR

17. UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS OF PREVIOUS SCRUTINY REVIEWS

Members received a report, which provided them with updated information on the implementation of the recommendations made as a result of a previously completed review on Guidance For Sustainable Development.

The Assistant Director of Planning and Sustainable Development and the Sustainability Officer were in attendance to answer questions.

RESOLVED: That recommendations 3, 4, 5, 8, 12, 13, 14, 15, 16, 17, 19, 21 and 25 from the review on Guidance For Sustainable Development be reviewed again and the remaining recommendations be signed off. ¹.

REASON: To raise awareness of those recommendations which still have to be implemented.

Action Required

1. To further review the outstanding recommendations. GR

18. CULTURAL QUARTER AD HOC SCRUTINY COMMITTEE – CO-OPTION

Consideration was given to a report, which asked Members to consider formally adopting Sir Ron Cooke onto the Cultural Quarter Ad-Hoc Scrutiny Committee.

Officers stated that, his expertise as former Vice Chancellor of York University and Vice Chair of [York@Large](#), when the original idea for a Cultural Quarter was proposed, would benefit the review.

RESOLVED: That Sir Ron Cooke be adopted as a non-voting co-opted Member for the duration of the Cultural Quarter Ad-Hoc Scrutiny Committee. ¹.

REASON: In keeping with other existing co-option practices.

Action Required

1. To inform Sir Ron Cooke of his adoption to the Committee. GR

19. PROPOSED DEVELOPMENT OF NEW COUNCIL HEADQUARTERS AT HUNGATE - FEASIBILITY REPORT

Members received a report, which asked them to consider a scrutiny topic registered by Cllr Brookes to scrutinise the proposed development of the new Council headquarters at Hungate.

The Head of Property Services and Head of Facilities Management attended to answer Members questions on the topic.

- RESOLVED:
- (i) That it be agreed to proceed with the review, commencing in mid October 2008;
 - (ii) That the remit at Annex C of the report be agreed with the following amendments:
 - (a) The reword of key objective i. to read “ In light of the overall budget, to identify whether the initial budget set was correct i.e. that all the relevant factors had been identified and included for, in particular the volume of all fees both agreed and incurred;
 - (b) The reword of objective ii. to read, “To understand the decision taken in respect of agreeing which CYC department would act as internal ‘client’ and to understand the relationship between Planning and the client’;
 - (c) In objective iv. the addition following the words ”seeking the views of” of the words “statutory consultees, and”;
 - (iii) That an ad-hoc Scrutiny Committee be established on a 2:2:1 basis, the Group from which the Chair will be appointed to be advised, and nominations for membership be sought from Group Secretaries.
1.

REASON: To progress with a review of the topic.

Action Required

1. To seek nominations from the Group Secretaries and to advise the Secretaries from which Group the Chair will be appointed.

GR

Councillor J Galvin, Chair

[The meeting started at 5.30 pm and finished at 6.50 pm].

MEETING	BARBICAN AD HOC SCRUTINY COMMITTEE
DATE	16 JULY 2008
PRESENT	COUNCILLORS LOOKER (CHAIR), FIRTH, KING, MORLEY AND WATT
APOLOGIES	COUNCILLOR TAYLOR

5. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

No interests were declared.

6. MINUTES

RESOLVED: That the minutes of the Barbican Ad-Hoc Scrutiny Committee meeting held on 28 May 2008 be approved and signed by the Chair as a correct record.

7. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

8. FINAL REPORT

Members considered the final report of the Barbican Ad Hoc Scrutiny Committee.

Members discussed the final report in detail and made amendments to the wording of the report. The final report (incorporating amendments) is appended to these minutes as Annex A.

Members agreed that:

- (i) It was realistic to take two years to formulate a proposal
- (ii) It was not unreasonable for a new administration to exercise its democratic right and change the proposal, taking into account the associated risks.
- (iii) Although each decision taken in relation to the sale had been taken in good faith, the delays in making those decisions, the longevity of unforeseen legal action and the shift in land values had resulted in a significant reduction of capital receipt to the Council.

- (iv) Best value was not achieved taking the project as a whole, even with recognising the reasons outlined in paragraph 23 of the report.
- (v) There might have been a more effective way of dealing with pressure groups,

RECOMMENDED:

- (i) That the Executive should commission an officer report which sets out a corporate approach for the Council when dealing with pressure groups.
- (ii) That all future projects should have a robust system of Risk Management which is regularly reviewed and updated throughout the period of the project.

REASON: To ensure that any future projects are managed effectively and take into account lessons learnt from this review.

J LOOKER, Chair

[The meeting started at 3.30 pm and finished at 5.40 pm].



Barbican Ad-Hoc Scrutiny Committee

16 July 2008

Final Report

Background

1. In July 2007, Scrutiny Management Committee (SMC) considered a scrutiny topic proposed by Cllr Joe Watt relating to the sale of the Barbican. SMC agreed that the scale of the topic as proposed was too wide ranging for review and requested Cllr Watt's attendance at their next meeting to discuss the possibility of a review tailored to learn key lessons and achieve improvements in handling future developments of a similar scale and nature.
2. Cllr Watt attended the meeting of SMC in September 2007 and agreed to revise his topic submission in order that it did not duplicate the work that was ongoing at the time as part of the review commissioned by the Executive on swimming provision in York.
3. In coming to a decision to review this topic, the Scrutiny Management Team recognised certain key objectives and the following remit was agreed:

'To investigate the arrangements surrounding the sale of the Barbican site, with the purpose of learning some key lessons for the future, in the event of developments of a similar nature or scope being proposed.

- To understand why the contract in relation to the sale of the Barbican site was not signed, sealed and delivered until after May 2003.
- To understand the public consultation process which took place and the resulting decisions.
- To assess whether decisions taken in relation to the sale resulted in a loss of capital to the Council.
- To understand the changes in land values with a view to establishing whether best value was actually achieved in this case.

Consultation

4. This review has been carried out in consultation with the Assistant Director of Lifelong Learning & Leisure, the Head of Property Services, Political Group Leaders i.e. those involved in the decision making process relating to the Barbican, and representatives of the Save Our Barbican Group and the Barbican Action Group.

Information Gathered

5. In order to understand the full sequence of events leading to the Barbican sale, the Committee were given copies of all the reports previously presented at formal decision making meetings together with the minutes of those meetings. They then held a number of informal meetings where they met separately with officers, Members and representatives of the local action groups, to discuss their understanding of the events and to ask a number of questions.
6. From this process the Committee were able to clarify the following information:

To understand why the contract in relation to the sale of the Barbican site was not signed, sealed and delivered until after May 2003

7. In 2001 sales particulars for the site were issued, and 11 bids were received. Five of these were long listed and invited to make further bids based on a number of objectives. Four schemes were submitted as a result of this process from which two were short listed. In November 2002, Barbican Venture Ltd (BV) was selected as the preferred developer. This was a company formed for this particular project with the intention of building a serviced residential home and two hotels on the site, and refurbishing and selling the Kent Street car park. The deal also included a county standard pool at no cost to the Authority (to be operated by Cannon Leisure) and for the refurbishment of the Barbican Centre (to be operated by Absolute Leisure), plus a capital receipt of £3m.

Issues Arising

8. While the council was trying to assemble a workable scheme only a limited amount of consultation was done with a small number of representatives. As there was strong disagreement within the Council about the BV scheme and bid, and the council's plans for the other two pools in the city, a decision was taken in February 2003 to launch a city-wide public consultation prior to the signing of any contractual agreement, to ensure the proposals were broadly publicly acceptable.
9. A consultation leaflet was issued in March 2003 which pointed out that there would be no fitness or crèche facilities with the county standard pool. The results of the consultation were not fully available until after the election period, which in turn, delayed any final decision by the Council as to the way forward.
10. The Barbican Action Group which had formed to protect the swimming facilities on the Barbican site were broadly satisfied with the resulting proposed scheme and therefore disbanded.

To understand the public consultation process which took place and the resulting decisions

11. There was a mixed response to the consultation leaflet. Although the results broadly supported the refurbishment and renewal of the Barbican, there was

some criticism of the lack of community and play facilities and the level of fitness equipment.

12. The incoming administration in 2003 wanted to revisit the amount of the capital receipt to allow it to fund the refurbishment of the other two pools in the city, and decided to continue running the Barbican pool as a Council service whilst they renegotiated the agreement with BV. They also chose to re-run the consultation process in order to gauge public opinion on their alternative package which would address the capital receipt issue. This further delayed the final decision.

Issues Arising

13. During the period of renegotiation, the Council received external legal advice that it would be illegal to allow BV to build the pool as part of the development bid. It was advised that even though BV's intention was to gift the pool to the City, the contract to construct the pool would have to be tendered by the Council, in accordance with European procurement rules.
14. A further public consultation was carried out in July 2003 on a revised package which asked whether residents preferred a community pool with considerable investment in other city pools, or a county standard pool with fewer resources available for the other pools. The result was marginally in favour of the community pool, and this was selected by the Executive in September 2003.

To assess whether decisions taken in relation to the sale resulted in a loss of capital to the Council & To understand the changes in land values with a view to establishing whether best value was actually achieved in this case

15. In October 2003 an archaeological survey showed that parking for the apartments and hotel could be put in an undercroft under the buildings. BV became Barbican Venture (York) Ltd and submitted a new scheme and offer. A decision was taken not to consult on the new scheme as it reflected the Executive's view of the outcome of the second consultation process, and would be subject to the planning process.
16. As part of the new scheme, Barbican Venture increased the number of apartments and included a new 4 star hotel. They also moved the council's community pool on to the Kent Street coach park site, requiring a third of the car park to be demolished. The revised scheme which included a capital receipt of £4.4m was accepted by the Council's Executive in December 2003.
17. In February 2004 the Executive agreed to split the sale of the site into two contracts. The residential and hotel sites and the Kent Street car park to be sold to Barbican Venture and a lease of the auditorium to Absolute Leisure Ltd.

Issues Arising

18. The Save our Barbican Group (SOB) started in spring 2003 when the consultation document was issued. Its purpose was to report local resident's concerns over the amount of residential development and the impact on the neighbourhood of the proposed casino and nightclub. For some, the involvement of Absolute Leisure also caused concern, and things intensified following the enlargement of the residential development. SOB's aim was to stop the development, to enable a rethink and consideration of other alternatives, with proper consultation. This aim was not achieved and ceased to be possible at the granting of planning permission.
19. In 2004, SOB took legal action due to the Council not having carried out an Environmental Impact Assessment (EIA), which council officers had been advised was not legally required as part of the planning process. This eventually led to judicial review by which time, it was too late for the Council to get an EIA as this was needed prior to planning approval. The advice given to the Council at that time, was that the judicial review would take approximately three months. But, in fact it took much longer because when SOB lost the judicial review, they chose to appeal as they felt it would be of national importance to other environmental groups. They then had to fight a decision not to grant them legal aid which they won. Having got financial aid, their original appeal was heard but it was unsuccessful. This series of events could not have been predicted in advance.
20. It is recognised that the scheme could have been built had the delays not occurred, as it was a good time to sell property and the best possible offer had been made. But, by the time the judicial review was rejected in late 2005, a downturn in the property market had begun. As a result, Barbican Venture submitted a revised lower offer which excluded any build of a pool, and as a consequence of the downturn, the Council had little option but to accept.
21. At the same time, the University as part of their Heslington expansion, had put forward a proposal for a new pool to be built on their site. This contributed to concerns as to whether the pool at the Barbican would continue to be viable.
22. Subsequently, there was a review as to whether CYC should have re-tendered the whole scheme in light of the revised Barbican Venture proposals. It found that as the market was dropping and not many companies were interested in this mix of development, the Authority would have been worse off.

Analysis

23. Having considered all of the information gathered, the Committee discussed the problems that had led to the initial delays in selling the site. They expressed the view that it was realistic to take two years to formulate a proposal and that it was not unreasonable for a new administration to exercise its democratic right and change the proposal. The committee recognised however, that there was no evidence that any risk assessment had been carried out in regard to reopening the process. They also concluded that there was

no evidence to suggest that use of an external project manager would have been beneficial.

24. The Committee agreed that the decisions taken in relation to the sale had resulted in a significant reduction of capital receipt to the Council. They concluded that this had been due to the complicated nature of the transaction, the changes to the brief by both the Council and the developer, the issues and the subsequent legal actions around an Environmental Impact Assessment, and the lack of periodic reviews of the project, including updates to the risk assessment, especially given the speculative nature of land values. Taking the project as a whole, the Committee acknowledged that best value had not been achieved, but recognised that each decision had been taken in good faith.
25. Finally, the Committee expressed the view that there might have been a more effective way of dealing with the protest movement and agreed to recommend that the Council should review the way it handles objections to schemes.

Options

26. Having regard to the remit for this review and the information contained within this report, Members may agree to make the recommendations below in full or in part, or agree some alternative recommendations.

Corporate Direction & Priorities

27. It is recognised that this review supports the following direction statements as set out in the Council's Corporate Strategy:
 - We will listen to communities and ensure that people have a greater say in deciding local priorities
 - Our ambition is to be clear about what we will do to meet the needs of our communities, and then deliver the best quality services that we can afford
28. The review also provides an opportunity for the Council to consider the procedures followed and the decisions taken at the time of the sale of the Barbican, in order to identify ways of improving what we do, in line with our Corporate Values.

Implications

29. There are no Financial, HR, Equalities, Legal, Crime and Disorder, ITT or other implications associated with the recommendation within this report.

Risk Management

30. There are no known risks associated with Recommendation (a). Recommendation (b) recognises that there is a risk to the Council if risk assessments are not regularly reviewed and updated during the period of a

project. If a decision is taken not to approve Recommendation (b), then the levels of risk associated with projects will remain unknown.

Recommendations

31. In light of the above options, Members are asked to agree that:
- i. it was realistic to take two years to formulate a proposal
 - ii. it was not unreasonable for a new administration to exercise its democratic right and change the proposal, taking into account the associated risks
 - iii. although each decision taken in relation to the sale had been taken in good faith, the delays in making those decisions, the longevity of unforeseen legal action and the shift in land values, had resulted in a significant reduction in capital receipt to the Council
 - iv. best value was not achieved taking the project as a whole, even with recognising the reasons outlined in paragraph 24.
 - v. there might have been a more effective way of dealing with the pressure groups
32. Therefore, the Committee are asked to recommend that:
- a) The Executive should commission an officer report which sets out a corporate approach for the Council when dealing with pressure groups
 - b) All future projects have a robust system of risk management which is regularly reviewed and updated throughout the period of each project.

Reason: To ensure that any future projects are managed effectively and take into account lessons learnt from this review.

Contact Details

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Tel No.01904 552063

Chief Officer Responsible for the report:

Dawn Steel
Democratic Services Manager

Interim Report Approved

Date 28 July 2008

Wards Affected:

All

For further information please contact the author of the report



Scrutiny Management Committee

17th November 2008

Report of the Head of Civic, Democratic & Legal Services

Update on the Work of the Health Scrutiny Committee

Summary

1. This report presents a summary of the work undertaken by the Health Scrutiny Committee since April 2008.

Background

2. The Health Scrutiny Committee was formed in May 2006 to carry out the statutory health scrutiny function, which was previously under the remit of the Social Services and Health Scrutiny Board.

Consultation

3. Since April 2008 the Committee have been working on the following topics:

Local Involvement Networks (LINKs)

4. LINKs are the independent, formally constituted bodies that have now replaced the Patient and Public Involvement Forums previously attached to all NHS Trusts. LINKs differ from previous systems as they are based on broad networks rather than on small specialist groups, involving representatives from organisations as well as individuals, and addressing issues across health and social care rather than focussing on individual organisations or services.
5. Government Legislation required Local Authorities to commission a Host organisation to enable, support and facilitate the LINK in its activities. In order to achieve this the City of York Council received £108k per annum for three years and an additional sum of £10k towards set up costs. As a result of a tender exercise, North Bank Forum (NBF) for Voluntary Organisations were the successful tender and were awarded a three-year contract that commenced on 1st April 2008.
6. The Chair and Scrutiny Officer have also attended a workshop regarding good practice between Health Scrutiny Committees and LINKs and the launch event for the York LINK. The Chair will be attending a facilitated LINKs workshop on 17.11.2008, which aims to define and clarify the roles and responsibilities of the Health Scrutiny Committee, LINKs, the LINKs Host and the Healthy City Strategic Partnership.

Dental

7. The Health Scrutiny Committee has a keen interest in dental provision within the York area. At a meeting on 7th July 2008 discussions were had with the Assistant Director of Commissioning and Service Development at the Primary Care Trust (PCT). Members of the Committee expressed concern regarding the information they were given and in the way that it was presented. A further informal meeting with the PCT was therefore undertaken to discuss the best way of reporting information back to the Committee. This work is still ongoing and it is hoped to be able to report further on this in the near future.

Dementia Review

8. In July 2008 Members received a scoping report outlining the remit for the 'Dementia Review'. The remit is detailed below:

Aim

To look at the experience of older people with mental health problems (and their families/carers) who access general health services for secondary care in order to identify where improvements may be required.

Key Objectives

- i. Where patients with mental health conditions access general, secondary health services, investigate whether their mental health problems are recognised and whether the connection is made between them and the required treatment.
 - ii. To identify ways in which healthcare professionals may assist patients with mental health conditions to overcome the barriers they face when accessing secondary care.
 - iii. To investigate ways of improving the safety of patients with mental health conditions and the secondary healthcare providers who have contact with them.
 - iv. To develop initiatives for improving the experiences of mental health patients using general, secondary health care and their families/carers.
9. The Committee held an informal evidence gathering day on 1st September 2008, which was well attended by both health service providers and representatives of the voluntary organisations. The information gathered from this was fed into an interim report and Members decided that they required further information from various organisations. At a formal meeting on 6th October, after hearing further information, Members of the Committee felt that they were in a position to make some recommendations. These recommendations were presented in a draft final report to the Committee on 3rd November 2008 where they were agreed. These will be presented to Scrutiny Management Committee (SMC) at a meeting on 17th December 2008.

Informal Training Day

10. In June of this year Members of the Committee attended an informal training day that presented information on the functions of the Committee, Practice Based Commissioning, Falls Prevention, corporate overview of the PCT, Overview of the Yorkshire Ambulance Service (YAS), LINKs and overview of the Acute Trust.

Adopting a Joint Scrutiny Protocol for Health

11. In October 2008 Members considered a report that presented them with a draft protocol for the Yorkshire & Humber Council's Joint Health Scrutiny Committee. The protocol had been developed as a framework for carrying out scrutiny of regional and specialist health services that impact upon residents across Yorkshire and Humber under powers for Local Authorities to scrutinise the NHS contained in the Health and Social Care Act 2001.
12. The protocol has been jointly drafted between 15 Local Authorities and has, or is in the process of, being presented to all these Authorities for adoption. Members decided to adopt the protocol thus allowing City of York Council to clarify its part in scrutinising health services which could affect York residents, but are not necessarily provided within an NHS Trust within the Council's boundaries.

Other

13. The Committee received a report in relation to consultation on the NHS Constitution. They decided not to go ahead with this as the majority of the proposals in the NHS Constitution were non-controversial and the Committee did not feel that further comment was required.
14. A progress report was also received in relation to the Healthy City Board which highlighted its current priorities in light of the newly launched Sustainable Community Strategy (SCS) and Local Area Agreement (LAA). It was decided that the Committee would receive further updates if targets were off track.
15. Outside and informal events are a large part of Health Scrutiny. Various Members of the Committee and the Scrutiny Officer attend related external events wherever possible. The Committee now receive a quarterly information report outlining these. Examples of such events are Regional Health Scrutiny Officer's meetings, visits to York Hospital, meetings with the PCT, launch of York Carer's Forum, and workshops on LINKs & regional specialist commissioning.

General Work Planning

16. The Health Scrutiny Committee has an ongoing work plan, which is attached, at Annex A to this report. This is a fluid, working document and constantly changes to reflect the upcoming issues to be determined at future Committee meetings.

Options

- 17. This report is for information only.

Analysis

- 18. This report is for information only

Corporate Values

- 19. This report is relevant to the following Corporate Value:

'Encouraging improvement in everything we do'

Implications

- 20. There are no known Financial, HR, Equalities, Legal, Crime & Disorder, IT or other implications associated with this report.

Risk Management

- 21. In compliance with the Council's risk management strategy, there are no risks associated with the recommendations in this report.

Recommendations

- 22. Members are asked to note the report.

Reason: To inform Scrutiny Management Committee of the work and progress of the Health Scrutiny Committee.

Contact Details

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Report Approved

Date 04.11.2008

Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A – Copy of the Current Work Plan for the Health Scrutiny Committee

Health Scrutiny Committee Work Plan 2008/09

Work Area	Tasks	Timeframe	Responsible Officer
LINKs	<ul style="list-style-type: none"> • Participate in training and events in connection with the development of the LINK in conjunction with Host (North Bank Forum) • Receive regular updates from Trusts • Report back with a detailed working relationship between LINKs, NBF & the Health Scrutiny Committee 	<p>Ongoing</p> <p>Ongoing January 2009</p>	<p>Nigel Burchell / Scrutiny Officer (as appropriate)</p>
Dental Provision In York	<ul style="list-style-type: none"> • Receive regular update from PCT 	Ongoing	Scrutiny Officer together with appropriate persons from the PCT.
Annual Healthcheck	<ul style="list-style-type: none"> • Begin preparations for 2008/09 Annual Healthcheck 	January 2009	
General	<ul style="list-style-type: none"> • Health Scrutiny Networking Update 	January 2009	Scrutiny Officer

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Scrutiny Management Committee

17th November 2008

Report of the Head of Civic, Legal & Democratic Services

Protocol for Joint Scrutiny Reviews

Summary

1. The purpose of this report is to present Members with a protocol to enable joint scrutiny reviews to be undertaken in York should the need arise. A draft of the protocol is attached as Annex A to this report and Members will need to investigate whether they wish to adopt this or not.

Background

2. Whilst most scrutiny reviews focus on local issues, overview and scrutiny committees in different local authorities can join together to carry out reviews of topics that are relevant to more than one geographical region.
3. Currently there is no protocol in place should the need arise for City of York Council to hold a joint scrutiny review therefore the attached protocol (Annex A) has been developed as a framework for carrying out scrutiny reviews that impact upon residents across more than one geographical region.
4. Whilst there is no protocol currently in place for joint reviews in most areas Health Scrutiny Committee have recently adopted a joint protocol that will allow them to work with local authorities within the Yorkshire and Humber region should the need arise.
5. The White Paper in relation to Communities in Control and Local Accountability Consultation proposes the establishment of joint committees across District and County Councils to enable them to co-ordinate their efforts on issues of shared interests. Recently Councillor D'Agorne has registered a scrutiny topic, which he has suggested is undertaken jointly with North Yorkshire County Council. A feasibility report on this will be submitted at a future date.
6. It has become apparent that the Council should establish a protocol for joint scrutiny reviews, setting out some guidelines for how joint scrutiny between this authority and another would be undertaken should such a review be commissioned.

Consultation

7. Consultation would take place with the relevant local authority(s) at the time a potential review topic was proposed. North Yorkshire County Council is currently being consulted in relation to both this protocol and the topic submitted by Councillor D'Agorne.

Options

8. Members have the following options:

Option 1 Adopt the protocol for joint scrutiny reviews with or without amendment

Option 2 Do not adopt the Protocol

Analysis

9. Adopting the protocol will allow City of York Council to clarify its part in scrutinising cross-regional services and topics which could affect York residents, but are not necessarily services solely provided within this authority's boundary or topics that relate solely to the City of York.
10. If members choose to adopt the protocol then should a request for a joint scrutiny review be made, a protocol and procedures would be in place to enable an immediate start.
11. If Members choose not to adopt the protocol then should a request for a joint scrutiny review be made there would be a need to prepare procedures and a protocol and have them signed off before a joint scrutiny review could start.
12. If the proposed topic, registered by Councillor D'Agorne, were to become a review then a host authority would need to be agreed together with arrangements for administrative support for the review.

Corporate Strategy 2007-2011

13. The proposals in this report relate to the following two Direction Statements:
 - We want services to be provided by whoever can best meet the needs of our customers.
 - We will be an outward looking council, working across boundaries for the people of York.

Implications

14. **Financial** – There are no direct financial implications from this report. Any administrative costs arising from joint scrutiny work would be either met by the host organisation or, if more substantial, be shared between those authorities that are working on that particular investigation. Arrangements and

terms of reference would need to be agreed between relevant authorities if a joint review took place under the protocol.

15. **Human Resources (HR)** – There are no known Human Resources implications associated with this report. However if York became a lead authority as part of a joint review under the protocol, scrutiny administrative support would need to be identified.
16. **Legal** – Section 21 of the Local Government Act 2000 gives Overview and Scrutiny bodies the powers to establish joint committees with other local authorities to undertake scrutiny functions.
17. Constitutionally Scrutiny Management Committee has the power to establish joint committees with other local authorities/public bodies to undertake scrutiny reviews and to exercise the scrutiny function. They also have the authority to delegate functions of overview and scrutiny of cross-boundary topics to other local authorities.
18. There are no known equalities, crime & disorder, information technology or property implications associated with the recommendations in this report.

Risk Management

19. In compliance with the council's risk management strategy there are no known risks associated with the recommendations in this report.

Recommendations

20. Members are asked to consider adopting the protocol to allow joint scrutiny work to be carried out.

REASON: To ensure Members can fully take part in scrutiny work that may impact on more than one geographical area.

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Date 06.11.2008

Specialist Implications Officer(s)

Legal

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Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A – Joint protocol for scrutiny reviews.

PROTOCOL FOR JOINT SCRUTINY COMMITTEES

1.0 COVERAGE

1.1 Whilst this protocol deals with arrangements between two local authorities it is recognised that there may be occasions when more local authorities would be involved. Arrangements to deal with such circumstances would have to be determined and agreed separately, as and when appropriate.

2.0 PRINCIPLES FOR JOINT SCRUTINY

2.1 The basis of joint scrutiny will be co-operation and partnership with a mutual understanding of the following aims:

- To improve the visibility of overview and scrutiny regionally
- To work together on shared interests and to share resources and experiences where appropriate

2.2 The Local Authorities will be willing to share knowledge, respond to requests for information and carry out their duties in an atmosphere of courtesy and respect in accordance with their Codes of Conduct. Personal and prejudicial interest will be declared in all cases, in accordance with the Code of Conduct.

2.3 The scrutiny process will be open and transparent in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000 and meetings will be held in public. Only information that is expressly defined in regulations to be confidential or exempt from publication will be considered in private.

2.4 Different approaches to scrutiny reviews may be taken in each case. A Joint Committee will seek to act as inclusively as possible and will take evidence from a wide range of opinion. Attempts will be made to ascertain the views of hard to reach groups, young people and the general public.

3.0 DELEGATED SCRUTINY

3.1 Regulations enable a local authority to arrange for its overview and scrutiny functions to be undertaken by a committee from another local authority. Delegation may occur where a local authority believes that another may be better placed to consider a particular local priority and, importantly, the latter agrees to exercise that function.

Delegated Powers

- 3.2 When and where such delegation takes place, the full powers of overview and scrutiny shall be given to the delegated committee, but only in relation to the specific delegated function (i.e. a specific review).

Terms of Reference

- 3.3 In such circumstances, clear terms of reference, clarity about the scope and methods of scrutiny to be used must be determined between the affected local authorities. Formal terms of reference should be drafted and formally agreed by the respective Overview and Scrutiny Committees of the affected local authorities.
- 3.4 The Host authority (the authority undertaking the review exercise) will be responsible for conducting scrutiny in accordance with its own set procedures and will be expected to regularly communicate with the delegating authority (ies).

4.0 JOINT SCRUTINY COMMITTEES

Membership of a Joint Scrutiny Committee

- 4.1 Under the Local Government Act 2000 provisions, Overview and Scrutiny Committees must generally reflect the make up of full Council. Consequently, when establishing a Joint Scrutiny Committee, each participating local authority should ensure that those Councillors it nominates reflects its own political balance. However, the political balance requirements may be waived but only with the agreement of all the participating local authorities.
- 4.2 In accordance with the above, a Joint Committee will be composed of Councillors drawn from two local authorities in the following terms: -
- 7 Councillors; 4 from the Host authority and 3 from the participating authority
- 4.3 Each local authority should make a decision as to whether it should seek approval from its respective full Council or Executive to delegate authority to its relevant Overview and Scrutiny Committee (or another appropriate body) to nominate Councillors on a proportional basis to a Joint Scrutiny Committee.
- 4.4 From time to time and where appropriate, the Joint Scrutiny Committee may appoint non-voting co-optees for the duration of a review.

Choice of Lead Authority and Chair

- 4.5 Where a Joint Scrutiny Committee considers a review topic, the delegated (Host) authority would take the lead in terms of organising and Chairing the joint committee.
- 4.6 Selection of a Host authority, should where possible, be chosen by mutual agreement by the local authorities involved and take into account both capacity to service a Joint Scrutiny Committee and available resources. Additionally, the following criteria should guide determination of the Host Authority:
- The local authority within whose area local communities will be most affected; or if that is evenly spread;
 - The local authority within whose area the service being affected is predominantly based

Operating Procedures

- 4.7 The Joint Health Committee will conduct its business in accordance with the Overview and Scrutiny Committee Procedure Rules of the Lead Authority.
- 4.8 The Host Authority will service and administer the scrutiny exercise and liaise with the other affected local authorities.
- 4.9 The Host Authority will draw up a draft terms of reference and timetable for the scrutiny exercise, for approval by the Joint Scrutiny Committee at its first meeting. The Host Authority will also have responsibility for arranging meetings, co-ordinating papers in respect of its agenda and drafting the final report.

Meetings of the Joint Scrutiny Committee

- 4.10 At the first meeting of any new inquiry, the Joint Scrutiny Committee will determine:
- Terms of reference of the inquiry;
 - Number of sessions required;
 - Timetable of meetings & venue.

Reports of the Joint Health Scrutiny Committee

- 4.11 At the conclusion of an Inquiry the Joint Scrutiny Committee shall produce a written report and recommendations, which shall include:
- an explanation of the matter reviewed or scrutinised
 - a summary of the evidence considered
 - a list of the participants involved in the review or scrutiny; and

- any recommendations on the matter reviewed or scrutinised.

4.12 Reports shall be agreed by a majority of members of the Joint Scrutiny Committee.

4.13 Reports shall be sent to all relevant local authorities, along with any other bodies determined by the Joint Scrutiny Committee and Host Authority.

Minority reports

4.14 Where a member of a Joint Scrutiny Committee does not agree with the content of the Committee's report, they may produce a report setting out their findings and recommendations and such a report will form an Appendix to the Joint Scrutiny Committee's report.



Scrutiny Management Committee**17 November 2008**

Report of the Head of Civic, Democratic & Legal Services

Review of the Council's Overview and Scrutiny Function**Summary**

1. This report sets out the findings to date of a project, undertaken by officers within the Democratic Services Team, to review the existing arrangements at City of York Council (CYC) for fulfilling the legislative requirements for facilitating Overview and Scrutiny within the council. The project has been given added impetus by the recent findings of the Audit Commission which identified aspects of Overview and Scrutiny at CYC as being capable of improvement. As a result, CMT identified reviewing the scrutiny structure as one of its single improvement priorities.
2. The report considers the existing arrangements at York in the light of recent research and experience from other authorities. The report seeks to highlight some key areas of variation and, having identified that there may be potential for improvement, goes on to present potential alternatives to the current scrutiny structure within City of York Council.
3. In light of the findings of the CPA inspection earlier this year and further to scrutiny being identified by CMT as a single improvement priority, Scrutiny Management Committee is asked to consider a revised structure, in order to simplify the existing arrangements by bringing them more in to line with other authorities and to make more effective use of the limited resources available.

Background

4. The current legislative framework concerning Overview & Scrutiny was introduced alongside the introduction of new constitutional arrangements in 2001. The new legislation was accompanied by comprehensive guidance that set out the underlying purpose of Overview and of Scrutiny. The guidance also emphasised the distinct aspects of Overview and Scrutiny, that of developing and reviewing policy, (overview) and that of holding the Executive to Account (scrutiny) There is some crossover between these two elements and they may both occur in the context of any one scrutiny topic, but the general distinction between these two functions is helpful when analysing the sorts of structure required to support them. The following is an extract from the DTLR Guidance:-

3.17 Overview and scrutiny committees should be a key mechanism for enabling councillors to represent the views of their constituents and other organisations to the Executive and local authority and hence to ensure that these views are taken into account in policy development.

3.18 *These committees are the main way by which the executive is held to account in public for the discharge of the functions for which it is responsible. They should have important roles in reviewing the local authority's policies and other matters of more general local concern and making recommendations, either to full council or to the executive, on future policy options.*

5. Section 21 of the Local Government Act 2000 (LGA 2000), lays down the requirement that an authority's constitution *must include at least one committee that is charged with the functions of Overview and Scrutiny within the authority and empowered to effectively undertake that role. Authority's are required to have regard to the Statutory Guidance issued by the Secretary of State¹. The functions are set out at length in the legislation but are put more succinctly in the guidance as follows:-

- Review or scrutinise decisions or action taken in respect of any functions which are the responsibility of the Executive; (call-in)
- Make reports or recommendations to the local authority or the Executive in respect of any functions which are the responsibility of the Executive, (Overview);
- Review or scrutinise decisions or action taken in respect of functions which are not the responsibility of the Executive;
- Make reports or recommendations to the local authority or the Executive in respect of any functions which are not the responsibility of the Executive; and
- Make reports or recommendations to the local authority or the executive in respect of matters which affect the local authority's area or its inhabitants.

6. The guidance on the establishment of Overview & Scrutiny committees includes the following:

'Overview and Scrutiny arrangements should be set out clearly in the executive arrangements as part of the constitution to ensure it is clear which committees are responsible for overseeing which functions and policy areas i.e. the remit and terms of reference of each committee.' (para 3.22).

7. It is arguable that there is scope for improvement in this regard as the present arrangements are somewhat convoluted and anecdotal evidence suggests that there may be confusion as to the roles of Executive Member Advisory Panels and Overview & Scrutiny Committees.

8. Other specific legislative requirement include the following:

¹ DETR New Council Constitutions: Local Government Act 2000 Guidance to English Local Authorities.

- S.21(5) requires that any member of an Overview & Scrutiny committee is able to put any matter, within the remit of their committee, on to the agenda of a meeting of that committee.
 - S.21(9) provides that a member of the Executive of an authority may not be a member of an Overview & Scrutiny committee. This may preclude Executive Member Advisory Panels from undertaking functions of Overview and Scrutiny as they include members of the executive.
 - Overview & Scrutiny committees are subject to the political balance requirements under S.15 LG&H Act 1989.
9. Unlike other committees, Overview & Scrutiny committees have the statutory power to require members of the Executive and officers, to attend before them and to answer questions. There is an associated statutory duty on the Executive member or Officer, to comply with the request and to answer questions put. S.21(13) & (14).
 10. Regulations require the inclusion of church and school governor representatives on Overview & Scrutiny committees dealing with education functions. Subsequently these committees have been given limited powers in connection with the overview and scrutiny of health and social care bodies within their authority's area.
 11. New provisions under the Local Government and Public Involvement in Health Act 2007, currently awaiting enactment, are intended to strengthen overview and scrutiny arrangements in light of changes to executive arrangements which will extend the scope of executive powers. There will also be a new right for any member of the authority to require that an issue relating to a local government matter affecting their area, must be put on an agenda of the relevant Overview & Scrutiny committee. Additional powers will be available for the relevant committee to require information from certain partner public bodies.
 12. Provisions included in the Police & Justice Act 2006 will, when enacted, require that local authorities designate one of its Overview & Scrutiny committees to deal with issues relating to local crime and disorder.

Rationale for Review

13. In the light of critical comments from the CPA inspection earlier this year about the effectiveness of scrutiny in City of York Council and of a perceived organisational malaise towards the function generally, it was recognised that the current scrutiny structures and processes would need to be reviewed and CMT itself identified reviewing scrutiny as a single improvement priority for the Council, led by the Chief Executive. CCfA was due to go live on 1st April 2008, but was put on hold due to the Flanagan Police Review, resulting in it existing in law but not in practice. Since then, there has been a shift in focus from 'Councillor' empowerment to 'Citizen', so until the Empowerment White Paper comes out, it will not be clear what direction the 'Call for Action' is going to take. The current view is that it is likely to be more akin to the original Home Office model which was based on the RESPECT agenda.
14. Reviewing scrutiny structures now also provides an opportunity to ensure that the scrutiny function is equipped to meet the challenges of the new Local Government

& Public Involvement in Health Act, with specific regard to enhanced opportunity to local authorities to engage the involvement of key partners/local service providers in the review process, and with regard also to the Councillor Call For Action (CCfA) provision.

15. In addition, it is timely to address the requirements of scrutinising the new CAA (formerly Local Area Agreement) and of any specifications emerging from the forthcoming White Paper on 'Empowering Communities', in terms of dealing with petitions through scrutiny and setting up joint authority reviews.

Consultation

16. During the summer, a series of workshops were held for Members at which they explored the rationale behind scrutiny, received and commented upon information relating to current practices in CYC, scrutiny structures at other local authorities and some potential alternative options for York.
17. In total, 25 Members attended these workshops from across all parties and their views were sought on the current scrutiny structure in York and on the range of potential alternatives put forward for debate.
18. An earlier version of this report was presented to CMT prior to the workshop sessions, for information only, and it was then re-presented to CMT on 5 November to include the information gathered at the workshops. The collective views of all consultative groups will then be fed into the report going to Council on 27 November 2008.

Information Gathered

19. The Department for Communities and Local Government, has recently completed a five-year evaluation of the new council constitutions and ethical framework. The project, called 'Evaluating Local Governance'(ELG), looked closely at the legislation and its effectiveness in relation to scrutiny and found evidence of improvements in scrutiny's organisation and activities, with 76% of scrutiny committees using scrutiny to explore innovative forms of service delivery. It was clear from the findings that many authorities had found it difficult to find the right balance between policy development and scrutiny and overview, and it was recognised that successfully bringing about policy change was an important measure of the effectiveness of scrutiny committees. There was also good evidence that scrutiny made a valid contribution to executive decision-making especially in relation to policy development and performance review (Stoker et al. 2004: 60).
20. The Centre for Public Scrutiny (CfPS) recently completed its fifth annual survey of overview and scrutiny in local government, providing the most comprehensive national picture available of useful trend information, charting the development of overview and scrutiny within the context of other changes to the work of local authorities. This included the passing of the Local Government and Public Involvement in Health Act 2007 and its consequent implications for those who conduct and support local democratic accountability. The response rate to the survey equalled that of 2006, in that 63% of all local authorities in England and Wales responded.

21. The survey found that variation in committee structures used for the overview and scrutiny function had remained relatively stable over the last three years:

Committee Structure	2007	2006	2005
Multiple overview and scrutiny committees (<i>as in York</i>) (need to check with CfES as to their methodology as I think that this category may refer to standing committees which is different to CYC arrangements)	65%	54%	59%
1No. OSC that commissions time-limited panels	17%	12%	14%
1No. OSC that does all the work	7%	8%	7%
1 scrutiny committee and multiple overview committees	12%	8%	16%

22. This pattern of distribution was similar across a range of variables, including types of authority, constitutional model and political control.

23. The survey identified three model types used by Authorities to support overview and scrutiny. These were:

- **Committee Model** – where committee officers, who also support other political forums, such as the executive, provide support to the full council and so on.
- **Integrated Model** – where support is provided, on an ad-hoc basis, from a variety of sources, including committee services, officers within departments, and corporate policy officers
- **Specialist Model** – support is provided by a scrutiny support unit/team with dedicated officers, who only work to the overview and scrutiny function

24. The breakdown for Councils operating these model types are shown below:

Authority Type	Committee Model	Integrated Model	Specialist Model (<i>as in York</i>)
All Authorities	28%	13%	59%
District/Borough	39%	17%	43%
County	17%	8%	75%
Unitary	23%	9%	68%
Metropolitan	21%	4%	75%

25. The survey results showed a sharp increase in most councils using the specialist model and moving away from the integrated model. It also identified which department scrutiny officers or teams were located within, the most popular being within the Democratic Services department. The split was as follows:

Location of Scrutiny Support	%
Democratic Services (<i>as in York</i>)	49%
Chief Executive's	23%
Policy & Performance	14%

Audit	2%
Corporate Services	4%
Other	8%

26. In order to compare the effectiveness of our current structure, comparative information was gathered and assessed on scrutiny structures in other local authorities of similar size, political management arrangements or others with unitary status, as well as those of good repute in the scrutiny field.
27. It was recognised therefore that the committee structure, model and location of scrutiny services in York already complied with the most commonly applied practices elsewhere. However paragraphs 28 – 39 below demonstrate that York has not to date adopted a scrutiny and decision making structure consistent with the practices of other local authorities, and furthermore York's structure is not replicated anywhere else in the country.
28. Scrutiny Structures At Other Local Authorities
Information on 10No. other local authorities was gathered and from those, 4 models were identified as worthy of consideration:

Council	Political Management Arrangements	Scrutiny Structure
Hull City	Unitary Hung (Lib Dem) 59 Cllrs: Lib Dem 30 Lab 20 Hull Ind 6 Con 2 Ind 1	<ul style="list-style-type: none"> • Overview & Scrutiny Committee: 'Call-in' and final reports from 6No. Overview & Scrutiny Commissions: • Corporate • Environment & Transport • Financial Management & Audit • Health & Social Well-being • Housing, Neighbourhood Renewal & Urban Regeneration • Lifelong Learning, Culture & Leisure
Sheffield (4* CPA rating)	Metropolitan Borough Hung 84 Cllrs: Lab 41 Lib Dem 39 Green 2 Con 1 Ind 1	<ul style="list-style-type: none"> • Scrutiny Management Board: co-ordinates and manages the overall scrutiny programme, and decides how to deal with urgent new topics or those which fall within the remit of more than one scrutiny body (made up of Chairs & Vice-Chairs of Scrutiny Boards) • 5No. Scrutiny Boards can hold enquiries and investigate the available options for future direction in policy development: <ul style="list-style-type: none"> * Children & Young People * Culture, Economy & Sustainability * Health & Community Care * Strategic Resources & Performance * Successful Neighbourhoods • Based on the subject, cabinet decisions which are called-in are dealt with by the relevant Scrutiny Board

		In December '07 awarded maximum rating of 4 for CPA
Leicester City	Unitary Majority Administration 54 Cllrs: Lab 38 Con 8 Lib Dem 6 Green 2	<ul style="list-style-type: none"> • Overview & Scrutiny Management Board: oversees scrutiny process and directly scrutinises policy or service changes. Decides on issues for Task Groups. • Performance & Value for Money Select Committee: scrutinises performance delivery within the Council and its partners. Includes monitoring efficiency, scrutinising the annual budget setting and identifying areas for more in-depth work for the Task Groups to investigate. • Health Overview & Scrutiny Committee • 4No. Ad Hoc Task Groups - meet when necessary to investigate issues in-depth, as directed by the Overview & Scrutiny Management Board and the Performance & Value for Money Select Committee: <ul style="list-style-type: none"> * Adult & Housing Task Group * Culture & Leisure Task Group * Community Cohesion & Community Safety Task Group * Children, Schools & Young People Task Group
Peterborough	Unitary Majority Administration 57 Cllrs: Con 43 Peterborough Ind. Forum 9 Lib Dem 3 Lab 2	<ul style="list-style-type: none"> • 1No. Scrutiny Committee – oversees and co-ordinates scrutiny function and allocates responsibility for issues which fall between one or more scrutiny panel • 5No. Scrutiny Panels (query whether these are standing panels or ad-hoc?): <ul style="list-style-type: none"> * Health & Adult Social Care * Business Efficiency * Children & Lifelong Learning * Community Development * Environment & Community Safety <p>Each of the above manages its own work programme and reports directly to the Cabinet The Scrutiny Panels can create Scrutiny Review Groups to carry out specific reviews. (Query whether the chairs of the Scrutiny committee or the panels may be from the party forming the executive)</p>

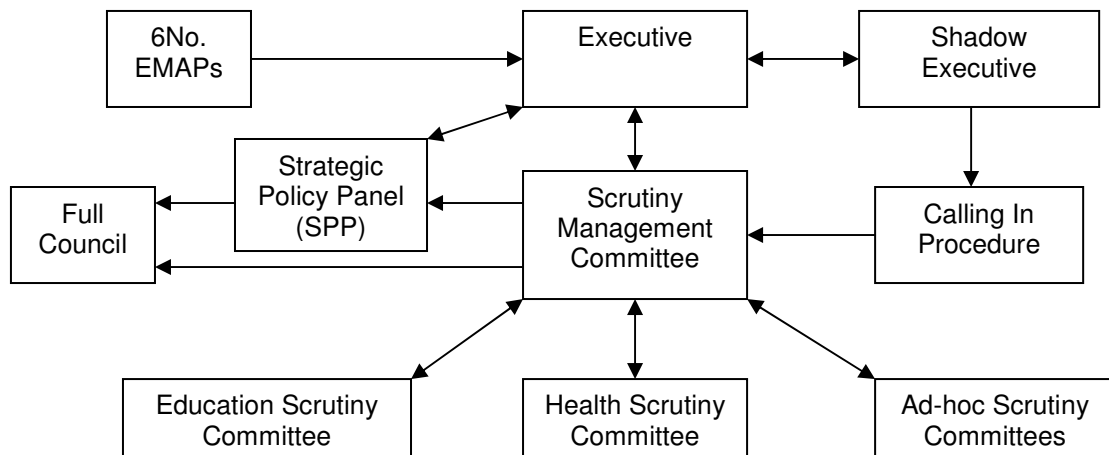
29. Each of these was looked at in detail and the delegated powers for the various committees listed above are detailed in Annex A.

Analysis

30. In relation to the functions set out in their terms of reference, each of the above four council scrutiny structures have designated the same powers to their scrutiny committees, in line with legislation i.e.:
- To assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
 - To question members of the Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area
 - To review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time
 - To question members of the Cabinet and other Bodies, and chief 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
 - To review and scrutinise the performance of the Council in relation to its policy objectives, and monitoring finance and performance targets and/or particular service areas
31. In regard to consultation and the scrutiny of public bodies they can:
- conduct research, community and other consultation in the analysis of policy issues and possible options
 - consider and implement mechanisms to encourage and enhance community participation in the development of policy options
 - 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
 - review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance
 - question and gather evidence from any person, with their consent
32. Finally, each of their Scrutiny Committees is responsible for:
- exercising the right to call-in for reconsideration, decisions made but not yet implemented by the Cabinet in relation to their own specific areas of work (with the exception of Peterborough City Council, where only the Scrutiny Committee can exercise the right to call-in).
 - exercising overall responsibility for the finances made available to them
 - exercising overall responsibility for the work programme of any Officers specifically employed to support their work
 - reporting annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate
33. Existing Scrutiny Arrangements In York
Currently, the two distinct elements of Overview & of Scrutiny i.e policy development and review, and holding the Executive to account, are currently being undertaken in a number of places:

Scrutiny	Strategic Policy panel (SPP) Shadow Executive
Overview	6No. EMAPs
Overview & Scrutiny	Scrutiny Management Committee (SMC) inc Call-In Education Scrutiny Committee Health Scrutiny Committee Ad-hoc Scrutiny Committees

34. The diagram below shows the current committees involved in the scrutiny function and the flow of business:



35. Scrutiny call-in is restricted to SMC but in addition, under the CYC constitution, SPP has a duplicate call-in power which can be exercised at the request of any Group Leader whose group holds at least ten per cent of the seats.

Analysis

36. A significant level of support is required, both in terms of officer and administrative resource, and members' time involved in preparing for and attending these meeting, as a result of the number of committees undertaking the O&S functions within the Council. Given the limited resources available to support the function there may be an argument to be made for more targeted use of this resource.

37. One significant difference between the current arrangements in York and other local Authorities is that in York both the setting and spending of budgets and the monitoring of finance and performance is carried out by the EMAPs. Whereas elsewhere the monitoring of finance and performance is a function of scrutiny

38. In York some overview and policy development work is undertaken at EMAPs (as evidenced in Annex B), which undermines good scrutiny practice as recommended by DTLR. Furthermore, due to the way that EMAPs currently operate, it is often not publicly clear at meetings who the executive member is and who is responsible for making the decision.

39. Workshop Findings

At the workshops held for Members, a range of views were expressed on our current structure but it is fair to say in summary that there was a general perception across all parties as follows:

- there is confusion about the status of scrutiny within the organisation and the role it plays, as a result of a combination of the following:
 - a. inadequate structural arrangements
 - b. lack of officer/Member engagement and commitment
 - c. political interference
 - d. lack of officer/Member resources
- that EMAPS were undoubtedly informative but debatably time consuming and resource intensive both in Members and officers time and also in relation to the volume of paper produced and circulated. Some backbench Members questioned:
 - i. whether attending EMAPs was a valuable use of their time on the basis that Executive Members were in any event constitutionally empowered to make the decision;
 - ii. information provided in many reports submitted to EMAP could be done so in other ways to enable them to feed in their views, if necessary

39. In addition, there was some general consensus from those Members attending, on the following points:

- A clearer definition needed to be established between EMAPS and scrutiny generally
- What EMAP could do should be more tightly defined
- Officer/Member commitment to and engagement with scrutiny needed improving
- Preserving the transparency of executive Member decisions being taken in public or published to the same standards applied now.

40. Possible Alternative Structures For York

Having recognised that there are a number of issues around the current scrutiny structure in York, Members at the workshop were presented with a series of alternative options. These were:

<u>Option</u>	<u>Proposal</u>
A	Remove existing Scrutiny Committees from structure and give authority to each of the Executive Member Advisory Panels (EMAPs) to carry out all of the scrutiny function in relation to the services under their individual portfolio areas
B	Replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees, and <u>remove</u> EMAPs from the decision making structure
C	Replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees, and <u>retain</u> EMAPs – clearly define EMAPs to ensure they do not undermine the scrutiny function.

Executive Member decisions would continue to be recorded at EMAPs

- D Make no change to the scrutiny committees and decision making structure, but clearly define the role of EMAPs to ensure they do not undermine the scrutiny function and allow for policy development work (currently considered by EMAPs in part) to be considered by SMC instead, in line with Section 21 of the Local Government Act 2000. Executive Member decisions would continue to be recorded at EMAPs.

Analysis

41. A detailed analysis of the advantages and disadvantages, and effects of each option is attached at Annex B.
42. It should be noted that the legislative requirements of the Local Government & Public Involvement in Health Act, including CCfA provision and scrutinising LAAs, can be met by any of the above options. If a decision is taken not to adopt any of the above options, some changes to the current scrutiny function would still be required in order to enable scrutiny of the LAA.
43. In addition, options A-C propose the removal of SPP to enable all Call-In matters (either pre or post decision) to be dealt with through SMC, in line with recognised common practice elsewhere. These options are also robust enough to facilitate any other forthcoming legislative changes e.g. Communities in Control.
44. When asked for their views on the particular alternative options outlined at the workshops, a clear majority of the Members expressed a preference for a model based on establishing multiple standing scrutiny committees, with the consequential removal of EMAPs i.e. Option B.

Options

45. Having considered the information within the report and its annexes, the options are to:
 - make changes to the scrutiny and decision making structure, in line with either option A, B, C or D as outlined in Annex B.
 - retain the current decision making structure but ensure essential changes are introduced to meet or respond to existing or forthcoming legislative requirements, as set out in paragraphs 7-9 above.

Corporate Direction & Priorities

46. The recommendations presented in this report to improve the effectiveness of the scrutiny function in York are in line with our values to 'Deliver what our customers want' and to encourage improvement in everything we do'. They are also in line with a number of our direction statements:

- We will listen to communities and ensure that people have a greater say in deciding local priorities
 - We will be outward looking Council, working across boundaries for the people of York
 - We will promote cohesive and inclusive communities
47. Also, the ongoing work of our individual scrutiny committees supports our priorities for improvements.

Implications

48. **Financial** - Associated costings on the applicable alternative options as a comparison to the current costs of running scrutiny in City of York Council are attached at Annex C. **Please note these are indicative only.**
49. **Human Resources (HR)** There are no HR implications associated with the recommendations within this report, but it is recognised that there are likely to be some when and if any required changes to the decision making structure are agreed. For example, an increased number of scrutiny committees might require additional scrutiny support staff or at least a re-allocation of resources from within Democratic Services.
50. **Legal** - The legal implications associated with this report are as set out in paragraphs 4-12.
51. There are no Equalities, Crime and Disorder, IT or other implications associated with the recommendations within this report

Risk Management

52. The risk associated with not changing the scrutiny function in York is that our CPA rating is likely to remain static in the future. If the wrong approach is taken to changing the scrutiny function in York then the perception may remain that it is ineffective and therefore our CPA rating could still be affected. Equally, no changes to the scrutiny structure might result in the Council failing to respond appropriately to the legislative requirements referred to in paragraphs 7-9 above.

Recommendations

53. Scrutiny Management Committee are asked to note the various alternative structures and options outlined in the report and provide comments.

Reason: To inform the planned report to Council.

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Wards Affected:

All



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Background Papers:

- Final Report from the Department for Communities and Local Government - 'Evaluating Local Governance'(ELG) project
- CfPS 2007 Survey of Overview & Scrutiny in Local Government

Annexes:

Annex A – Detailed Examples of Scrutiny Committees at Other Councils
Annex B – Suggested Alternative Decision Making Structures For York
Annex C – Costings for Alternative Structures
Annex D – Suggested Scrutiny Committee Individual Terms of Reference

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Hull City Council - Unitary

Hung (Lib Dem)

59 Cllrs: Lib Dem 30; Lab 20; N.E.W. Hull Ind 6; Con 2; Ind 1

Overview & Scrutiny Committee	Membership = 12 Cllrs made up of Chairs of 6No. Scrutiny Commissions plus other Members to ensure political balance
	Responsible for overall co-ordination of the Overview and Scrutiny functions of the Council undertaken by the Scrutiny Commissions
	Receives annual report from Leader on the Executive's priorities for coming year and how they intend to achieve them
	Reviews Executive decisions and has overview of its direction and performance
	Considers requests to call-in Executive decisions
	Undertakes call-in function and deals with it as appropriate
	Monitors the work programmes of the Commissions, minimises duplication and ensures effective use of resources including to approve proposals from Scrutiny Commissions to undertake enquiries / reviews and to receive reports from Chairs of Scrutiny Commissions on their work
	Determines which commission will assume responsibility for a particular issue when work falls within more than one Commission's remit
	Ensures referrals from Overview & Scrutiny are managed efficiently either by way of report or for reconsideration, and do not exceed limits as set out in Constitution
	In the event that reports to the Executive do exceed limits or if the volume of such reports create difficulties for the management of Executive business, at the request of the Executive, will make decisions about the priority of referrals made.
6No. Overview & Scrutiny Commissions	<p>Each Commission can:</p> <ul style="list-style-type: none"> a) establish ad-hoc panels, preferably time-limited, to undertake specific enquiries b) receive reports as appropriate, at the discretion of the Chair in relation to the remit of the Commission from the District Auditor, the Council's internal auditor and other internal and external inspection bodies, making suggestions for improvement in practice to Council and/or Executive as required, as a result of these reports c) to contribute to Best Value Reviews of services within the scope of the Commission and monitor the implementation of relevant Action Plans <p>Plus, each Commission has its own specific terms of reference:</p>

Corporate	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning, management and performance of central services, including support services
	to scrutinise the arrangements for the effective governance of the local authority
	to monitor the Council's overall performance
	to undertake responsibility for best value review processes referring and recommendations to the Executive
	to undertake pre-decision scrutiny on reports submitted to the Asset Management Committee
	to have responsibility for advising on and monitoring the implementation of the Best Value Performance Plan, the Corporate Plan and Community Strategy
	to review the council's performance against the Combined Plan and the Community Strategy
	to review the effectiveness of partnerships involving the Council
Financial Management & Audit	to exercise the Overview and Scrutiny function (except call-in) in relation to the council's budget, the management of its budget, capital revenue borrowing and assets, risk management and its audit arrangements
	to analyse the development of the Council's Revenue and Capital Budgets and to review and scrutinise the Council's performance in relation to budgetary management in particular a regards the Treasury Management Policy Statement and borrowing limits and the Capital Strategy
	to analyse the development of a three year budget strategy and offer advice to the Executive where it considers necessary
	to review the management of resources made available to the Council and to scrutinise its financial and resource management, including property and asset management, acquisition and disposal
	to review the development of a Council-wide capital strategy and asset management plans
	to review the operation of the Council's financial regulations and other financial procedures making proposals to the Executive and/or Council for their development
Environment & Transport	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning, management of environment, parks, open spaces and transport services in the City
	to scrutinise the agencies, mechanisms and processes involved in the promotion and delivery of cleansing, waste disposal, highways management, planning and licensing policy, integrated transport and environmental health
	to contribute to the development of policies in respect of these services
	to have responsibility for advising on and monitoring the implementation of the following plans: Local Transport Plan Plans and strategies which together comprise the Development Plan Food Law Enforcement Service Plan and Strategy Local Agenda 21 Strategy

Housing, Neighbourhood Renewal & Urban Regeneration	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning and performance of housing, neighbourhood renewal and regeneration
	to contribute to proposals for the physical regeneration of the are including economic development
	to monitor the management of the Council's housing stock including allocation policies, the provision of special needs housing, grants and loans to owner occupiers, tenants, landlords and/or developers, the improvement of private housing and relationships with local, regional and national bodies relating to housing
	to monitor policies and practices with regard to homelessness and rehousing
	to have responsibility for advising on and monitoring the implementation of the Housing Strategy
	to review the development of partnerships with exteran lorganisatins to meet housing needs, regenerate unsatisfactory housing and promote regeneration in the City
Lifelong Learning, Culture & Leisure	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning and management of learning, leisure, arts and culture in the City
	to scrutinise the agencies, mechanisms and processes involved in the promotion and delivery of learning services, leisure, arts, sports and recreation in the City
	to contribute to the development of policies in respect of these services
	to have responsibility for advising on and monitoring the implementation of the following plans: Early Years Development Strategy Education Development Plan Adult Learning Plan Lifelong Learning Development Plan
Health & Social Well-being	to exercise the Overview and Scrutiny function (except call-in) in relation to the provision, planning and management of social and healthcare, children's elderly persons' and mental welfare services in the City and the holding to account of health services
	to scrutinise the agencies, mechanisms and processes used to deliver health and social care services in the City, including partnerships and joint initiatives
	to work in partnership with other bodies in scrutinising organisations based in their areas which deliver health and social care services
	to enquire into health topics of local interest or concern
	to enquire into factors that effect the health of residents and the causes of health inequalities

Leicester City Council - Unitary

Majority Administration

54 Cllrs: Lab 38; Con 8; Lib Dem 6; Green 2

In relation to the functions set out in their terms of reference, each of the Scrutiny Committees below can:

- a) review and scrutinise the decisions made by and performance of the Cabinet, 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 Cabinet, Committees and Directors 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 Cabinet, Committees and the Council arising from the outcome of the scrutiny process
- e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the
- f) question and gather evidence from any person (with their consent)
- g) exercise overall responsibility for the finances made available to them.
- h) report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if
- i) determine and exercise overall responsibility for their work programme.
- j) exercise the right to call-in for reconsideration, decisions made but not yet implemented by the Cabinet
- k) assist the Council and Cabinet in development of its budget and policy framework by in-depth analysis of policy issues

The Scrutiny Committees together with their individual functions are:

Overview and Scrutiny Management Board	Membership = 10 Cllrs plus 4 Co-opted Members (1 x Roman Catholic Diocese Member, 1 x Church of England Diocese Member and 2 Parent Governors)
	Decides on issues that are to receive overview and scrutiny (e.g. an area of significant policy or service change or underperformance, or an area of public or local interest)
	Directly scrutinises policy or service changes
	Sets the work programme for the Task Groups and monitors and evaluates their work
	Requests that an Overview and Scrutiny Task Group scrutinises a change to policy/service delivery
	Requests an Area or Ward Committee to undertake the scrutiny of a local issue
	Oversees and monitors training programmes for Overview and Scrutiny
	Oversees the overall use of financial resources allocated to support the overview and scrutiny process
Health Overview and Scrutiny Committee	Scrutinises the Primary Care Trust and other health care bodies to ensure health care services are provided
	Seeks to ensure that local people are involved as appropriate under the NHS Reform Act
	Scrutinises the provision and operation of hospital and community health services
	Scrutinises issues with public health, health promotion and health improvement
	Monitors the planning of health services to improve health and the provision of health care
	Monitors community engagement by the PCTs and other NHS bodies in the city
Scrutinises the Council's functions as they impact on health & matters referred by patients' forum	

Performance and Value for Money Select Committee	Monitors and holds to account the service delivery performance of the Council and its partners with particular reference to performance indicators and the performance management framework, and also to key documents such as the Local Area Agreement and the Council's Corporate Plan
	Monitors the efficiency of the Council
	Scrutinises the annual budget setting and monitoring process
	Identifies areas for in depth scrutiny for referral to the Overview and Scrutiny Management Board where performance is weak
	Scrutinises issues identified as requiring improvement by external assessors
	Scrutinises the performance of the Council's scrutiny function (including members' participation in overview and scrutiny at Task Group level)
5No. Task Groups	<p>Various task groups will meet as and when necessary to investigate issues in-depth, as directed by the Overview and Scrutiny Management Board or Performance and Value For Money Select Committee. These Groups are not formal committees and may meet in public or private, as appropriate.</p> <ul style="list-style-type: none"> i) Adult & Housing Task Group ii) Culture & Leisure Task Group iii) Community Cohesion & Community Safety Task Group iv) Children, Schools & Young People Task Group v) Regeneration & Transport Task Group

Sheffield - Metropolitan Borough

Hung (Lab)

84 Cllrs: Lab 41; Lib Dem 39; Green 2; Con 1; Ind 1

Scrutiny Management Board	<p>Membership = 5No. Chairs & 5No. Deputy Chairs of Scrutiny Committees</p> <p>Responsible for co-ordinating scrutiny activity, managing the overall scrutiny programme and deciding how to deal with urgent new topics or those which fall within the remit of more than one Scrutiny Committee</p>
5No. Scrutiny Committees	<p>In relation to the functions set out in their terms of reference, each of the Scrutiny Committees can:</p> <p>a) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;</p> <p>b) conduct research, community and other consultation in the analysis of policy issues and possible options;</p> <p>c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;</p> <p>d) question members of the Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area</p> <p>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</p> <p>f) review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time</p> <p>g) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas</p> <p>h) question members of the Cabinet and other Bodies, and chief 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</p> <p>i) make recommendations to the Cabinet, appropriate Bodies and/or Council arising from the outcome of the scrutiny process</p> <p>j) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance</p> <p>k) question and gather evidence from any person (with their consent)</p> <p>l) exercise overall responsibility for the finances made available to them</p> <p>m) report annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate</p>

Scrutiny Committees (cont/d)	n) exercise overall responsibility for the work programme of any Officers specifically employed to support their work
	o) exercise the right to call-in for reconsideration, decisions made but not yet implemented by the Cabinet
	Plus, each Scrutiny Committee has its own specific terms of reference:
Strategic Resources & Performance	Exercises an overview and scrutiny function in respect of all the Council's strategic and longer term planning and corporate development issues, IT development, corporate targets and objectives, financial processes and day-to-day management of all the Council's internal resources, including finance, staffing and property, regional issues, together with the review of performance and any special issues which may arise from time to time particularly those matters not falling within the specific remit of any other Scrutiny Board.
	Remit includes: Corporate and strategic planning, Corporate and Best Value Performance Plans, corporate targets, Democratic Services, Local Ombudsman reports, performance indicators, the Sheffield First Partnership Board, the Sheffield First Agreement, the budget setting process, budget monitoring, estates and facilities management, contracts, the purchase and disposal of property, staff management, personnel issues, corporate support services and the implementation of the Council's equalities policies
Health & Community Care	Exercises an overview and scrutiny function in respect of the planning, policy development and monitoring of service performance and related issues together with other general issues relating to adult and community care services, within the Neighbourhoods area of Council activity and Adult Education services.
	Scrutinises as appropriate the various local Health Services functions, with particular reference to those relating to the care of adults.
	Remit includes: Community care, older people, mental health and disabilities and adult residential and day care services and home support services, Adult education, community and adult lifelong learning, Sheffield Health and Well-being Board and constituent parts of the local Health Services with particular reference to adults. To involve where relevant, the expertise of individuals who are neither Members nor Council officers
Culture, Economy & Sustainability	Exercises an overview and scrutiny function in respect of the planning, development and monitoring of service performance and other issues in respect of the area of Council activity relating to planning and economic development, wider environmental issues, culture, leisure, skills and training, and the quality of life in the City.
	Remit includes: development, environmental management, regulatory services, consumer protection, planning and transportation, culture, leisure and associated leisure trusts, parks and countryside, economic regeneration activities and Regional and European development funding arrangements, Sheffield Environment Partnership and Creative Sheffield

Successful Neighbourhoods	Exercises an overview and scrutiny function in respect of the planning, development and monitoring of service performance and other issues in relation to the provision and development of successful neighbourhoods and local environmental issues in the City.
	Remit includes: Housing and successful neighbourhoods strategy, Area Action, social inclusion, crime and disorder, Sheffield Homes and housing management, delivery of the Decent Homes Strategy, and neighbourhood services, (including cleaning, catering, transport and CCTV). Client and provider functions for Streetforce (Highways and Streetscene) and Markets. Sheffield Successful Neighbourhoods Board, Sheffield Safer Communities Board and Sheffield Inclusive and Cosmopolitan Board. To involve, where relevant, the expertise of individuals who are neither Members nor Council officers
Children & Young People	Exercises an overview and scrutiny function in respect of the planning, policy development and monitoring of service performance and other general issues relating to learning and attainment and the care of children and young people within the Children's Services area of Council activity.
	Scrutinises as appropriate the various local Health Services functions, with particular reference to those relating to the care of children.
	Remit includes: Early years, schools and school effectiveness, access and inclusion, Pupil support, Post-16 learning, employment and youth services. Sheffield 0 to19+ Partnership Board. Sheffield First for Learning, Connexions LMC, safeguarding/child protection, inspection preparation and post inspection action, children's services, including children's family services and family learning, children in need, children's residential services, family placement, family support, children and young people with disabilities and Children's Hospital social work, children's health services, including the services provided by the Children's Hospital and the Children's NHS Foundation Trust. To involve statutory non-Council Members as appropriate and, where relevant, the expertise of individuals who are neither Members nor Council officers

Peterborough City Council

Majority Administration

57 Cllrs: 43 Con, Peterborough Ind. Forum 9, Lib Dem 3, Lab 2

Scrutiny Committee	Membership = 10 Cllrs (8:1:1)
	Responsible for overseeing and co-ordinating the scrutiny function, including allocating responsibility for issues which fall between more than one Scrutiny Panel, maintaining a work programme for the scrutiny function and receiving quarterly reports from the scrutiny panels
	Exercises the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or key decisions delegated to an officer
	To develop and maintain a work programme for the overview and scrutiny function which is reviewed on a quarterly basis by receiving quarterly reports from the scrutiny panels on progress against the work programme.
	To review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
	To consider and make recommendations in respect of draft reports and policies brought to the Committee for consideration.
	To monitor the performance of the following portfolios through regular performance monitoring reports: * Finance and Human Resources * Customer Focus and Communications * Strategic and Regional Partnerships
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following service areas: * Communications * Customer Services * Human Resources * Legal and Democratic Services * Strategic Finance
	To scrutinise issues identified from the Executive's Forward Plan, prior to a decision being made.
	To monitor the delivery of the Community Strategy.
	To consider the Council's annual budget proposals and Corporate Strategy.
	To monitor the Council's financial performance during the year.
	To receive a report from the Leader of the Council at its first meeting after each Annual Council, to include the Executive's priorities for the coming year and its performance in the previous year.

Scrutiny Committee (cont/d)	To provide an annual report to the Council on the work of the overview and scrutiny function.
	To identify training, development and support for members carrying out the scrutiny function.
	To meet with the Executive on a six-monthly basis and/or as required if a particular issue is raised.
	To periodically review the overview and scrutiny procedures to ensure that the function is operating effectively.
	To scrutinise the services provided to residents of Peterborough by other service providers.
	To consider any matter affecting the area or its inhabitants.
	To consider any general scrutiny issues.
	To review any issue that the Committee considers appropriate or any matter referred to it by the Executive or Council and report back to the body which referred the matter.
5No. Scrutiny Panels	<p>Each Scrutiny Panel can:</p> <ol style="list-style-type: none"> a) Report to the Scrutiny Committee on a quarterly basis on the Committee's contribution to the overview and scrutiny work programme. b) Review any issue that the Panel considers appropriate or any matter referred to it by the Executive, Scrutiny Committee or Council and report back to the body which referred the matter. c) Comment on the relevant sections of the annual budget proposals and Corporate Strategy. d) Scrutinise issues identified from the Executive's Forward Plan, prior to a decision being made. e) Review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions. f) Consider and make recommendations in respect of draft reports and policies brought to the Panel for consideration. <p>Plus, each Scrutiny Panel has its own specific terms of reference:</p>

Business Efficiency	To monitor the performance of the Efficiency and Business Improvement portfolio through regular performance monitoring reports
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following areas: <ul style="list-style-type: none"> • Business Transformation • ICT • Procurement • Strategic Property
	To monitor progress on the Council's priority of being accessible, effective and efficient.
	To identify aspects of the Council's operation and delivery of services for efficiency reviews and conduct these reviews together with others commissioned by the Executive, Scrutiny Committee and the Council. When undertaking efficiency reviews, it should: ensure they are outcome focussed and reflect the Council's corporate priorities; challenge assumptions about the Council's operational processes; ensure all feasible options for the future delivery of services are explored and appraised; consider constructive suggestions for improvement put forward by interested groups.
	To ensure the efficient use of resources, review the implementation of existing processes and consider the scope for new processes with regard to all aspects of the Council's business.
	Promote a culture of continuous improvement in all services, and monitor efficiency across organisational/service boundaries to promote a seamless approach to service delivery, with the user as a central focus.
Children & Lifelong Learning	To monitor the performance of the Education and Children's Services portfolio through regular performance monitoring reports
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to Children's Services
	To monitor progress on the Council's priority of providing high quality opportunities for learning and ensure children are healthy and safe.
Community Development	To monitor the performance of the following portfolios through regular performance monitoring reports: * Community Services * Housing, Regeneration and Economic Development
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following service areas: * Strategic Growth and Development * Culture and Recreation
	To monitor progress on the Council's priority of making Peterborough a better place in which to live and work.

Environment & Community Safety	To undertake all of the Council's statutory functions in accordance with Section 19 and associated regulations of the Police and Justice Act 2006, relating to scrutiny of crime and disorder matters.
	To monitor the performance of the following portfolios through regular performance monitoring reports: * City Services * Environment and Community Safety
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following service areas: * City Services * Environmental and Public Protection * Planning Services * Transport and Engineering Services * City Centre Services
Health & Adult Social Care	To undertake all of the Council's statutory functions in accordance with section 7 of the Health and Social Care Act 2001 and section 244 of the National Health Service Act 2006 and associated regulations, including appointing members, from within the membership of the Panel, to any joint overview and scrutiny committees with other local authorities, as directed under the National Health Service Act 2006.
	To review and scrutinise the impact of the authority's own services and policies and those of key partnerships on the health of its population, including taking account of the views of members of the public, user and support groups and others in any review or scrutiny of service delivery which impacts on the health of local communities.
	To review arrangements made by the Council and local NHS bodies for public health within the City.
	To make reports and recommendations to the relevant health or other provider or commissioner of services and to evaluate and review the effectiveness of its reports and recommendations.
	To seek and take account of the views of members of the public, user and support groups and others in any review or scrutiny of service delivery which impacts on the health of local communities.
	To monitor the performance of the Health and Adult Social Care portfolio through regular performance monitoring reports
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following service areas: * Adult Social Care * Public Health
To monitor progress on the Council's priority of achieving the best possible health and well being.	

Option A	<u>Alternative Structure</u> Remove existing Scrutiny Committees from decision making structure and give authority to each of the Executive Member Advisory Panels (EMAPs) to carry out all of the scrutiny function in relation to the services under their individual portfolio areas
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Suggested EMAP Committees

As per current structure:

City Strategy

Corporate Service

Leisure & Culture

Neighbourhoods

Housing & Adult Social Services

Children's Services

Suggested Scrutiny Committees

None

Role of Scrutiny Management Committee

- To deal with all pre/post decision call-in

Role of Advisory Panel

- Executive Member Business- This would appear on the Executive Forward Plan and be dealt with at meetings in the same way as it is now.
- Scrutiny Business – Each Advisory Panel would agree a yearly workplan based on the Directorate Service Plan. The workplan would appear as a standard item on the agenda for consideration at each meeting and any registered scrutiny topics or issues identified at meetings would be prioritised and added to the workplan accordingly. The scrutiny workplans would be visible on both the intranet and internet in the same way as the Executive Forward Plan, via the committee management system.
- Retain current powers but may require some minor revisions to delegations*

Agenda Presentation

The standard agenda items e.g. Declarations of Interest, Minutes etc would be dealt with at the start of the meeting. The business items would be split into parts A (Advising the Executive Member) and B (Scrutiny). In the case of City Strategy EMAP where two Executive Members are in attendance, the business in part A would be subdivided to clearly show which Executive Member is to make the decision see sample agenda front sheet below. For example, at the meeting of City Strategy EMAP on 8 September 2008, the business would have been split as follows:

Item	Type of Business	Executive Member
<ul style="list-style-type: none"> Loan to Science City York Chief Executive's Monitor 1 Finance & Performance Report 2008/09* 2008/09 1st Monitoring Report for Economic Development Service – Finance & Performance* 	Executive	Leader Leader Leader

<ul style="list-style-type: none"> • Manor School – Highways Improvements (inc Beckfield Lane cycle scheme) • Winter Maintenance Service 2008/09 • 2008/09 City Strategy Finance & Performance Monitor One* • 2008/09 City Strategy Capital Programme Monitor 1 Report* 	Executive	City Strategy City Strategy City Strategy City Strategy
<ul style="list-style-type: none"> • Coach Strategy Review • York Cycling City • Results from the Street Lighting Trials • A Comparison of Bus Fares in York with other Local Authorities • Quality Bus Partnership Progress Report 	Scrutiny	

- * In order to bring the scrutiny function in York in line with that of all other local Authorities, these items in respect of monitoring finance and performance would fall under Scrutiny business. Items pertaining to the setting or spending of budgets would remain an Executive function

Effects

- Reduction in No. of Committees on structure.
- Would require clarity of Democracy & Scrutiny Support Roles
- Would require clarity in nature of business being dealt with at meetings

Advantages

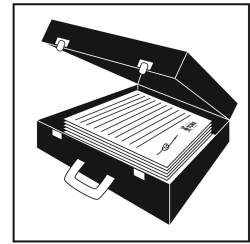
- EMAPs already involved in decision making about policy development and budgets.
- EMAPs have good understanding of their service areas and are therefore best placed to review and scrutinise Executive / chief officer decisions, and performance in relation to policy objectives and performance targets
- Clarity in role of EMAP i.e. separation of council and executive functions.
- More targeted use of resources in support of the function.
- Would address CPA concerns.

Disadvantages

- Increased workload for EMAPs
- Longer meetings and/or increased No. of meetings
- Removes clear delineation between overview and scrutiny, and decision-making processes

Cost

Information shown in Annex C.



Notice of meeting of

Executive Members for City Strategy and Advisory Panel

- To:** Councillors Gillies (Chair), Steve Galloway (Executive Member), Gillies (Chair), D'Agorne (Vice-Chair), Cregan, Hyman, Potter, Scott and Waller (Executive Member)
- Date:** Monday, 8 September 2008
- Time:** 5.00 pm
- Venue:** The Guildhall, York

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Friday 5 September 2008, if an item is called in *before* a decision is taken, *or*

4:00 pm on Wednesday 10 September 2008, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 3 - 20)

To approve and sign the minutes of the last meeting of the Executive Members for City Strategy and Advisory Panel held on 14 July 2008.

3. 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 Panel's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Friday 5 September 2008 at 5.00 pm.

BUSINESS FOR THE EXECUTIVE LEADER**ITEMS FOR DECISION****4. Loan to Science City York** (Pages 21 - 30)

This report asks the Executive Member to recommend that the Executive approve a loan of £50,000 from the Council to Science City York Company Limited by Guarantee to assist with its cash flow.

5. Chief Executive's Monitor 1 Finance and Performance Report 2008/09 (Pages 31 - 48)

This report combines performance and financial information for the Chief Executives Directorate for Monitor 1 2008-09. The Executive Member is asked to note the financial and performance position of the portfolio and to recommend the Executive to release a contingency sum to fund the additional cost of Members superannuation costs.

6. 2008/09 First Monitoring Report for Economic Development Service - Finance & Performance (Pages 49 - 62)

This report presents the latest projections for revenue and capital expenditure by Economic Development, as well as performance against target for:

- National Performance Indicators
- Customer First targets (letter and telephone answering)
- Staff Management targets (sickness absence & appraisals completed)

The Executive Member is asked to approve the financial and performance position of the portfolio.

BUSINESS FOR THE EXECUTIVE MEMBER FOR CITY STRATEGY**ITEMS FOR DECISION****7. Manor School - Highway Improvements (including Beckfield Lane cycle scheme) (Pages 63 - 84)**

This report summarises the outcome of consultation on a package of highway improvements aimed at providing safe and sustainable transport links to the new Manor School on Millfield Lane. Approval of a scheme for implementation is sought together with authorisation to advertise the related traffic regulation orders.

8. Winter Maintenance Service 2008/09 (Pages 85 - 118)

This report advises Members of the outcome of a review of last seasons Winter Maintenance Service and seeks approval of Officers actions in renewing the winter maintenance forecast provision contract.

9. 2008/09 City Strategy Finance and Performance Monitor One (Pages 119 - 154)

This report presents two sets of data from the City Strategy Directorate:

- a. the latest projections for revenue expenditure and capital expenditure for City Strategy portfolio,
- b. Monitor 1 (2008/09) performance against target for a number of key indicators that are made up of:
 - i. National Performance Indicators and local indicators owned by City Strategy¹
 - ii. Customer First targets (letter answering)
 - iii. Staff Management Targets (sickness absence)

Members are requested to note the financial position of the directorate portfolio, agree to the release of a contingency sum and approve a one off virement.

10. 2008/09 City Strategy Capital Programme Monitor 1 Report (Pages 155 - 190)

This report sets out progress to date on schemes in the City Strategy Capital Programme for 2008/09 and asks the Executive Member to approve the amendments to the 2008/09 budget.

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

ITEMS OF SCRUTINY BUSINESS

12. Coach Strategy Review (Pages 191 - 214)

This report provides a description and analysis of key findings arising from the York Coach Strategy Update (2008) and recommends that a detailed examination is made as to the feasibility of coaches using bus lanes in York.

13. York Cycling City (Pages 215 - 236)

This report advises Members of progress made in developing the York Cycling City project since the announcement of the successful bid in June 2008. Members are asked to note the content of the report and approve the proposals for moving the project forward.

14. Results from the Street Lighting Trials (Pages 237 - 266)

This report examines the results of the street lighting trials, which took place earlier this year and examines how this could be progressed, in line with the recommendations of the Executive.

15. A Comparison of Bus Fares in York with other Local Authorities (Pages 267 – 294)

This report advises Members of the comparative cost of bus travel, how local bus services in York compare to those in similar conurbations, how Park and Ride fares compare and how fares differ between bus companies operating in York.

16. Quality Bus Partnership Progress Report (Pages 295 - 310)

This report details decisions made by the Quality Bus Partnership (QBP) since its relaunch in August 2007 and is in response to a request made Cllr D'Agorne.

Democracy Officer

Name: Jill Pickering - Contact Details:

- Telephone - (01904) 552061
- Email - jill.pickering@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

Option B	<u>Alternative Structure</u> Replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees, and <u>remove</u> EMAPs from the decision making structure
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Suggested Scrutiny Committees

- Thriving City (Strategic Resources, Performance & Economic Development)
- Adult Health & Community Care
- Planning & Culture
- Neighbourhoods, Safety & Sustainability
- Children & Young People

See Annex D for the suggested function and remit of each of the above committees including how the priority targets agreed as part of the Local Area Agreement fit within each of their individual remits

Role of Scrutiny Management Committee

- To deal with all pre / post decision call-in
- Responsible for co-ordinating scrutiny activity, managing the overall scrutiny programme and deciding how to deal with urgent new topics or those which fall within the remit of more than one Scrutiny Committee
- Comprising of all Chairs and Vice Chairs of 5No. standing scrutiny committees
- Bi-monthly meetings (not including call-in)

Agenda Presentation

The Executive agenda items would be split to show Executive business and Executive Member business – see sample agenda front sheet below. For example, under this option the Executive Member business from City Strategy EMAP on 8 September 2008 would have been reduced to the following items:

Item	Type of Business	Executive Member
<ul style="list-style-type: none"> • Loan to Science City York • Chief Executive's Monitor 1 Finance & Performance Report 2008/09* • 2008/09 1st Monitoring Report for Economic Development Service – Finance & Performance* 	Executive	Leader
		Leader
		Leader
<ul style="list-style-type: none"> • Manor School – Highways Improvements (inc Beckfield Lane cycle scheme) • Winter Maintenance Service 2008/09 • 2008/09 City Strategy Finance & Performance Monitor One* • 2008/09 City Strategy Capital Programme Monitor 1 Report* 		City Strategy
		City Strategy
		City Strategy
		City Strategy

* In order to bring the scrutiny function in York in line with that of all other local Authorities, these items in respect of monitoring finance and performance would fall under Scrutiny business. Items pertaining to the setting or spending of budgets would remain an Executive function. Therefore, under 'Option B' all of the Finance & Performance monitoring items would have been removed from the agenda and dealt with instead by the Strategic Resources & Performance Scrutiny Committee suggested above and detailed in Annex D.

Effects

- Re-organisation of scrutiny and removal of EMAPs from decision-making structures
- Changes to levels of officer support in both areas with potential HR / Financial implications
- Would require some change to Executive Member delegations
- Removal of SPP – business gets called-in to SMC for consideration
- Executive Members would make their decisions in public every fortnight following the Executive meeting.

Advantages

- Would meet CPA requirements
- Proper clear and consistent application of Delegation Scheme
- Would reduce EMAP workloads and reinforce scrutiny powers to look at policy development issues

Disadvantages

- ?

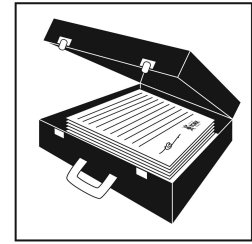
Cost

Information shown in Annex C.

Functions common to each of the suggested Scrutiny Committees

- a) assist the Council and the Cabinet 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 Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area
- 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
- f) review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time
- g) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- h) question members of the Cabinet and other Bodies, and chief 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
- i) make recommendations to the Cabinet, appropriate Bodies and/or Council arising from the outcome of the scrutiny process
- j) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance
- k) question and gather evidence from any person (with their consent)
- l) exercise overall responsibility for the finances made available to them
- m) report annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate
- n) exercise overall responsibility for the work programme of any Officers specifically employed to support their work

Plus, each Scrutiny Committee to have its own specific terms of reference - see Annex D



Notice of meeting of

Executive

To:	Councillors Steve Galloway (Chair), Aspden, Sue Galloway, Jamieson-Ball, Reid, Runciman, Sunderland, Vassie and Waller
Date:	Tuesday, 11 September 2007
Time:	2.00 pm
Venue:	The Guildhall, York

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10:00 am on Monday 10 September 2007, if an item is called in *before* a decision is taken, *or*

4:00 pm on Thursday 13 September 2007, if an item is called in *after* a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

1. **Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 3 - 12)
To approve and sign the minutes of the meeting of the Executive held on 24 July 2007.
3. **Public Participation**
At this point in the meeting, members of the public who registered their wish to speak regarding an item on the agenda or an issue within the Executive's remit can do so. The deadline for registering is **5:00 pm on Monday 10 September 2007**.
4. **Executive Forward Plan** (Pages 13 - 32)
To receive details of those items that are listed on the Executive Forward Plan for the next two meetings.

Executive Business

5. **Minutes of the Young People's Working Group** (Pages 33 - 42)
This report presents the minutes of a recent meeting of the Young People's Working Group and asks Members to consider the advice given by the Working Group in its capacity as an advisory body to the Executive.
6. **Amendments to the Council's Constitution** (Pages 43 - 48)
This report asks the Executive to note amendments made to the Constitution by the Council's Monitoring Officer pursuant to the provisions of Article 16 of the Constitution.
7. **Environmental Sustainability Strategy and Action Plan towards a Climate Change Strategy for the City** (Pages 49 - 86)
This report seeks approval of the Environmental Sustainability Strategy and Action Plan towards a Climate Change Strategy for the city, and also seeks agreement to the adoption of the Environmental Policy as a basis for the Council's Environmental Management System (EMS).
8. **Efficiency and Strategic Procurement Programme** (Pages 87 - 98)
This report seeks approval for a set of reviews and other pieces of work aimed at improving the Council's efficiency. These reviews are in addition to the Council's existing efficiency based exercises which have already been successful in more than achieving the targets set by the Government.
9. **Finance Strategy 2008/09 to 2010/11 and Policy Prospectus Response on the Future of a Fair Grant for York** (Pages 99 - 172)
This report presents to the Executive the Council's draft Financial Strategy for 2008/09 to 2010/11. In doing so it covers both the

Council's financial position for the next three years (the Medium Term Financial Forecast or MTFF) and potential options for bridging the gap between the expected budgetary position and the funding available. It also attempts, for the first time, to formalise a number of financial policies relating to the Council's financial management.

10. Developing the York Compact: new codes of good practice

(Pages 173 - 196)

This report sets out and seeks approval of the new and revised York Compact codes of good practice that have been developed by the York Compact Group. It also asks Members to endorse the Council's continued involvement in and support for the York Compact.

Business for the Executive Leader

11. Loan to Science City York

This report asks the Executive Member to recommend that the Executive approve a loan £50,000 from the Council to Science City York Company Limited by Guarantee to assist with its cash flow.

Business For the Executive Member For City Strategy

12. Urgent Business

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

Democracy Officer:

Name: Simon Copley Contact details:

- Telephone – (01904) 551078
- E-mail – simon.copley@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

Option C	<u>Alternative Structure</u> Replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees, and <u>retain</u> EMAPs – clearly defining EMAPs to ensure they do not undermine the scrutiny function
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Suggested Scrutiny Committees

- Thriving City (Strategic Resources, Performance & Economic Development)
- Adult Health & Community Care
- Planning & Culture
- Neighbourhoods, Safety & Sustainability
- Children & Young People

See Annex D for the suggested function and remit of each of the above committees including how the priority targets agreed as part of the Local Area Agreement fit within each of their individual remits

Role of Scrutiny Management Committee

- To deal with all pre / post decision call-in
- Responsible for co-ordinating scrutiny activity, managing the overall scrutiny programme and deciding how to deal with urgent new topics or those which fall within the remit of more than one Scrutiny Committee
- Comprising of all Chairs and Vice Chairs of 5No. standing scrutiny committees
- Bi-monthly meetings (plus call-in)

Role of Advisory Panels

- Retain current powers with some revisions to delegations
- Give scrutiny committees constitutional powers to establish, develop and review strategies / practices / policies as appropriate, prior to the determination by Executive or relevant EMAP

Agenda Presentation

EMAP agendas would be presented in the same way as they are now except there would be less items on the agenda as a result of clearly defining which of the items that currently go to EMAP should be going to a scrutiny committee (in order to bring the scrutiny function in York in line with the scrutiny function at other local Authorities). For example, under this option the Executive Member business from City Strategy EMAP on 8 September 2008 would have been reduced to the following items:

Item	Type of Business	Executive Member
• Loan to Science City York	Executive	Leader
• Chief Executive's Monitor 1 Finance & Performance Report 2008/09*		Leader
• 2008/09 1 st Monitoring Report for Economic Development Service – Finance & Performance*		Leader
• Manor School – Highways Improvements (inc Beckfield Lane cycle scheme)		City Strategy
• Winter Maintenance Service 2008/09		City Strategy
• 2008/09 City Strategy Finance & Performance Monitor One*		City Strategy
• 2008/09 City Strategy Capital Programme Monitor 1 Report*		City Strategy

- * In order to bring the scrutiny function in York in line with that of all other local Authorities, these items in respect of monitoring finance and performance would fall under Scrutiny business. Items pertaining to the setting or spending of budgets would remain an Executive function. Therefore, under 'Option C' all of the Finance & Performance monitoring items would have been removed from the agenda and dealt with instead by the Strategic Resources & Performance Scrutiny Committee suggested above and detailed in Annex D.

Effects

- Increased number of scrutiny committees
- would require an increase in scrutiny support staff with potential HR / Financial implications
- Reduced workload for EMAPs
- Need to clarify roles of Scrutiny Officers and current report authors within Directorates

Advantages

- Clearly defined roles for Scrutiny Committees and EMAPs
- Would meet CPA requirements
- Would reduce EMAP workloads and reinforce scrutiny powers to look at policy development issues

Disadvantages

- High costs due to increased No. of committees on structure
- Greater potential for confusion between roles

Cost

Information shown in Annex C.

Functions common to each of the suggested Scrutiny committees

- a) assist the Council and the Cabinet 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 Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area
- 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
- f) review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time
- g) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- h) question members of the Cabinet and other Bodies, and chief 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
- i) make recommendations to the Cabinet, appropriate Bodies and/or Council arising from the outcome of the scrutiny process
- j) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance
- k) question and gather evidence from any person (with their consent)

- l) exercise overall responsibility for the finances made available to them
- m) report annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate
- n) exercise overall responsibility for the work programme of any Officers specifically employed to support their work

Plus, each Scrutiny Committee to have its own specific terms of reference - see Annex D

Option D	<u>Alternative Structure</u> Leave the decision making structure as it currently stands without any increase to the number of scrutiny committees. Clearly define the role of EMAPs to ensure they do not undermine the scrutiny function and allow for overview and policy development work (currently considered by EMAPs) to be considered by SMC instead, in line with Section 21 of the Local Government Act 2000
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Suggested EMAP Structure

As per current structure:

City Strategy
 Corporate Services
 Leisure, Culture & Social Inclusion
 Neighbourhoods
 Housing & Adult Social Services
 Children & young People's Services

Suggested Scrutiny Committees

As per current structure:

Scrutiny Management Committee
 Health
 Education
 Ad-hocs (as necessary)

Role of Scrutiny Management Committee

- Give constitutional powers to establish, develop and review strategies / practices / policies as appropriate, prior to the determination by Executive or relevant EMAP
- To deal with all pre and post decision call-in.

Effects

May require an increase in HR in Scrutiny Services
 Would require changes to the delegation of SMC

Advantages

Will provide clarity in the role of Scrutiny Committees and EMAPs

Disadvantages

If HR increased within Scrutiny Services, there would be HR / Financial implications

Cost

No change to costs

Role of EMAPs

- Retain current powers with some revisions to delegations

Clarification of functions common to each of the Scrutiny Committees

- assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Cabinet and other Bodies, and chief officers about their views on issues and proposals affecting the area
- 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
- review and scrutinise the decisions made by and performance of the Cabinet and, as appropriate, the Regulatory Boards and Council officers both in relation to individual decisions and over time

- g) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- h) question members of the Cabinet and other Bodies, and chief 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
- i) make recommendations to the Cabinet, appropriate Bodies and/or Council arising from the outcome of the scrutiny process
- j) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance
- k) question and gather evidence from any person (with their consent)
- l) exercise overall responsibility for the finances made available to them
- m) report annually to the full Council on their workings and agree future work programmes and amended working methods if appropriate
- n) exercise overall responsibility for the work programme of any Officers specifically employed to support their work

Costings for Suggested Options

Current Running Cost per EMAP Meeting	
D.O. Charge Rate (based on new pay and grading scales)	
D.O. Grade 6 / Level 2 = £10.28 per hr x 9Hrs per EMAP meeting =	£ 92.52
Printing – Total Print Costs per EMAP for 2007/08	
Corporate =	£1,995.93
Leisure & Culture =	£ 818.80
Neighbourhoods =	£1,043.99
Children's =	£1,334.30
City Strategy =	£2,472.25
Housing & Adult S.S. =	<u>£1,041.75</u>
Total =	£8,707.02
÷ 6No. EMAPs for average print costs per EMAP Committee	£1,451.17
÷ Current number of meetings per committee	<u>÷ 7</u>
	£ 207.31
	+ £ <u>207.31</u>
Running cost per EMAP Meeting	£ 299.83
Current Structure: 6 EMAPs x 7No. meetings per EMAP = 42 meetings per year	x 42
Total Cost of current EMAP structure	<u>£12,592.86</u>
Current Running Cost per Scrutiny Meeting	
D.O. Charge Rate (based on new pay and grading scales)	
D.O. Grade 6 / Level 2 = £10.28 per hr x 6Hrs per Scrutiny meeting =	£ 61.68
Printing - Example print costs for typical scrutiny meeting =	+ £ <u>30.41</u>
Running cost per Scrutiny Meeting	£ 92.09
Current No. of Scrutiny Meetings:	
SMC	= 11
Education	= 9
Health	= 11
Barbican Ad-hoc	= 3
Traffic Ad-hoc	= 9
Highways Ad-hoc	<u>= 7</u>
	= 50 meetings
	x 50
Total Cost of current Scrutiny structure	<u>£ 4,604.37</u>
Cost of current EMAP structure	£ 12,592.86
Cost of current Scrutiny structure	<u>£ 4,604.37</u>
Total Current Costs	<u>£ 17,197.23</u>
NB: In calculating the costs per option below, we have assumed that the current scrutiny staffing costs are cost neutral. Plus, the following 'costs' were not incorporated because it was assumed that these would be broadly the same in overall terms:	
<ul style="list-style-type: none"> • directorate-wide officer support costs across the decision making structure (inc. scrutiny); • heating/lighting of venue for meetings; • room hire charges 	
However, as Options A-C would result in a reduction in the number of meetings held annually, further savings in the above may be made.	

Option A (i.e. amalgamating scrutiny and executive business through the Advisory Panel, resulting in the removal of scrutiny meetings & a slight increase in the number of Advisory Panel meetings)	
Running cost per EMAP Meeting (see above)	£299.83
Suggested Structure: 6No. EMAPs x 8No. meetings per EMAP = 48 meetings per year (additional 6 meetings per year)	x 48
	<hr/>
Total cost of EMAPS with suggested structure in Option A	£14,391.84
LESS: Current Scrutiny Structure Costs	- £ 4,604.37
	<hr/>
Total Cost Resulting from Option A	£ 9,787.47
Total Costs for Current EMAP & Scrutiny Structure = £17,197.23	
LESS: Total Cost Resulting from Option A	= <u>£ 9,787.47</u>
Total Saving made with Option A	£ 7,409.76

Option B (i.e. creation of multiple standing scrutiny committees, resulting in the removal of EMAPS, a reduced number of scrutiny meetings and an alternative process for making Executive Member decisions)	
Running Cost per scrutiny meeting (see above)	£ 92.09
5No. Scrutiny Committees x 8No. meetings each per year = 40 (i.e. meeting every 6 weeks)	
SMC x 4 meetings per year (not including call-in)	= 4
= No. of suggested scrutiny meetings per year	= <u>44</u>
	x 44
	<hr/>
Cost of suggested scrutiny structure	£ 4,051.96
PLUS: Cost of suggested EMAP structure	+ 0
	<hr/>
Total Cost Resulting from Option B	£ 4,051.96
Total Costs for Current EMAP & Scrutiny Structure = £17,197.23	
LESS: Total Cost Resulting from Option A	= <u>£ 4,051.96</u>
Total Saving made with Option B	£13,145.27

Option C (i.e. introducing multiple standing scrutiny committees (as per Option B above) and retaining EMAPS, resulting in a reduction in the number of scrutiny meetings required)	
Total cost of current EMAP structure (see above)	£ 12,592.86
PLUS: Cost of suggested scrutiny structure	£ 4,051.96
	<hr/>
Total Cost Resulting From Option C	£ 16,644.69
Total Costs for Current EMAP & Scrutiny Structure = £17,197.23	
LESS: Total Cost Resulting from Option C	= <u>£16,644.69</u>
Total Saving made with Option C	£ 552.54

Option D No change to costs

Suggested Scrutiny Committees – Individual Terms of Reference

Suggested Scrutiny Committees Their Functions & Remit
<p>Thriving City (Strategic Resources, Performance & Economic Development): In respect of all the Council's strategic and longer term planning and corporate development issues, IT development, corporate targets and objectives, financial processes and day-to-day management of all the Council's internal resources, including finance, staffing and property, regional issues, together with the review of service performance relating to economic development, including assessing the impact of skills and training and the economic quality of life in the City. Plus, any special issues which may arise from time to time particularly those matters not falling within the specific remit of any other Scrutiny Board</p> <p><u>Remit</u> Corporate and strategic planning, Corporate and Best Value Performance Plans, corporate targets, Democratic Services, Local Ombudsman reports, performance indicators, Local Strategic Partnership, LAA, the budget setting process, budget monitoring, estates and facilities management, contracts, the purchase and disposal of property, staff management, personnel issues, corporate support services and the implementation of the Council's equalities policies. Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below</p>
<p>Adult Health & Community Care In respect of the planning, policy development and monitoring of service performance and related issues together with other general issues relating to adult and community care services, within the Neighbourhoods area of Council activity and Adult Education services. To scrutinise as appropriate the various local Health Services functions, with particular reference to those relating to the care of adults.</p> <p><u>Remit</u> Community care, older people, mental health and disabilities and adult residential and day care services and home support services, Adult education, community and adult lifelong learning, and constituent parts of the local Health Services with particular reference to adults. To involve where relevant, the expertise of individuals who are neither Members nor Council officers Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below</p>
<p>Planning & Culture In respect of the planning, development and monitoring of service performance and other issues in respect of the area of Council activity relating to planning, wider environmental issues, culture, leisure</p> <p><u>Remit</u> development, regulatory services, planning and transportation, culture, leisure and associated leisure trusts, parks and countryside Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below.</p>

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Neighbourhoods & Sustainability

In respect of the planning, development and monitoring of service performance and other issues in relation to the provision and development of successful neighbourhoods and local environmental issues in the City.

Remit

Housing and successful neighbourhoods strategy, Area Action, social inclusion, crime and disorder, environmental management housing management, delivery of the relevant corporate strategies, and neighbourhood services, (including cleaning, catering, transport and CCTV). Client and provider functions for Streetscene and Markets. To involve, where relevant, the expertise of individuals who are neither Members nor Council officers

Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below

Children & Young People

In respect of the planning, policy development and monitoring of service performance and other general issues relating to learning and attainment and the care of children and young people within the Children's Services area of Council activity. Plus, to scrutinise as appropriate the various local Health Services functions, with particular reference to those relating to the care of children.

Remit

Early years, schools and school effectiveness, access and inclusion, Pupil support, Post-16 learning, employment and youth services. Connexions, safeguarding / child protection, inspection preparation and post inspection action, children's services, including children's family services and family learning, children in need, children's residential services, family placement, family support, children and young people with disabilities and Hospital social work, children's health services, including the services provided by the Hospital and the NHS Foundation Trust. To involve statutory non-Council Members as appropriate and, where relevant, the expertise of individuals who are neither Members nor Council officers

Plus, responsible for supporting the achievement of those LAA priority targets identified in the table below

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Priority	NI	Indicator(s), including those from national indicator set (shown with a *)	Scrutiny Committee responsible for supporting the achievement of the target
Local improvement Targets			
Inclusive City	NI1	% of people who believe people from different backgrounds get on well together in their local area*	Thriving City
Inclusive City	NI4	% of people who feel that they can influence decisions in their locality*	Thriving City
Inclusive City	NI6	Participation in regular volunteering *	Thriving City
Inclusive City	NI7	Environment for a thriving third sector*	Thriving City
City of Culture	NI8	Adult participation in sport *	Planning & Culture
Safer City	NI16	Serious acquisitive crime rate*	Neighbourhoods. Safety & Sustainability
Safer City	NI17	Perceptions of anti-social behaviour*	Neighbourhoods. Safety & Sustainability
Safer City	NI19	Rate of proven re-offending by young offenders*	Neighbourhoods. Safety & Sustainability
Safer City	NI30	Re-offending rate of prolific and priority offenders*	Adult Health & Community Care Neighbourhoods. Safety & Sustainability
Safer City	NI38	Drug-related (Class A) offending rate*	Adult Health & Community Care Neighbourhoods. Safety & Sustainability

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Safer City	NI39	Alcohol-harm related hospital admission rates*	Adult Health & Community Care Neighbourhoods. Safety & Sustainability
Safer City	NI47	People killed or seriously injured in road traffic accidents*	Neighbourhoods. Safety & Sustainability
Healthy City	NI56	Obesity among primary school age children in year 6*	Children & Young People
Learning City	NI81	Inequality gap in the achievement of a level 3 qualification by the age of 19*	Children & Young People
City of Culture	NI110	Young people's participation in positive activities*	Planning & Culture Children & Young People
Healthy City	NI112	Under 18 conception rate*	Children & Young People
Safer City	NI115	Substance misuse by young people*	Neighbourhoods. Safety & Sustainability Children & Young People
Inclusive City	NI116	Proportion of children in poverty*	Children & Young People
Learning City	NI117	16 to 18 year olds who are not in education, training or employment (NEET) *	Children & Young People
Healthy City	NI120	All-age all cause mortality rate*	Adult Health & Community Care Neighbourhoods. Safety & Sustainability Children & Young People
Healthy City	NI130	Social care clients receiving Self Directed Support (Direct Payments and Individual Budgets)*	Adult Health & Community Care
Healthy City	NI135	Carers receiving needs assessment or review and a specific carer's service, or advice and information*	Adult Health & Community Care

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Healthy City	NI141	Number of vulnerable people achieving independent living*	Adult Health & Community Care
Thriving City	NI152	Working age people on out of work benefits*	Thriving City Adult Health & Community Care
Inclusive City	NI155	Number of affordable homes delivered (gross)*	Thriving City Neighbourhoods. Safety & Sustainability
Inclusive City	NI156	Number of households living in temporary accommodation*	Thriving City Neighbourhoods. Safety & Sustainability
Learning City	NI163	Working age population qualified to at least NVQ level 2 *	Children & Young People
Thriving City	NI165	Working age population qualified to at least NVQ level 4 *	Thriving City
Thriving City	NI166	Average earnings of employees in the area*	Thriving City
Sustainable City	NI167	Congestion - average journey time per mile during the morning peak*	Planning & Culture
Thriving City	NI171	VAT registration rate *	Thriving City
Sustainable City	NI186	Per capita CO2 emissions in the local area.*	Neighbourhoods. Safety & Sustainability
Sustainable City	NI187	Tackling fuel poverty - people receiving income based benefits living in homes with a low energy rating*	Neighbourhoods. Safety & Sustainability
Sustainable City	NI191	Residual household waste per household*	Neighbourhoods. Safety & Sustainability
Sustainable City	NI197	Improved local biodiversity - active management of local sites*	Neighbourhoods. Safety & Sustainability

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Local indicators			
Inclusive City	NI54	Services for disabled children*	Children & Young People
City of Culture	NI57	Children's participation in PE and sport*	Children & Young People
Learning City	NI102	Achievement gap between pupils eligible for free school meals and their peers achieving the expected level at Key Stages 2 and 4*	Children & Young People
	NI 111	First time entrants to the Youth Justice System aged 10-17*	Neighbourhoods. Safety & Sustainability Children & Young People
Healthy City	NI128	DELAYED - User reported measure of respect and dignity in their treatment*	Adult Health & Community Care
Healthy City	NI139	People over 65 who say that they receive the information, assistance and support needed to exercise choice and control to live independently*	Adult Health & Community Care
Learning City	NI164	Working age population qualified to at least NVQ level 3*	Thriving City Adult Health & Community Care
Sustainable City	NI188	Adapting to climate change*	Neighbourhoods. Safety & Sustainability
Learning City	-	CYP8.10: % of pupils living in the 30% most deprived areas in the country (IDACI) gaining 5 A*-C, including maths and English, at GCSE	Children & Young People
Thriving City	-	EDE1.4: Maintain percentage difference between York and regional median and 25% percentile figures for residents pay in York (av. gross weekly earnings).	Thriving City
Healthy City	-	HCOP1.1: Reduce health inequalities within the local area, by narrowing the gap in all-age, all-cause mortality	Adult Health & Community Care Neighbourhoods. Safety & Sustainability Children & Young People

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Sustainable City	-	BVPI 219b: Conservation Area Appraisals undertaken	Planning & Culture Neighbourhoods. Safety & Sustainability
City of Culture	-	LLC14: Adult (16+) participation in physical activity (5 times 30 mins a week)	Adult Health & Community Care Planning & Culture
DCSF Statutory targets			
	NI 72	Early Years (EYFSP) – to increase achievement for all children at age 5 *	Children & Young People
	NI 73	Key Stage 2 – to increase proportion achieving level 4+ in both English and maths *	Children & Young People
	NI 74	Key Stage 3 - to increase proportion achieving level 5+ in both English and maths *	Children & Young People
	NI 75	Key Stage 4 – to increase proportion achieving 5 A*-C grades at GCSE and equiv incl GCSE English and Maths*	Children & Young People
	NI 83	Key Stage 3 – to increase proportion achieving level 5 in science *	Children & Young People
	NI 87	Attendance – to reduce persistent absentee pupils in secondary schools	Children & Young People
	NI 92	Early Years (EYFSP) – to narrow the achievement gap at age 5	Children & Young People
	NI 93	Key Stage 1-2 – to improve proportion progressing 2 national curriculum levels in English*	Children & Young People
	NI 94	Key Stage 1-2 - to improve proportion progressing 2 national curriculum levels in Maths*	Children & Young People

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NI 95	Key Stage 2-3 - to improve proportion progressing 2 national curriculum levels in English*	Children & Young People
NI 96	Key Stage 2-3 - to improve proportion progressing 2 national curriculum levels in Maths*	Children & Young People
NI 97	Key Stage 3-4 - to improve proportion progressing equivalent of 2 national curriculum levels in English*	Children & Young People
NI 98	Key Stage 3-4 - to improve proportion progressing equivalent of 2 national curriculum levels in Maths*	Children & Young People
NI 99	Children in care – to increase proportion achieving level 4+ in English at Key Stage 2	Children & Young People
NI 100	Children in care – to increase proportion achieving level 4+ in maths at Key Stage 2	Children & Young People
NI 101	Children in care – to increase proportion achieving 5 A*-C grades at GCSE and equiv incl GCSE English and maths	Children & Young People
	Attendance – to reduce persistent absentee pupils in primary schools	Children & Young People