



## Notice of meeting of

### Scrutiny Management Committee

**To:** Councillors Healey (Chair), Funnell (Vice-Chair), Orrell, Scott, Simpson-Laing, Taylor, R Watson and Waudby

**Date:** Monday, 28 September 2009

**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 - 6)

To approve and sign the Minutes of the meeting held on 27 July 2009.

#### 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. The deadline for registering is **5:00 pm on Friday 25 September 2009**.

#### 4. **Update Report - Referral from Community Safety Overview and Scrutiny Committee** (Pages 7 - 12)

This report details a referral made by the Community Safety Overview and Scrutiny Committee requesting a change to their terms of reference. Scrutiny Management Committee are asked to comment on the referral so that their views can be fed into a report to Council.

**5. Traffic Congestion Scrutiny Review - Residents Consultation Survey** (Pages 13 - 20)

This report provides an update on the proposed Residents Consultation Survey to support the ongoing Traffic Congestion Ad-hoc Scrutiny Review.

**6. Referral of Councillor Call for Action (CCfA) regarding Maintenance, Parking and Safety Issues at Broadway Shops** (Pages 21 - 32)

This report asks Members of the Scrutiny Management Committee (SMC) to decide whether the proposed Councillor Call for Action (CCfA) scrutiny topic falls more within the remit of the Community Safety Overview and Scrutiny Committee or the Economic and City Development Overview and Scrutiny Committee.

**7. Urgent Business - Strengthening Local Democracy** (Pages 33 - 46)

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

The Chair has agreed to consider under urgent business this report on the "Strengthening Local Democracy" consultation document. This item is urgent as the deadline for responding to the consultation document is 2 October 2009.

Democracy Officer:

Name: Jayne Carr

Contact details:

- Telephone – (01904) 552030
- E-mail – jayne.carr@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.

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### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোআবী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

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اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

*Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550*

### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **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

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

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MEETING	SCRUTINY MANAGEMENT COMMITTEE
DATE	27 JULY 2009
PRESENT	COUNCILLORS HEALEY (CHAIR), FUNNELL (VICE-CHAIR), SIMPSON-LAING, TAYLOR, R WATSON, WAUDBY AND HYMAN (SUBSTITUTE FOR COUNCILLOR ORRELL) COUNCILLOR B WATSON (IN ATTENDANCE)
APOLOGIES	COUNCILLORS ORRELL AND SCOTT

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### **1. 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. None were declared.

### **2. MINUTES**

RESOLVED: That the minutes of the meetings of the Scrutiny Management Committee and the Planning Enforcement Ad Hoc Scrutiny Committee held on 18 May 2009 be signed as a correct record.

### **3. PUBLIC PARTICIPATION**

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

### **4. NEW ARRANGEMENTS FOR OVERVIEW AND SCRUTINY IN YORK**

Members received a report that highlighted the agreed changes to the Overview and Scrutiny function in York, detailing the terms of reference for the new committees and the resources available to support the function.

It was noted that, although only three meetings of the Scrutiny Management Committee had been scheduled, it was likely that an additional meeting would need to be convened.

RESOLVED: That the contents of the report be noted.

REASON: To inform Members of the new arrangements for scrutiny.

**5. FINAL REPORT OF THE PLANNING ENFORCEMENT AD HOC SCRUTINY COMMITTEE**

Members received a report that presented the final report of the Planning Enforcement Ad Hoc Scrutiny Committee.

The Chair of the Ad Hoc Committee went through the key findings and recommendations. Members welcomed the recommendations that were being put forward.

SMC Members commended the report and thanks were expressed to the Members of the Planning Enforcement Ad Hoc Scrutiny Committee for their work in carrying out the review, to the Scrutiny Officer for the clarity and presentation of the draft final report and to those officers who had contributed to the review.

RESOLVED: That the contents of the final report of the Planning Enforcement Ad Hoc Scrutiny Committee be noted and the recommendations endorsed by SMC.

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

**6. UPDATE REPORT - REFERRALS AND WORK PLANS OF THE NEW OVERVIEW AND SCRUTINY COMMITTEES**

Members received a report that presented the work plans of all five Scrutiny Committees. It also detailed the referrals made by those Committees to Scrutiny Management Committee.

It was noted that the Effective Organisation Overview and Scrutiny Committee had identified the following issues as specific areas of concern and had referred them to SMC for consideration in their role of allocating workplans and allocating responsibility for issues identified as possibly falling across two or more Overview and Scrutiny Committees:

- Significant budget pressures in both Children's Services and HASS
- The underachievement of income for Newgate Market
- Concerns regarding graffiti and litter

It was noted that the Economic and City Development Overview and Scrutiny Committee had already requested further information on Newgate Market.

RESOLVED: (i) That the contents of the report be noted.

(ii) That, in respect of the referrals made by the Effective Organisation Overview and Scrutiny Committee, SMC recommend that<sup>1</sup>:

- The budget pressures in Children's Services and HASS be considered by the Learning and Culture

Overview and Scrutiny Committee<sup>2</sup> and the Health Overview and Scrutiny Committee<sup>3</sup> respectively.

- The underachievement of income for Newgate Market be considered by the Economic and City Development Overview and Scrutiny Committee<sup>3</sup>.
- The concerns regarding graffiti and litter be forwarded to the Community Safety Overview and Scrutiny Committee in the first instance. If the Committee did not consider it appropriate to pursue the issue at this time, the matter was to be referred back to SMC for further consideration<sup>2</sup>.

REASON: In accordance with SMC's role of monitoring workplans and allocating responsibility for issues identified as possibly falling across two or more Overview and Scrutiny Committees.

Action Required

- |  |    |
|--|----|
| 1. Prepare a report to Effective Organisation Scrutiny Committee on outcome of referrals | MC |
| 2. Scrutiny Officer to ensure issue referred to relevant Scrutiny Committee              | MC |
| 3. Scrutiny Officer to ensure issue referred to relevant Scrutiny Committee              | TW |

Councillor P Healey, Chair

[The meeting started at 6.10 pm and finished at 7.00 pm].

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**Scrutiny Management Committee****28 September 2009**

Report of the Head of Civic, Legal &amp; Democratic Services

**Update Report – Referral from Community Safety Overview & Scrutiny Committee****Summary**

1. This report details a referral made by the Community Safety Overview & Scrutiny Committee, requesting a change to their terms of reference. Scrutiny Management Committee are asked to comment on the referral so that their views can be fed into a report to Council.

**Background**

2. At the first meeting of the new Community Safety Overview & Scrutiny Committee, Members considered a report detailing the individual terms of reference for all of the new committees.
3. Members and officers expressed concern that the Licensing and Regulatory function had been included as part of the remit of the Economic & City Development Overview & Scrutiny Committee, rather than the Community Safety Overview & Scrutiny Committee.
4. Officers also pointed out that the Building Maintenance function did not appear as part of the remit for any of the new committees – the current remits for the new overview & scrutiny committees are shown at Annex A.
5. The Committee therefore agreed to refer both these issues to Scrutiny Management Committee for comment, prior to requesting that Council allocate these service areas to the appropriate new overview and scrutiny committees and amend their terms of reference accordingly.

**Consultation**

6. The Assistant Director of Neighbourhoods & Community Safety was consulted on the allocation of the Licensing & Regulatory function and is of the opinion that it should be transferred to Community Safety Overview & Scrutiny Committee, as the issuing of licenses is about protecting public safety and the regulation of premises and licensees, and has very little relevance to Economic & City Development.

7. The Assistant Director of Maintenance Services was consulted on the allocation of the Building Maintenance function and is of the opinion that this function should be added to the terms of reference for the Economic & City Development Overview & Scrutiny Committee, on the basis that a majority of their work is on the council's housing stock and 'Housing Landlord' and 'Housing General' are already part of that committee's remit.

## **Options**

8. Having considered the information contained within this report, SMC may choose to
  - Agree with officers' views re the suggested changes to the remits for both the Community Safety Overview & Scrutiny Committee and the Economic Development Overview & Scrutiny Committee or;
  - Suggest an alternative allocation of these functions to the remit of one or more of the new Overview & Scrutiny Committees.

## **Analysis**

9. When providing their comments on where the two functions in question should be allocated, Members should be mindful that the new Overview & Scrutiny Committees were designed to be cross-cutting across Directorates and therefore the fact that a majority of the functions provided by the Neighbourhoods Services Directorate fall within the remit of the Community Safety Overview & Scrutiny Committee is not sufficient reason to allocate these two functions to that particular overview and scrutiny committee.

## **Corporate Strategy**

10. The Council's Corporate Strategy was recently revised for 2009-12, to align it with the Local Area Agreement (LAA). The new Overview & Scrutiny Committees are designed to be cross-cutting across Directorates and each is based on an individual LAA theme i.e.

Effective Organisation – to be a modern Council with high standards and values and a great place to work

Thriving City – to support York's successful economy to make sure employment rates stay high and that local people benefit from new job opportunities

Safer City – for York to have low crime rates and be recognised for its safety record

City of Culture & Learning City – to inspire residents and visitors to free their creative talents and make York the most active city in the country, and that local people have access to world-class education, training facilities and provision

Healthy City – for residents to enjoy long, healthy and independent lives

11. In addition, each of the above named Overview & Scrutiny Committees is responsible for ensuring their work promotes inclusiveness and sustainability which are the final two themes of the Corporate Strategy

### **Implications**

12. There are no financial, human resources, equalities, legal, crime & disorder, information technology, property or other implications associated with this report.

### **Risk Management**

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

### **Recommendations**

6. Members are asked to note the contents of the report and provide comment on which Overview & Scrutiny Committee the Building Maintenance and Licensing and Regulatory functions should be allocated to, in accordance with the role of Scrutiny Management Committee

### **Contact Details**

**Author:**

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Scrutiny Services  
Tel: 01904 552063

**Chief Officer Responsible for the report:**

Dawn Steel  
Democratic Services Manager  
Tel: 01904 551030

**Report Approved**



**Date** 17 September 2009

**Specialist Implications Officer(s)** - N/A

**Wards Affected:**

**All**



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

**Background Papers:** None

### **Annexes**

**Annex A –** Current Terms of Reference/Remits for the New Overview & Scrutiny Committees

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**New Overview & Scrutiny Committees - Terms of Reference**

<p><b>Effective Organisation Committee</b></p>	<p>In relation to the Executive Member portfolios, monitor the performance of the following service plan areas shown below through regular performance monitoring reports:  <b>Corporate Services:</b> Audit &amp; Risk Management, Strategic Finance, Business Management, IT&amp;T, Public Services, Property Services  <b>Executive Leader:</b> Policy &amp; Development, Civic Democratic &amp; Legal Services, Marketing &amp; Communications, Human Resources and Performance &amp; Improvements  <b>City Strategy:</b> Resources &amp; Business Management  <b>Neighbourhood Services:</b> Business Support Services  <b>Housing &amp; Adult Social Services:</b> Corporate Services  <b>Leisure, Culture &amp; Social Inclusion:</b> ICT Client, Directorate Financial Services, Directorate HR Services  <b>Children &amp; Young People's Services:</b> Management Information Services, ICT Client, Directorate Financial Services, Directorate HR Services</p> <p>To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the following service areas:  * Marketing &amp; Communications  * Human Resources  * Legal, Civic &amp; Democratic Services  * Audit &amp; Risk  * Strategic Resources (inc Finance, ICT, Procurement and Property)</p> <p>To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the service plan areas listed above</p> <p>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.</p> <p>Plus, responsible for supporting the achievement of the relevant LAA priority targets</p>
<p><b>Economic &amp; City Development</b></p>	<p>In relation to the Executive Member portfolios monitor the performance of the following service plan areas shown below through regular performance monitoring reports:  <b>Executive Leader:</b> Economic Development  <b>City Strategy:</b> Planning, City Development &amp; Transport  <b>Neighbourhood Services:</b> Licensing &amp; Regulation  <b>Housing &amp; Adult Social Services:</b> Housing Landlord, Housing General</p> <p>To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the service plan areas listed above</p> <p>To scrutinise the services provided to residents of York by other service providers, as appropriate.</p> <p>Plus, responsible for supporting the achievement of the relevant LAA priority targets</p>
<p><b>Learning &amp; Culture</b></p>	<p>In relation to the Executive Member portfolios, monitor the performance of the following service plan areas shown below through regular performance monitoring reports:  <b>Children &amp; Young People's Services:</b> Early Years, Schools &amp; Communities, Education Development Services, School Governance Service, Special Educational Needs, Adult Education, Access, Education Planning &amp; Resources, Young People's Service  <b>Leisure, Culture &amp; Social Inclusion:</b> Arts &amp; Cultural Services, Libraries &amp; Heritage Services, Parks &amp; Open Spaces, Sports &amp; Active Leisure</p> <p>To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the service plan areas listed above</p> <p>To scrutinise the services provided to residents of York by other service providers, as appropriate.</p> <p>Plus, responsible for supporting the achievement of the relevant LAA priority targets</p>

<b>Community Safety</b>	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.
	In relation to the Executive Member portfolios , monitor the performance of the following service plan areas shown below through regular performance monitoring reports: <b>Executive Leader:</b> in relation to Safer City <b>City Strategy:</b> Waste Management Strategy (Client), <b>Neighbourhood Services:</b> Environmental Health & Trading Standards, Street Scene, Cleansing Services, Waste Collection Services, Building Cleaning Services, Highways Maintenance Services, Street Environment, Bereavement Services, <b>Children &amp; Young People's Services:</b> Youth Offending Team
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the service plan areas listed above
	Plus, responsible for supporting the achievement of the relevant LAA priority targets
	To scrutinise the services provided to residents of York by other service providers, as appropriate.
<b>Health</b>	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 Committee, 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 services and policies of key partners on the health of the City's population
	To review arrangements made by the Council and local NHS bodies for public health within the City.
	To make reports and recommendations to the local NHS body or other local providers of services and to evaluate and review the effectiveness of its reports and recommendations.
	In relation to the Executive Member portfolios , monitor the performance of the following service plan areas shown below through regular performance monitoring reports: <b>Housing &amp; Adult Social Services:</b> Adults (Older People, People with Physical Disabilities & Sensory Impairments), and Adults Mental Health, Adults Learning Disability
	To initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to the service plan areas listed above
	To delegate functions of overview and scrutiny of health to another Local Authority Committee
	To report to the Secretary of State of Health;
	a) where the Committee is concerned that consultation on substantial variation or development of service has been inadequate b) where the committee considers that the proposals is not in the interests of the health service
Plus, responsible for supporting the achievement of the relevant LAA priority targets	



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**Scrutiny Management Committee****28 September 2009****Traffic Congestion Review - Residents Consultation Survey****Background**

1. Members have spent a long time gathering information to support the ongoing Traffic Congestion Ad-hoc Scrutiny Review, as detailed in their draft final report previously presented to Scrutiny Management Committee in May 2009.
2. As part of concluding the review, Members recognised that it would be beneficial to engage the wider York community as well as particular interested parties. The Committee therefore agreed to issue a city-wide survey outlining the review findings and the possible solutions, as this was deemed crucial to identifying views on future transport policy, given both the difficult and critical choices to be made, and the need for York residents and businesses positive co-operation.

**Consultation**

3. Officers within Marketing & Communications were consulted on the best methods for producing and carrying out the survey and an analysis of the costs agreed at that time are shown at Annex A, and the budget allocated for the survey was based on that analysis.
4. The budget allocated for carrying out the survey based on the original costings was carried forward from the scrutiny budget for the financial year 2008/09, into the scrutiny budget for the financial year 2009/10.
5. As part of the original costings, it was agreed that the survey would be distributed as an insertion within 'Your Ward / Your City' in order to limit the distribution costs. However, the current Chief Executive has stated that this would not be suitable, therefore Marketing & Communications intend distributing the survey by itself. This will therefore result in an increase in the distribution costs and a revised costing is shown at Annex B (to follow).

**Information Gathered**

6. Work has been ongoing within Marketing & Communications to produce a draft survey for the Traffic Congestion Ad-hoc Scrutiny Committee to consider. A meeting of that Committee is currently being arranged for the last week in Sept / first week in October (subject to Members availability), at which they will consider the draft survey and agree any changes / additions. The intention is to produce and distribute the survey as soon as possible following that meeting, in order to

ensure it does not coincide with the distribution of the draft LTP3 which is due to be sent out early 2010.

### **Options**

6. This report is for information only and therefore there are no options applicable.

### **Implications**

6. **Financial** – There are financial implications associated with the decision not to distribute the survey as an insertion within ‘Your Ward / Your City’ as this method will incur additional costs as outlined in Annex B.
7. **Legal, HR, Equalities, Crime & Disorder, Property or Other** – There are no known implications associated with the information in this report.

### **Corporate Strategy**

8. The implementation of the recommendations arising from the Traffic Congestion Scrutiny review will support the delivery of the following corporate priorities:
  - ‘Reduce the environmental impact of council activities and encourage, empower and promote others to do the same’
  - ‘Increase the use of public and other environmentally friendly modes of transport’.

### **Risk Management**

10. There is a risk that by not including the right level of information in the survey, it may limit the number of residents who choose to engage in the consultation. This in turn may effect the strength of the argument for the Executive to agree to the recommendations arising from the Traffic Congestion review. Plus, the cost of carrying out a city wide consultation is high therefore in order to justify the expense the exercise would need to be productive. There is also a financial risk attached to carrying out the survey, in that the added value of the survey findings may not warrant the high costs involved in carrying out the survey, given the delays in getting to this stage in the review and the already comprehensive nature of the final report and annexes.

### **Recommendations**

12. Members are asked to note the content of this information only report.

Reason: To enable the survey to be carried out.



**Contact Details**

**Author:**

Melanie Carr  
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Scrutiny Services  
Tel: 01904 552063

**Chief Officer Responsible for the report:**

Dawn Steel  
Democratic Services Manager

**Report Approved**



**Date** 17 September 2009

**Wards Affected:**

All



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

**Background Papers:** Traffic Congestion Draft Final Report dated 7 May 2009

**Annexes**

**Annex A** – Original Costings for Consultation

**Annex B** – Revised Costings for Consultation (to follow)

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## Traffic Congestion Scrutiny Review

### Costings For Production of Survey & Distribution Via Your Ward / Your City

#### Residents Survey

Quantity: 90000 Copies  
 Description: Traffic management insert  
 Duo Office 100gsm, 1/1 Black  
 A4 - A3 folded to A4, 6 page  
 Gather, fold & insert into Your Ward  
 (excluding VAT) = £ 5,279.00

#### Design - By HBA graphics

Dependant on the final text: £500.00

Marketing & Communications could plain English the document for free but if it is near publication deadlines and they don't have the capacity it would have to be outsourced at a small charge.

#### Distribution

Additional costs over and above normal delivery costs due to additional weight etc is £2,944.03

#### Return Postal Costs For Survey

'FREEPOST' return address  
 Dependant on the number of returns  
 i.e. 10% returned = 9,000 @ 0.24p = £2,160.00

#### Compiling Survey Results

Dependant on number of returned surveys  
 i.e. 10% returned = 9,000 £4,650.00

#### Analysis Costs

Dependant on number of returned surveys  
 i.e. 10% returned = 9,000 £1,500.00

There is a suggestion that this work could be done by graduates From Leeds University which would minimise the cost, but at this stage we are not able to confirm if this will be possible.

**Minimum Total based on 9,000 returns £17,033.03**

This does not include any additional costs to cover requests for the survey in alternative languages, large print, Braille or on audio tape etc. We have also not included for the additional staff resources required to deal with any enquiries received as a result of sending the survey out. Marketing & Communications have confirmed that this is the usual consequence of sending out a survey to all York residents and that enquiries will continue to be received for up to six weeks after the survey is issued.

Of the £250.00 budget already allocated to the review, the Committee plan to use some of this to provide refreshments at the three sessions where stakeholders and interested parties are to be invited to attend (see paragraph 54 of the main report).

## Traffic Congestion Scrutiny Review

### Costings For Production and Distribution of Survey

#### Survey to all households

##### Printing

Quantity: 90000 Copies

Description: 8 page A4 full colour booklet printed on 80gsm  
100% recycled paper  
Subject to final print buying process £5,300

Above price is for delivery to one address. There will be extra costs of approximately £300 if they need to be delivered to different distributors home addresses.

##### Design

Dependent on number of photographs, amendments and the final text: £700

Marketing & Communications could plain English the document for free but if it is near publication deadlines and they don't have the capacity it would have to be outsourced at a small charge.

##### Distribution options

- |   |        |
|---|--------|
| i Solus distribution with a locally based national distribution company | £8,500 |
| ii Solus distribution by local listings magazine company                | £7,500 |
| iii Distribution alongside local listings magazine                      | £2,400 |
| iv In-house solus distribution  | £7,500 |

##### Return post costs

'FREEPOST' return address  
Dependent on the number of returns  
If 10% returned = 9,000 @ 0.30p = £2,700

##### Data processing and analysis (outsourced)

Dependent on number of returned surveys  
If 10% returned = 9,000 £6,500

**Minimum Total based on 9,000 returns £17,600**

This does not include any additional costs to cover requests for the survey in alternative languages, large print, Braille or on audio tape.

Marketing & Communications have confirmed that the usual consequence of sending out a survey to all York residents is that detailed and lengthy enquiries are likely to be received for up to six weeks after the survey is issued.

Marketing and Communications do not have the additional staff resources, nor the detailed knowledge of the subject, required to deal with enquiries received as a result of sending the survey out.

An email contact address and telephone number would need to be included in the survey, and resources identified in order to respond to the public on these issues.



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## Scrutiny Management Committee

28 September 2009

Report of the Head of Civic, Legal & Democratic Services

### Referral of CCfA<sup>1</sup> regarding Maintenance, Parking & Safety Issues at Broadway Shops

#### Summary

1. This report asks Members of the Scrutiny Management Committee (SMC) to decide whether the proposed CCfA scrutiny topic falls more within the remit of either the Community Safety Overview & Scrutiny Committee or the Economic & City Development Overview & Scrutiny Committee.

#### Background

2. A CCfA regarding maintenance, parking and safety issues at Broadway shops was registered by Councillors D'Agorne and Taylor, Ward Members for Fishergate, on 31<sup>st</sup> August 2009. A copy of the topic registration form is attached at **Annex A** for information.

#### Consultation

3. The Chairs of both the relevant Scrutiny Committees have been asked for their views on which Committee's remit the topic best fits and therefore which committee should consider the associated feasibility report prior to deciding whether to proceed with a scrutiny review of the topic. The Chair of Economic & City Development Overview & Scrutiny Committee has expressed the opinion that the topic lies within his Committee's remit, and the Chair of Community Safety Overview & Scrutiny Committee has expressed the view that it probably fits with her Committee's remit.

#### Options

4. Members have the following options:
  - i. Refer the topic to the Community Safety Overview & Scrutiny Committee
  - ii. Refer the topic to the Economic & City Development Overview & Scrutiny Committee.

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<sup>1</sup> Councillor Call for Action

## Analysis

5. SMC have the responsibility for issues, which fall between more than one Overview & Scrutiny Committee.
6. The topic registration form (**Annex A refers**) is about a crosscutting theme that references both safety and highways issues.
7. A copy of the workplans for both the Community Safety Overview & Scrutiny Committee and the Economic & City Development Overview & Scrutiny Committee in order that SMC may take their respective work loads into consideration. These are attached at **Annex B and C** to this report.

## Corporate Strategy 2009/2012

8. The recommendations within this report relate to the eighth theme of the recently refreshed Corporate Strategy:

'We shall make City of York Council an Effective Organisation'

## Implications

9. There are no financial, legal, human resources or other implications associated with the recommendations contained within this report.

## Risk Management

10. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations within this report.

## Recommendations

11. Members of the Committee are asked to allocate this work to one of the Scrutiny Committees listed in paragraph 4 of this report.

REASON: To enable work on the CCfA to start as soon as possible.

## Contact Details

### Author:

Tracy Wallis  
Scrutiny Officer  
Scrutiny Services  
Tel: 01904 551714

### Chief Officer Responsible for the report:

Quentin Baker  
Head of Civic, Legal & Democratic Services  
Tel: 01904 551004

Report Approved

Date 18 September 2009

**Specialist Implications Officer(s)** None

**Wards Affected:** Fisherqate Ward

All



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

**Background Papers:**

None

**Annexes**

**Annex A** Topic Registration Form

**Annex B** Workplan for the Community Safety Overview & Scrutiny Committee

**Annex C** Workplan for the Economic & City Development Overview & Scrutiny Committee

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## Scrutiny topic registration form

\* Proposed topic: Maintenance, parking and safety issues at Broadway shops

\* Councillor registering the topic: D'Agorne - Councillor Andy D'Agorne; Taylor - Councillor Dave Taylor;

Submitted due to an unresolved 'Cllr Call for Action' enquiry

We would like to register a Councillor Call for Action regarding parking, maintenance and pedestrian safety issues at Broadway shops in Fulford.

In terms of action that has been tried, we have had ward funding towards feasibility studies since 2004, a residents petition (2008), an officer report and consequent discussion at EMAP, letters from Neighbourhood Services to shopkeepers, York Pride spending, ward Councillor meetings with officers and with shopkeepers. None of these have resolved the issues. Damon Copperthwaite and Alistair Briggs will be able to confirm that these have all failed to resolve the dissatisfaction of the residents about safety issues at these shops.

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Please complete this section as thoroughly as you can. The information provided will help Scrutiny Officers and Scrutiny Members to assess the following key elements to the success of any scrutiny review:

**How** a review should best be undertaken given the subject  
**Who** needs to be involved  
**What** should be looked at  
**By when** it should be achieved; and  
**Why we are doing it ?**

---

Please describe how the proposed topic fits with 3 of the eligibility criteria attached.

	Yes?	Policy Development & Review	Service Improvement & Delivery	Accountability of Executive Decisions
Public Interest (ie. in terms of both proposals being in the public interest and resident perceptions)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Under Performance / Service Dissatisfaction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

In keeping with corporate priorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Level of Risk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Service Efficiency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
National/local/regional significance e.g. A central government priority area, concerns joint working arrangements at a local 'York' or wider regional context	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\* Set out briefly the purpose of any scrutiny review of your proposed topic. What do you think it should achieve?

Aim to achieve a long term solution to the problems associated with this private service road and forecourt for a parade of local shops. This would include identifying an approach that could be used here and elsewhere in the city where there are similar problems.

\* Please explain briefly what you think any scrutiny review of your proposed topic should cover.

Securing a partnership approach to improving access to local services where the council does not control the frontage. Resolving conflicts between pedestrian safety and parking/ delivery access. Securing a sustainable maintenance strategy for vehicular access and parking, including options to reconfigure highway layout to meet modern needs.

\* Please indicate which other Councils, partners or external services could, in your opinion, participate in the review, saying why.

Statutory undertakers - responsible for maintenance of services underneath the area Retailers, notably the Cooperative and Post Office stores that are key facilities for the local area. Council departments - Highways, Neighbourhood management unit, Economic Development Unit Local community groups – Broadway Area Good Neighbour & Residents Association (BAGNARA) and Fulford Parish Council

\* Explain briefly how, in your opinion, such a review might be most efficiently undertaken?

All interested parties invited to put forward their views in what should happen and how this might be achieved. Small retailers on the parade invited to consider forming a traders association to negotiate with the council and other agencies on a plan to upgrade the area and protect customer safety while still catering for loading and parking.

Estimate the timescale for  1-3 months

- completion.  3-6 months  
 6-9 months

Support  
documents or  
other useful  
information

Warning: This item is published and cannot be updated

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Date submitted: Monday, 31st August, 2009, 10.33 pm

Submitted by: Councillor Andy D'Agorne

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## Community Safety Overview & Scrutiny Committee Work Plan 2009-10

Meeting Date	Work Programme
7 July 2009	<ol style="list-style-type: none"> <li>1. Report on Overview &amp; Scrutiny Committees - Terms of Reference</li> <li>2. Guidance on Scrutinising Crime &amp; Disorder Issues</li> <li>3. 2008/09 Year End Outturn Report</li> <li>4. Corporate Strategy – Key Performance Indicators &amp; Actions for 2009/10 – Understanding the corporate priorities relevant to the Committee’s ‘terms of reference’ in order to establish a baseline for making proposals for changes to the Corporate Priorities in 2010/11</li> </ol>
<b>22 September 2009</b>	<ol style="list-style-type: none"> <li><b>1. First Quarter Monitoring Report</b></li> <li><b>2. Update Report presenting correct performance indicators relevant to this Committee</b></li> </ol>
<b>1 December 2009</b>	<ol style="list-style-type: none"> <li><b>1. Second Quarter Monitoring Report</b></li> </ol>
<b>19 January 2010</b>	<ol style="list-style-type: none"> <li><b>1. Budget Consultation</b></li> <li><b>2. Audit Commission Report on Use of Resources</b></li> </ol>
<b>2 March 2010</b>	<ol style="list-style-type: none"> <li><b>1. Third Quarter Monitoring Report</b></li> <li><b>2. Annual Report from relevant Local Strategic Partners</b></li> </ol>

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## Economic & City Development Overview & Scrutiny Committee Work Plan 2009-10

Items in italics show recently added, changed or slipped items

Meeting Date	Work Programme
14 July 2009	<ol style="list-style-type: none"> <li>1. Report on Overview &amp; Scrutiny Committees - Terms of Reference</li> <li>2. 2008/09 Year End Outturn Report</li> <li>3. Corporate Strategy – Key Performance Indicators &amp; Actions for 2009/10 – Understanding the corporate priorities relevant to the Committee’s ‘terms of reference’ in order to establish a baseline for making proposals for changes to the Corporate Priorities in 2010/11</li> <li>4. Feasibility Report – Planning Conditions/Highways Adoption</li> <li>5. Report regarding the Economic Development Programme (Assistant Director, Economic Development)</li> </ol>
12 August 2009	<ol style="list-style-type: none"> <li>1. Feasibility on CCfA – Water End</li> <li>2. Briefing Note – Highways Adoption &amp; decision whether to proceed with proposed scrutiny topic on Planning Conditions/Highways Adoption</li> </ol>
29 September 2009	<ol style="list-style-type: none"> <li>1. First Quarter Monitoring Report</li> <li>2. Further briefing on Economic Development Programme (Sections 1-4)</li> <li>3. Briefing on Newgate Market</li> <li>4. <i>First report of the CCfA Task Group (Water Lane Traffic Issues) &amp; recent developments</i></li> <li>5. <i>Report of the Executive Member regarding Highways Adoption</i></li> </ol>
8 December 2009	<ol style="list-style-type: none"> <li>1. Second Quarter Monitoring Report</li> <li>2. <i>Chair of the York Environment Forum – Open Letter (To address the Committee)</i></li> <li>3. <i>Interim report of the CCfA Task Group (Water Lane Traffic Issues)</i></li> </ol>
26 January 2010	<ol style="list-style-type: none"> <li>1. Budget Consultation</li> <li>2. Audit Commission Report on Use of Resources</li> </ol>
9 March 2010	<ol style="list-style-type: none"> <li>1. Third Quarter Monitoring Report</li> <li>2. Annual Report from relevant Local Strategic Partners</li> </ol>

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## Scrutiny Management Committee

28 September 2009

Report of the Democratic Services Manager

### Strengthening Local Democracy – Consultation Paper

#### Summary

1. The Government has released a consultation document in relation to 'strengthening local democracy' as part of a paper on 'Building Britain's Future'. The Consultation was announced on 21 July and responses are due by 2 October 2009. As a result, the Chair of this Committee has agreed to take this report as an urgent item to enable the Committee to endorse the Council's response to the Consultation and formally submit its views within the stated deadline on scrutiny elements of the Consultation.

#### Background

2. There have been a number of recent legislative changes and developments relating to the scrutiny function, since the introduction of the 2000 Local Government Act. Most recently, the Local Democracy, Economic Development & Construction Bill (LDEDC) is introducing new working requirements upon local authorities regarding petitions. Audit & Governance Committee considered a report on introducing e-petitions at its meeting on 21 September 2009. As an extension to that, LDEDC may well go on to give petitioners the right to ask scrutiny to consider their petition if they feel that the authority has not dealt with their petition satisfactorily.
3. In addition, in April 2009, the Councillor Call for Action (CcfA) provision was introduced further to the Local Government Public Involvement in Health Act. This provision gives local ward councillors the right to invoke a CcfA and ask scrutiny to investigate ongoing problems/issues in the area if they have not been able to be resolved by any other means. In York, two CcfAs have been registered to date.
4. As a part of its proposals in the Consultation document for 'strengthening local democracy', including a potential 'duty' upon local authorities to promote local democracy, the Government is consulting upon a number of issues relating to scrutiny powers and promoting scrutiny. A policy briefing is attached at Annex A setting out the key issues for consideration/comment by this Committee in relation to scrutiny. The full Consultation document is available at 'Strengthening Local Democracy: Consultation – Local Government – Communities and Local Government'.

## Consultation

5. Council Management Team (CMT) have considered the Consultation in general and comments/views are being collated on relevant parts across the Authority. The views of this Committee are formally sought in relation to the questions set out in the Consultation document regarding scrutiny powers. Those comments will then be fed into the overall formal response on the Consultation document. Any responses from local authorities on the consultation are required by 2 October 2009.

## Options

6. Members can:
  - (i) Endorse the proposed response in relation to scrutiny powers set out in this report in full; or
  - (ii) Amend the proposed response and endorse it for submission, as revised.

## Analysis

7. The Consultation considers how councillors and councils can be placed at the centre of decision-making by local service providers and one area considered is through strengthening overview and scrutiny. The consultation proposes that councils have greater scrutiny powers and oversight of the totality of local spending in the area. The proposals would broaden and extend local authority scrutiny powers so they can better influence local decision-making. This goes beyond just monitoring spending but is also about challenging others to improve. Local authorities are also seen as having a role in representing the interests of local organisations.
8. Specifically, the Consultation sets out the possibility of extending the scope of scrutiny to enable:
  - scrutiny committees to cover all the issues that matter to the local community, and not be limited to issues that fall within the LAA priorities;
  - a wider range of bodies to be included, beyond the range of organisations responsible for contributing to the LAA targets.
  - Scrutiny committees to require officers and board members from external organisations to appear before them.
  - External organisations to have regard to and formally respond to the reports and recommendations of scrutiny committees.
9. Although earlier legislation has empowered local authority scrutiny committees to require information directly from partner organisations in relation to health and more recently, crime and disorder, it appears there may be further statutory guidance on this in a White Paper in the Autumn, to provide greater opportunities for the scrutiny of health/crime & disorder to make a real impact.

10. This Consultation further suggests proposals for ‘strengthening’ scrutiny directly within local authorities. Measures such as the following are put forward:
- Steps to ensure leadership support;
  - A potential duty imposed on Chief Executives to ensure scrutiny committees are provided with adequate resources;
  - Chairs of Scrutiny Committees to be placed on a par with Cabinet/Executive Members and perhaps receiving comparable special responsibility allowances (SRAs)
11. The Consultation asks the following resulting questions of local authorities regarding the powers and promotion of scrutiny, at the centre of decision making:
- Do you agree that we should extend scrutiny powers in relation to LAA partners to cover the range of their activities in an area, not just those limited to specific LAA targets?
  - Do we need to make scrutiny powers more explicit in relation to local councils’ role in scrutinising expenditure on delivery of the local public services in an area? If so what is the best way of achieving this?
  - Do you agree that we should bring all or some of the local public services as set out in this cheaper fully under local authority scrutiny regime / Are there other bodies who would benefit from scrutiny by Local Government
  - How far do you agree that we should extend scrutiny powers to enable committees to require attendance by officers or board members of external organisations to give evidence at scrutiny hearings, similar to the powers already in existence for health and police?
  - What more could be done to ensure that councils adequately resource and support the local government scrutiny function to carry out its role to full effect?
  - How can council leaders ensure that scrutiny is a core function of how these organisations do business and have a full and proper role in scrutinising the full range of local public services?
  - What more could be done to better connect and promote the important role of local government scrutiny to local communities, for example citizens as expert advisers to committees?
12. A proposed draft formal response to those questions are set out in Annex B to this report, for Members’ consideration.
13. This Consultation raises a number of other key issues in relation to local authorities operating in local interest, tackling climate change and regarding sub-regional working. Summary details are set out in Annex A, for information. There are already sub-regional scrutiny arrangements in place but the consultation proposes further joint overview & scrutiny arrangements to enable the examination of sub-regional partnerships. In terms of joint overview and scrutiny with other local authorities, Members of SMC will recall that this Council has an agreed joint ‘working protocol’ for any joint scrutiny reviews which may arise. Health Scrutiny Committee has also signed up to a

joint 'working protocol' with other local authorities in relation to any potential joint health reviews affecting York.

### Corporate Strategy

14. The proposals contained within this Consultation and behind the overall purpose of 'strengthening' scrutiny, should help contribute to the Council's aim of becoming an 'Effective Organisation', being modern and delivering high standards in all that it does. Improving upon scrutiny powers, should, also, help the Council be more inclusive, scrutinising the way in which it and its partners deliver services, ensuring it and others do their best for all citizens, regardless of race, age, disability, sexual orientation, faith or gender.

### Implications

15. There are no direct financial, human resource, crime & disorder, IT&T, property or other implications arising from this report. There are clear legal implications which may emerge from any future Bill or further resulting legislation, which will be reported to Members as the Consultation progresses into Parliament.

### Risk Management

16. There are no direct risks for the Council to manage associated with this report, which asks Members to respond to a Consultation document at this stage.

### Recommendations

Members are asked to note the proposals contained in the Consultation and approve the proposed draft response at Annex B, as amended or otherwise, for inclusion in the Council's formal response to the Government by 2 October 2009.

Reason: To enable the Council to respond formally within the consultation period.

### Contact Details

**Author:**  
Dawn Steel  
Democratic Services Manager  
01904 – 551030

**Chief Officer Responsible for the report:**  
Quentin Baker  
Head of Civic, Democratic & Legal Services

**Report Approved**



**Date** 25 September 2009

**Specialist Implications Officer(s)** None

**Wards Affected:**

**All**



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

**Background Papers:** None

### Annexes:

Annex A : Policy Briefing: Strengthening Local Democracy Consultation  
Annex B : Proposed Draft Response



## Policy Briefing: Strengthening Local Democracy consultation July 2009

### Overview

The Consultation was announced in the Building Britain's Future paper and was published on 21<sup>st</sup> July 2009. It sets out a range of questions across five areas and with a deadline for responses of 2<sup>nd</sup> October. While some aspects could be implemented relatively quickly the document is seen as being part of a long-term debate over the next 5 – 10 years.

Government say they want to see a new role for local authorities where they

- play a central role for citizens in delivering entitlements but with flexibility to address local needs
- take on responsibility for responding to local challenges such as climate change and housing
- take on greater responsibility for scrutinising and oversight of public money spent on local service delivery.

The consultation considers

- how councillors and councils can be placed at the centre of decision-making by local service providers, principally through strengthening overview and scrutiny
- the scope for local government to operate within the scheme of social entitlements described in the policy paper *Building Britain's Future*
- the opportunities available for councils to lead on climate change measures locally
- how the powers of city and sub regions could be further strengthened, and these new bodies made more accountable
- the nature of the relationship between central and local government.

The consultation has been published before the Local Democracy, Economic Development and Construction (LDEDC) Bill has completed its route through Parliament and some of the issues are subject to passing of the Bill.

### Key issues

#### Local Government at the centre of decision making

The chapter sets out proposals for changes to scrutiny, to extend these to cover a wider range of public services, not just those related to LAA targets. The proposal for local authorities to scrutinise all spending in an area is linked to the 'Total Place' work ongoing under Bichard.

The consultation paper envisages local government being at the centre of decision-making on public services in the area through increasing the power and range of scrutiny. Councils would have an overview of the total spending by public service providers in their locality and scrutiny powers to monitor spending by other bodies.

The consultation suggests extending the scope of scrutiny so that

- scrutiny committees will be able to cover all the issues that matter to the local community, and not be limited to issues that fall within the LAA priorities.
- a wider range of bodies will be included, beyond the range of organisations responsible for contributing to the LAA targets.
- committees will be able to require officers and board members from external organisations to appear before them.
- organisations will be required to have regard to and to formally respond to the reports and recommendations of scrutiny committees.

The Government believes that scrutiny of health and of crime and disorder issues has not yet had sufficient impact. There will be new statutory guidance on improvements in health scrutiny and a White Paper on policing during the autumn. The consultation proposals would mean that in future scrutiny would include organisations responsible for police strategies, fire and rescue, probation, public transport and transport infrastructure, job centre plus and employment related services, and utilities.

There are also proposals for strengthening scrutiny within councils. These include

- measures to ensure leadership support
- a possible duty on chief executives to ensure that scrutiny committees have adequate resources
- chairs of scrutiny to be treated on a par with Cabinet posts, and to receive comparable special responsibility allowances.

The LDEDC Bill enables councils to scrutinise other public bodies on LAA targets and for residents appeal to scrutiny if not satisfied with response to public petition. It also places a duty on local authorities to promote democracy. There is a recognition that the role of scrutiny needs to be easier to understand.

### **Strong local government operating in the local interest**

The chapter outlines how local government might operate in an environment that moves away from centralised inspection towards an emphasis on the social entitlements with less reliance on inspection

The power of well being is discussed in light of the recent decision on mutual insurance scheme. Government plans to create a specific power to set up a mutual assurance scheme. However this proposal only addresses well being in this one aspect. The consultation asks if additional specific powers are needed, and more generally to consider whether further action should be taken to strengthen councils' formal powers. It also seeks views on what might be done to lessen the inspection regime and possible reduction in LAA targets.

### **Local authorities tackling climate change**

The consultation asks whether councils have the right powers and responsibilities to help address climate change, and invites views on proposals to give local authorities a greater role in tackling climate change through local carbon budgets or other mechanisms

The intention is that new freedoms and responsibilities will be delegated to councils putting in place plans that add value to national climate change policy, and demonstrate local support. Specific questions focus on the value of current national indicators and how local authorities can add value to national climate change aims. It is noted that the majority of local authorities have already included a climate change indicator in their LAA.

### **Sub-regional working**

It will be possible, when the LDEDC Bill is passed, for local authorities to put sub regional partnerships on a more formal basis through Economic Prosperity Boards (EPBs). At regional level, Leaders' Boards will be responsible for devising a regional strategy, in cooperation with the RDA. Guidance on Leaders Boards is due to come out in autumn.

There are possible options related to accountability of sub regional arrangements and options for sub-regional democracy but no one model has been promoted as the preferred option.

A number of measures are planned that will introduce an element of accountability into sub regional arrangements. These include

- public access to meetings and documents.
- the "duty to involve" to apply to statutory authorities and boards
- a duty on councils to promote understanding of sub-regional arrangements



- joint overview and scrutiny arrangements that would be able to examine sub regional partnerships.

Future options include strengthening requirements on sub regional partnerships to participate in scrutiny arrangements, and applying a duty to respond to petitions to Integrated Transport Authorities, EPBs and combined authorities.

The consultation raises the question of whether sub regional structures are sufficiently visible and accountable to citizens. It is difficult for the citizen to know where responsibility lies and the consultation recognises this. Suggestions include

- elected representation at sub regional level
- establishing "city region leaders"-an individual elected from among member authorities to act as a figurehead for the partnership
- new sub regional local authorities
- mayors for city and sub regions, directly elected by the population
- a combination of a directly elected executive mayor and directly elected sub regional scrutiny body, similar to the model in London.

### **Clear relationships with local government**

The consultation provides a set of principles for the role of local government and for central-local relations, and asks whether this should be put on a formal basis.

The proposal is for

- an ombudsman arrangement which would enable citizens to raise their concerns with an independent arbiter if unhappy with compliance with the principles by either local or central government
- a joint Parliamentary select committee to scrutinise broad adherence to the principles and make strategic recommendations for future policy.

### **Policy Direction**

The consultation is set in context of all the main political parties highlighting their commitment to greater devolution to local authorities and sub-regional groupings. The consultation says this is a 'radical dispersal' of power and that citizens rights will be exercised through a strong council. It highlights the move towards duties and entitlements but there is less about devolved funds and more about governance roles. It is not clear how local authorities will exert any pressure on other organisations to do more, work together or address citizens concerns.

On scrutiny there is a need to make a clear distinction between the role of the individual councillor in their ward, and in their role as a member of a council's overview and scrutiny committee. While local authorities might welcome the opportunity to cover a greater range of issues by scrutiny, capacity in other organisations is mentioned but local authorities will also have to consider whether they have the resources and capacity to manage a significant extension of scrutiny. The consultation says the local authority will be local point of accountability but it is not clear how it could make service providers explain policies and address local need.

While the consultation only mentions one change to well being powers several organisation have been calling for a general power of competence.

In terms of sub-regional working it is clear that there needs to be a greater understanding of who makes decisions and what organisations are responsible for, this also applies in relation to central government. The consultation seems to focus more on governance than on what powers and funds they might be devolved to different levels. Housing and planning, economy and skills, transport don't really seem to be mentioned

The Central –Local Concordat and European Charter on Local-Self Government seem to have had little impact on making the central-local relationship clear but the proposals for an ombudsman might be governance heavy.

### Implications for CYC

CYC will need to consider if the proposals would mean implementing changes to scrutiny and sub –regional working in particular. Broadening the scope of scrutiny for example would be likely to require more resourcing.

Several organisations such as LYGH, Leeds City Region and North York’s sub region are likely to respond and CYC could either contribute to one of these and/or submit a separate response. Even if a decision is taken not to respond CYC should still consider the possible changes and impact the proposals might have on future work, particularly in relation to scrutiny and sub-regional working.

### Further info

The consultation is available at [Strengthening local democracy: Consultation - Local government - Communities and Local Government](#)

## A full list of the Consultation Questions is shown below

### Consultation Questions

#### Local Government at the centre of decision making

1. Do you agree that we should extend scrutiny powers in relation to LAA partners to cover the range of their activities in an area, not just those limited to specific LAA targets?
2. Do we need to make scrutiny powers more explicit in relation to local councils’ role in scrutinising expenditure on delivery of the local public services in an area? If so what is the best way of achieving this?
3. Do you agree that we should bring all or some of the local public services as set out in this cheaper fully under local authority scrutiny regime / Are there other bodies who would benefit from scrutiny by Local Government
4. How far do you agree that we should extend scrutiny powers to enable committees to require attendance by officers or board members of external organisations to give evidence at scrutiny hearings, similar to the powers already in existence for health and police?
5. What more could be done to ensure that councils adequately resource and support the local government scrutiny function to carry out its role to full effect?
6. How can council leaders ensure that scrutiny is a core function of how these organisations do business and have a full and proper role in scrutinising the full range of local public services?
7. What more could be done to better connect and promote the important role of local government scrutiny to local communities, for example citizens as expert advisers to committees?

#### Strong local Government operating in the local interest

8. How best should any reduction in numbers of LAA targets ensure that services are responsive to the most important local needs and priorities as well as national entitlements?
9. Should councils have a power to engage in mutual insurance arrangements

10. Are there other powers needed to cover engagement in further complex arrangements of a possibly speculative nature outside of existing powers?
11. Do you agree that greater powers should be premised on demonstration of local confidence? How should this be demonstrated / How can councils best reverse the decline in confidence?
12. Are there core issues that should have greater council control which councils believe they are currently prevented from undertaking? If so what are they and what is the case for councils to take on these roles?
13. Do you agree that there should be a review of the structure of local partnerships with a view to identifying unhelpful overlap and duplication? Are there particular issues on which such a review should focus?

### **Local Authorities tackling climate change**

14. How is the current national indicator system working to incentivise local authorities to take action on climate change? Should Government take new steps to enable local authorities to play a greater role in this agenda?
15. Where can local authorities add most value in meeting climate change aims, and what should Government do to help them do so, giving consideration to the proposals set out in this chapter?
16. How do we ensure that national policies reinforce local efforts for example, around transport, renewable energy, and energy efficiency?

### **Sub – regional Working**

17. Should the activity of sub-regional partnerships be required to be subject to scrutiny arrangements?
18. Should councils' joint overview and scrutiny committees be able to require sub-regional bodies to provide them with information on the full range of their activities and to consider their recommendations on sub-regional matters?
19. Should the duty to respond to petitions be extended to sub-regional bodies?
20. Do current and planned models for joint working give people a clear enough voice in decisions that are made sub-regionally?
21. How could we go further to make existing and planned city and sub-regional structures more accountable, in addition to the suggestions in this document?
22. Should we give more powers and responsibilities to city and sub-regions? If so what powers or responsibilities should be made available?
23. Is there a need for direct democratic accountability at the sub-regional level? What would be the best means of achieving this, giving consideration to the options set out above?

### **Clear relationships with local Government**

24. Should central and local government's roles be more formally established?
25. What are your views on the draft principles set out above as a way of achieving this ambition?
26. Do you agree that an ombudsman style arrangement and a joint select committee of both Houses of Parliament are the correct approaches to oversee and enforce these principles, if adopted?

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## **Scrutiny Powers & Role**

### Question:

Do you agree that we should extend scrutiny powers in relation to LAA partners to cover the range of their activities in an area, not just those limited to specific LAA targets?

### Response:

This Council supports an extension of scrutiny powers to cover all activities, especially because it would enable Scrutiny Committees to work in real partnership over any issue of strategic significance or of significance to local communities. However, resources to support scrutiny are extremely tight in this Authority, both within the scrutiny function and across the Council, including its networks to the Local Strategic Partnership. In tandem with increasing these powers, the Council would urge the Government to look at measures which would positively encourage Councils to support and promote and engage others in the work of scrutiny.

### Question:

Do we need to make scrutiny powers more explicit in relation to local councils' role in scrutinising expenditure on delivery of the local public services in an area? If so what is the best way of achieving this?

### Response:

Yes, although not so explicit as to rule out the potential for scrutiny in other financial areas. Guidance on what scrutiny committees can and can't do in these areas would be helpful. It would provide public clarity as well as a clear steer to local authorities and partners. The issue, however, is not simply about clarity but also about what level of influence scrutiny committees actually have in these areas.

### Question:

Do you agree that we should bring all or some of the local public services as set out in this cheaper fully under local authority scrutiny regime / Are there other bodies who would benefit from scrutiny by Local Government?

### Response:

This Council has just implemented new structural ways of working with and delivering scrutiny, including an arrangement with LSP partners. Naturally, there is a mixture of eagerness to get on and reluctance to change amongst those partners (whether LSP, Police or Health). Whilst, there is support for

the principle of making all in some way 'accountable' to local authority scrutiny, this Council would again be concerned whether the resources, tools and relationships were in place to deliver any such move now. Perhaps, it would be more timely to sit back, build the relationships and develop the change we are now working with and consider this wider change in the light of the success of what is trying to be achieved now. Again, many local authority resources for scrutiny, are extremely restricted and certainly, that is the case in York.

In terms of extending these arrangements in due course, this Council welcomes the underlying principles and in particular the suggestions potentially to look at employment related services and fire and rescue authorities. Albeit, it would not want any further rapid change or development in this area, to be counter-productive, purely because authorities do not have the appropriate resources or relationships in place to deliver this approach consistently now.

Question:

How far do you agree that we should extend scrutiny powers to enable committees to require attendance by officers or board members of external organisations to give evidence at scrutiny hearings, similar to the powers already in existence for health and police?

Response:

This Council supports this principle and believes scrutiny committees should be empowered to call relevant officers/members of **all** those external organisations, over which it has some jurisdiction at present, to give evidence. In other words, the same rules applied to health and police partners, should be applied to all.

Question:

What more could be done to ensure that councils adequately resource and support the local government scrutiny function to carry out its role to full effect?

Response:

This Council believes that local authorities should be required to give a public commitment to the value it places upon scrutiny. That value will be reflected in the level of resources it provides directly to the scrutiny function and the supportive culture Chief Executives and Council Leaders drive and establish within Councils. It should be open to local authorities to consider how best they are going to deliver publicly an open commitment to scrutiny, working in partnership with others, to challenge, improve and provide the most effective local public services and facilities. The Government, though, could set its expectations that local authorities will be required to put such a commitment into place.

Question:

How can council leaders ensure that scrutiny is a core function of how these organisations do business and have a full and proper role in scrutinising the full range of local public services?

Response:

This Council believes that, like Chief Executives, Council leaders should be required to demonstrate a commitment to scrutiny. Protocols could be created within Council Constitutions to set out that commitment. Leaders should be encouraged to develop a pro-active working relationship with scrutiny, positively using scrutiny to look into issues on their or their Executive's behalf.

Within the party group networks, Council Leaders and Group Leaders should be encouraged also to develop a supportive environment for those Members allocated to scrutiny. They, too, need to be afforded the time and commitment to 'do' effective scrutiny. Council Leaders could be urged to provide annual or refresher training for all scrutiny Members, with special skills training for Chairs, as a part of Member training & development programmes.

Question:

What more could be done to better connect and promote the important role of local government scrutiny to local communities, for example citizens as expert advisers to committees?

Response:

This Council believes that local authorities should be required to publicly promote its scrutiny activity, setting out openly what powers and relationships it has. City of York has arrangements in place for expert advisers from local universities/colleges. It has engaged technical experts in a particular field in the past who happen to be resident or a business user. However, to develop that more widely, much greater public understanding of what can be achieved through scrutiny and its accompanying powers and roles will be required. Perhaps there is also a relationship to be built here with Parish Councils. Increased community or citizen engagement would be a direct result of scrutiny being seen to make a real practical difference in the locality.

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