



## Notice of meeting of

### Effective Organisation Overview & Scrutiny Committee

**To:** Councillors Watt (Chair), Horton (Vice-Chair), D'Agorne, Firth, Boyce, Gunnell, Hyman and R Watson

**Date:** Tuesday, 23 March 2010

**Time:** 5.00 pm

**Venue:** The Guildhall, York.

### AGENDA

**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 1 - 4)

To approve and sign the minutes of the meeting held on 23 February 2010.

**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 **Monday 22 March 2010 at 5pm.**

**4. Report on the Existing Arrangements for Apprenticeships and Other Work Based Learning for Young People in the City of York.** (Pages 5 - 12)

This report will provide details on what City of York Council currently offers in the area of 16-19 apprenticeships and outlines plans to improve opportunities for training.

**5. Review of the Effectiveness of the Executive (Pages 13 - 26)  
Forward Plan - Draft Final Report.**

This draft final report has been re-presented to the Committee in order to allow the Monitoring Officer to attend the meeting and comment on the recommendations contained within the report.

**6. Work Plan (Pages 27 - 28)**

**7. Urgent Business**

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

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

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

City of York Council

Committee Minutes

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MEETING	EFFECTIVE ORGANISATION OVERVIEW & SCRUTINY COMMITTEE
DATE	23 FEBRUARY 2010
PRESENT	COUNCILLORS WATT (CHAIR), HORTON (VICE-CHAIR), FIRTH, BOYCE, GUNNELL, HYMAN AND R WATSON

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**29. DECLARATIONS OF INTEREST**

At this point in the meeting, Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

**30. MINUTES**

RESOLVED: That the minutes of the committee held on 23 February 2010 be approved and signed by the Chair as a correct record.

**31. PUBLIC PARTICIPATION**

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

**32. THIRD PERFORMANCE AND FINANCIAL MONITOR FOR 2009-10**

Members considered a report which provided details of the headline performance issues from the third performance monitor of 2009-10 covering the period from 1 April to 31<sup>st</sup> December 2009.

The report covered the following three areas of performance:

- Performance – how well the Council is performing across a wide range of performance indicators at corporate and directorate level.
- Corporate Strategy Actions – update on progress against projects and actions which support the Council's corporate priorities.
- Finance – service and corporate budgets.

In relation to Finance, Officers advised that there had been an increase in forecasted pressures across the directorates particularly in Housing and Adult Social Services. Another notable reduction in income had resulted from the decrease in fees and charges, particularly from car parking due to the adverse weather conditions. A number of the pressures would be

addressed at Budget Council but any overspend this financial year would reduce the overall level of the Council's revenue reserves.

The report highlighted that 51% of the national performance indicators had data available at this point and that 53% had improved, compared to 56% at quarter two. Officers advised it was not essential for 100% to be improving, and pointed out there had been renegotiation of some of the targets at the last full Council meeting.

Officers agreed to email the Committee with responses to the following questions:

- What was meant by a restorative justice scheme as detailed in annex 1 under the Safer City theme.
- What is the amount of the Local Area Agreement (LAA) reward grant the Council is likely to receive.
- What is the real cost of achieving all the LAA targets and is it worth the required effort for the amount of reward the Council will receive.
- Do Officers have comparator information on NEETS.

RESOLVED: (i) That Members noted the performance issues identified within the report.

REASON: So that corrective action on these performance issues can be taken by Members and Directorates.

RESOLVED: (ii) That Members noted the finance issues identified in the report, in particular:

- The significant pressures arising due to the economic recession and social care costs that are still evident across the Council.
- The requirement for growth as part of 2010-11 Revenue Budget to build sufficient financial capacity for such areas.
- The work already undertaken within directorates to contain financial pressures.
- That work continues to identify and implement options to contain spending within budget by the end of the financial year.

REASON: So that the Council's expenditure can be contained within budget, where possible, by the end of the financial year.

RESOLVED: (iii) That Officers respond to Members questions as detailed above.

REASON: To keep Members informed.

**33. REVIEW OF THE EFFECTIVENESS OF THE EXECUTIVE FORWARD PLAN - DRAFT FINAL REPORT.**

Members considered the draft final report of the review of the Effectiveness of the Executive Forward Plan.

The information gathered as part of the review was attached at Annex A to the draft final report. The Committee agreed to focus the review on the following issues:

- Should the Forward Plan be limited to key decisions only
- The timing of items appearing on the Forward Plan.
- Identifying an optimum format for the printed Forward Plan.

Bearing in mind the Committees findings, a Task Group made up of three of the Committee's Members had been created to draft the recommendations arising from the review. The Monitoring Officer's views had been sought on the suggested recommendations. She supported the basic changes identified to bring the operation of the Forward Plan in line with legislation and the Council's Constitution, but made specific comments in regard to changing the definition of a key decision and identifying corporately key issues to scrutinise.

Members queried some of the comments made by the Monitoring Officer and requested that before the Committee agreed the recommendations of the review, they would like the Monitoring Officer to attend the next meeting to brief the Committee on the concerns she had raised.

**RESOLVED:** That having considered the information contained within the draft final report and its associated annexes and having considered the comments of the Monitoring Officer, Members requested the attendance of the Monitoring Officer at the next meeting to brief them on her concerns.

**REASON:** To progress the work of this review towards a conclusion.

**34. WORK PLAN & SCRUTINY TOPIC REGISTRATION**

Consideration was given to the Committee's work plan, including a Scrutiny Topic registration form which had been submitted by Councillor Gunnell.

Councillor Gunnell explained that in her opinion, as a Local Authority, York is not doing enough to recruit apprentices and provide work experience to individuals under the age of 25, in particular recruitment of trainees which are not in education or employment or training (NEET). As a result she had submitted a scrutiny topic registration form which had been attached to the agenda for consideration by the Committee.

The Committee felt that there could be two separate issues within the proposed topic, the first being how the Council as an organisation makes opportunities available to young people and the second issue of young people in York that are NEET. Members felt that some of the issues raised were outside of the Effective Organisation Overview and Scrutiny Committee's remit and that it could be beneficial for Learning and Culture Overview Scrutiny Committee to look at some of the issues raised by Councillor Gunnell.

Further discussions on the proposed scrutiny topic ensued and it was agreed that it would be beneficial for the Committee to receive a report from HR in order to identify what existing arrangements are in place for offering traineeships and to help them to define the possible scrutiny topic.

Members agreed that the work plan should be amended to reflect that the Monitoring Officer will attend the next meeting in order for the Committee to agree the final report from the review of the Effectiveness of the Executive Forward Plan and that HR will attend to provide the Committee with further information on traineeships at the Council.

RESOLVED: That the Work Plan be updated to reflect the above additions.

REASON: To assist in the planning of work for this Committee.

Councillor Watt, Chair

[The meeting started at 5.00 pm and finished at 6.00 pm].

	
<b>Meeting of the Effective Organisation Scrutiny Committee</b>	<b>23 March 2010</b>
<b>Report of the Head of HR</b>	

**Review of the existing arrangements for apprenticeships and other work based learning for young people in the City of York**

**Summary**

1. This paper details what we currently offer in the areas of 16-19 apprenticeships etc, and plans to improve opportunities for training. It meets the Committee's request for a report/presentation on the Council's current arrangements. The information will be used to decide whether to have a scrutiny review of existing arrangements for apprenticeships in the City of York.

**Background**

2. The proposed focus of the scrutiny is what the Council as an employer is offering i.e. work experience, apprenticeships for school leavers and post-graduates, and apprenticeships for young people who are NEET. The topic was registered by Cllr Julie Gunnell.

**Consultation**

3. This paper has been written in conjunction with the responsible officers in Adults, Children and Education, and City Strategy.

**Options**

4. Members will need to agree whether a scrutiny is appropriate at this time, and if so, agree the terms of reference.

**Analysis**

5. The drive for apprenticeships from national and regional government over the past year has come at a difficult economic time and, in York

council, a recruitment freeze. Our performance is regularly monitored through regional bodies to national government . We have been active in local networks and in frequent touch with regional support .

6. Although funding streams have been changed and lead-in times for funding some types of apprenticeships have been extremely tight and prescriptive, we have set in place arrangements to respond to this, in partnership with City Strategy. As the CAA self assessment acknowledges, the corporate learning and development team remains significantly under resourced. It has no capacity at present to oversee the recruiting and workskilling of young people.
7. The Corporate Workforce plan recognises that the demographic of the workforce is not representative of the City, with only about 337 employees under the age of 25. Details of how we intend to address this can be found in para 20 below.
8. In schools, the Raising of the Participation Age to 17 from the current Year 8 cohort onwards means that ever more emphasis is having to be put on planning for providing opportunities for NEET young people. And the start of Foundation Learning from September 2010 puts increased priority of partnerships between schools and other learning providers to provide appropriate training for all young people at this level.

### **Corporate Approach**

9. Members will be aware that recruitment and work based training is the responsibility of directorates. Our approach to apprenticeships, therefore, has been to provide a light touch corporate framework, offering maximum strategic and practical advice and support to directorates, managers and individuals, and monitoring the results. Directorates have been expected to identify suitable posts and, with support, set in place actions to recruit and train the apprentices, including the priority groups.
10. Involvement in other education-into-work issues mentioned in the proposed scrutiny topic registration form, such as work experience, is left to the discretion of Directorates, within the general guidelines laid down in Human Resources manual. The exception is the graduate development programme mentioned below.

### **Practical Support**

11. Practical expertise in the council resides in York Training Centre, (YTC) in City Strategy. York Training Centre has a contract with the Learning and Skills Council (a joint contract with Adult and Community Learning). This enables them to claim funding for Entry

to Employment, apprenticeships and Train to Gain on behalf of CYC. HR co-funded their training manager Anne Sykes to provide advice and support to the Council. Anne had experience of training apprentices through YTC and the 6 apprentices on the City Strategy scheme (see below). With the transfer of responsibilities from the LSC to successor organisations on 1<sup>st</sup> April, YTC will be funded for 16-19 Apprenticeship delivery by the National Apprenticeship Service (NAS).

12. HR and City Strategy actioned a structured communications campaign to engage all staff. All DMTs have received advice from City Strategy over the last 6 months. City Strategy provides a practical one stop shop for managers thinking of recruiting apprentices, or to help staff accessing funding for NVQs to find out what is available. The campaign is called 'Skills for you'. On our behalf City Strategy manages the operational relationship with the LSC. This approach helps give us a flexible and fast response to new funding streams, opportunities and priorities.
  
13. In November 2008 CYC signed the Skills pledge. It committed the council to encourage staff to gain work based qualifications, and to raise skill levels particularly those below level 2 (about GCSE level). This initiative began by promoting new funding aimed at getting our employees to gain NVQs and improve literacy levels – ('Train to Gain' and 'Skills for Life'). Directors opted to set their own targets for numbers, which they would set once they had more detailed knowledge of the requirements. Within a short space of time, the focus of funding and government priorities reverted to apprenticeships, and so did our advice to directorates.

### **City Strategy Apprenticeship Scheme**

14. The six place City Strategy Scheme started in September 2008. Six young people, all 17 – 18 years old, were recruited as Administration Apprentices on a fixed term two year contract as paid employees on Grade 2. The six apprentices move around six departments within City Strategy on a rotational basis, spending four months in each. Within each department they then experience a range of jobs and sections. At the end of the first year, all apprentices successfully completed the Apprenticeship programme at Level 2, now in their second year, they are half way through the Advanced Apprenticeship at Level 3.

### **NEET Placements**

15. Directorates have also been asked to consider offering placements for young people who are NEET and currently registered under the Entry to Employment programme with York Training Centre. E2E is a six month programme in preparation for working life and is a pre-apprenticeship programme.

### **Results to date**

16. There has been a lot of interest in the NVQ training available for existing staff and there has been a regular take-up of individual apprentices by some directorates over a few years , averaging about 5 – 8. To date no other directorates have chosen to replicate the City Strategy Apprenticeship Scheme.

### **National Graduate Development Programme**

17. The council is currently offering a 2 year traineeship to three graduates from the National Graduate Development Programme. These graduates each have three placements within different directorates. The graduates compete for the programme and for a place at York. They are not necessarily local graduates.

### **14-19 Agenda**

18. Under the new arrangements for funding and delivering education for 16-19 year olds, which come into force on 1st April 2010, the LA has a duty to ensure that all young people who are suitably pre-qualified can access an apprenticeship under the curriculum entitlements being introduced from 2013. The government has also set a target that by 2020 20% of 16-19 year olds will be on apprenticeship programmes. The LA has to encourage the uptake of apprenticeships and provide an annual statement of need detailing the number and range of apprenticeships that it is estimated are required to meet demand from young people and raise participation in apprenticeships. The National Apprenticeship Service (NAS) is the funding and commissioning agency for apprenticeships and is charged with delivering the places specified in the statement of need. This means that it is the organisation responsible for engaging with employers and matching young people with vacancies. There is currently a lack of detail around working arrangements between NAS and LAs which should be resolved by the publication of the National Commissioning Framework next month.

19. To ensure that we are well placed to move forward on the apprenticeship agenda and take forward the decision of the Executive (15/12/09) initial meetings are taking place with NAS this month. A core apprenticeship development group will be formed next term to work specifically on the development of 16-19 apprenticeships in York and this group will clearly want to engage with the council to ensure that it plays a leading role as an employer of apprentices. The group will include the Principal Adviser 14-19, 16-19 Manager (joining the LA from the Learning and Skills Council in April) and both employer services and learner services arms of NAS. A council HR presence will ensure that a corporate 16-19 apprenticeship strategy is central to the development of 16-19 apprenticeships across the city, that the council fulfils government expectations of it as a major public sector employer and that it models good practice in the apprenticeship field. Representatives of the organisations supporting the of apprenticeship frameworks York College and York Training Centre, for example, will also be involved. It is hoped to identify 3 or 4 key employment sectors to focus initial developments on with the intention being that these sectors should be central to economic activity in the area and therefore most likely to yield ongoing jobs for young people who successfully complete apprenticeships. As noted in para 11, York Training Centre has expertise in this area. However, because of its role as a commissioner of 16-19 education the 14-19 Team within Adults, Children and Education will not be able to promote the use of YTC as a provider of training to employers.

### **Workforce Plan**

20. The council's first Workforce Plan is currently being drafted for the period 2010-12 to ensure the right staff with the right skills are employed in the right places to deliver the right services to customers. The Workforce Plan has 5 strategic objectives including a diversity objective 'to help build an inclusive culture in which all are treated with dignity and respect ' and supporting actions to increase the number of young people under 25 years old working for the council. This includes actions to develop a programme of short internships for local young people not in education, employment and training (NEET) and to increase the number of apprenticeships offered to young people.

### **Management Information System**

21. Councillors will be aware that we are enhancing our information system. We are using the opportunity to capture demographic details of our staff, including age, qualification levels, and employment status. We do not have a sufficiently detailed comprehensive picture at present.

### **Supply Chain**

22. CYC has a Building Schools for the Future programme and one of the quality criterion is based on local employment and apprenticeships. The contractors for the new school due to open in March 2010 have an excellent record of generating and encouraging apprenticeships
23. CYC works with local employers to generate apprenticeship opportunities ( see comments re BSF). In addition, it works with local employers to promote the Young Apprenticeship scheme aimed at Year 10 and 11. This can allow progression in the Apprenticeship programme and raise awareness of alternative pathways to both learners and parent / carers. CYC also works through the local community by offering apprenticeship opportunities including Entry to Employment (E2E) and developing the delivery of community projects within E2E.

### **Corporate Priorities**

24. The proposed scrutiny falls into a number of aspects of the Corporate strategy, notably, 'learning city', 'inclusive city' and 'effective organisation'. Lead responsibility is shared between these areas.

### **Implications**

- (a) **Financial** Any changes to the current recruitment and training arrangements as the result of the Scrutiny would need to be funded, as would any changes to the management arrangements.
- (b) **Human Resources (HR)** The HR implications are dealt with in the body of this report.
- (c) **Equalities** The diversity objective in the Workforce Plan helps us to meet our Inclusive City objectives
- (d) **Legal** There are no legal implications
- (e) **Crime and Disorder** There are no crime and disorder implications
- (f) **Information Technology (IT)** There are no IT implications
- (g) **Property** There are no property implications
- (h) **Other** There are no other known implications

**Risk Management**

25. If the Council does not get this right it will not play its part in leading the City in the work education of young people. We risk not attracting young people to work and develop in the Council. This paper demonstrates some of the ways these risks are and will be mitigated.

**Recommendations**

26. Members are asked to consider whether a scrutiny is appropriate at this time, and if so, agree the terms of reference.

Reason: To provide Members with further information in relation to this proposed topic.

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	Chief Officer's name <b>Angela Wilkinson</b>											
	Title <b>Head of HR</b>											
	<b>Report Approved</b>	<i>tick</i>	<b>Date</b>	<i>Insert Date</i>								
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<b>For further information please contact the author of the report</b>												

**Background Papers: None attached**





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## Effective Organisation Overview & Scrutiny Committee

23 March 2010

Report of Head of Civic, Democratic & Legal Services

### Review of the Effectiveness of the Executive Forward Plan – Draft Final Report

#### Background to the Review

1. For some time, scrutiny Members have been expressing concern that their inability to carry out pre-decision scrutiny is due to the limited amount of time available between items appearing on the Executive Forward Plan and the relevant decision making meeting taking place. A majority of items appear on the Executive Forward Plan (FP) on average six weeks before the decision is required and this may be insufficient time to carry out any pre-decision scrutiny of the issues without requiring a deferral of the issue to a later decision meeting.
2. With this in mind, this Committee agreed to look in detail at the current use of the Council's FP in order to identify any methods for improving its use and effectiveness, and to agree a robust method for identifying issues suitable for pre-decision scrutiny.
3. In deciding to undertake this review, Members recognised that the FP is not the only tool available to assist them in identifying suitable topics for pre-decision scrutiny, and that there may be wider planning issues to be addressed which may provide greater assistance.
4. In November 2009, Members received a scoping report that presented information on the legislative and constitutional requirements associated with an FP. The report highlighted a number of requirements that were not currently being met and Members suggested that Democratic Services should make those necessary changes immediately to bring the Council's FP in line with legislation.
5. Having dealt with meeting the legislative requirements, the Committee identified a number of other issues to be addressed by this review:
  - the appropriateness of including only 'Key' decisions on the FP – it was recognised that should they recommend this change, it would limit the public's access to information on forthcoming 'Non-Key' decisions, thereby limiting their participation in the decision-making process. They therefore agreed that if as a result of their review, they were to recommend limiting the FP to 'Key' decisions only, they would also need to make recommendations in regard to an alternative mechanism for identifying forthcoming non-key decisions, in

order to ensure the same level of transparency and opportunity for participation by Members and the public.

- The inability to use the FP as a method of identifying issues suitable for pre-decision scrutiny, due to them appearing on the FP only 4/6 weeks before the decision is required.
  - 
  - Whether the current format of the printed FP was overly complicated, and whether the information therein was relevant and/or sufficient
6. With that in mind, the Committee agreed to focus their review on the following issues:
- Should the Forward Plan be limited to 'Key' decisions only
  - The timing of Items appearing on the Forward Plan
  - Identifying an optimum format for the printed Forward Plan

### **Consultation**

7. Both the Democratic Services Manager and the Monitoring Officer were consulted on the information gathered in support of this review. The Committee also sought the views of Executive Members, Group Leaders, Directors, Senior Officers, and FP Contacts.

### **Information Gathered & Analysis**

8. The information gathered in support of this review, is shown in detail at Annex A.
9. In reviewing the Council's current working practices relating to the FP, the Committee identified a number of changes required to bring its operation in line with legislation and the Council's Constitution. These were:
- to carry out the annual publication of its statement of intent
  - to amend the period covered by each published plan to ensure it is produced at least 14 days prior to the first day upon which the plan comes into effect
10. The Committee also recognised that the following information required by legislation was currently missing from the FP:
- A list of the members who make up the Executive
  - The steps that may be taken by any person who wishes to make representations to the Executive or to the decision maker about the matter in respect of which the decision is to be made, and the date by which those steps are to be taken
11. The Committee agreed that it would be better if this missing information appeared in the introduction section at the beginning of the printed FP (and on the FP homepage online), rather than on each individual FP entry.

13. As all of the above are required by legislation, officers within Democratic Services are already making arrangements for these changes to be put in place.
14. In addition, the Committee recognised that:
  - a) information on any consultation due to take place is rarely identified within any of the FP entries. The Council's working practices therefore need to be revised to ensure any consultation due to take place is identified (in line with legislation and the Council's Constitution).
  - b) there is no longer an organisational need to:
    - publish the FP twice a month - in an effort to reduce the amount of work involved in administering and publishing the plan, the Council could revert to publishing only once per month (on or around the 14<sup>th</sup> of each month) in line with legislation.
    - Include information on the internal clearance process – this could be removed from each entry, thereby limiting the amount of work involved in submitting an entry and helping to focus the public's attention on the key information e.g. the description of the decision due to be made
  - c) the type of decision due to be made could be made clearer on each FP entry by using simpler phrasing e.g. key or non-key, rather than 'Executive Decision of 'Normal' importance'.
  - d) many items submitted are incorrectly identified as 'non-key' decisions when in fact they are 'key'. Members considered recommending the removal of 'non-key' items from the plan (bringing the FP in line with legislation), but recognised the benefit of having all forthcoming decisions recorded in one place. However, if both are to remain in the plan, Members felt the situation could be improved if the definition of a 'key' decision was more clearly defined, and if officers submitting items and administering the plan, were better informed. The Committee therefore agreed to recommend changes to the definition of a 'key' decision.
  - e) it may be beneficial to identify within each FP item the relevant overview & scrutiny committee, whose remit the item relates to. This would assist Members and the public in submitting possible topics for scrutiny review to the correct scrutiny body. It would also provide another mechanism for searching through the online plan for items of interest.
  - f) the Council's Constitution will need to be updated to ensure it fully reflects all the legislative requirements, and any changes required as a result of this review.
15. Finally, the Committee acknowledged that the FP is not the optimum tool for identifying forthcoming issues suitable for pre-decision scrutiny, and agreed that the Council now needs a cultural change in the way that scrutiny is supported within the organisation. They recognised that an improved level of support from Directorates, would help to ensure that the scrutiny committees were kept more informed of future work planned and developing policy changes, thus providing a working

environment which would facilitate opportunities for carrying out pre-decision scrutiny. The Committee therefore agreed that an optimum mechanism needs to be identified to improve:

- buy into the role of scrutiny amongst senior officers across all directorates
- the working relationship between the Executive and Scrutiny
- scrutiny's ability to undertake constructive challenge and enhance their role in policy development

16. Having concluded the above, the Committee formed a Task Group made up of three of its members to draw up some draft recommendations for the full Committee's consideration at this meeting.

### **Recommendations Suggested By The Task Group**

17. Bearing in mind the Committee's findings, the Task Group has suggested that this Committee make the following recommendations to the Executive:

- i. the Constitution be revised to reflect the full requirements of the legislation and that officers be instructed to ensure working practices are in line with these requirements
- ii. publication of the FP to revert to once per month, on or around the 14<sup>th</sup> of each month
- iii. the 'Internal Clearance Process' section be removed from each FP entry
- iv. the identification of the type of decision to be made clearer on each entry on the Forward Plan through use of the words 'key' and 'non-key'
- v. the definition of a 'Key' decision be revised to provide clarity to officers submitting items, as follows:

*A key decision means a decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely to:*

- *result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates i.e.:*
- *make a saving of more than 10% or require spending that is more than 10% of the budget for a particular area or;*
- *make a saving of more than £100,000, or require spending that is more than 100,000 of the budget for a particular area*

*(which ever is the lower amount i.e. 10% or £100,000) – please note the amount of £100,000 suggested, is significantly lower than the figure of £500,000 included in the current definition*

- *to be significant in terms of its effects on communities i.e. it would have a significant and lasting impact on one or more of the following:*
  - *reputation of the Council*
  - *the environment*
  - *the local economy*
  - *community safety*
  - *human rights, equal opportunities or racial equality*
- vi. the Monitoring Officer to be responsible for the interpretation of the words **significant** and **lasting** in the effects on communities test
- vii. a definition of the term 'particular area' be provided so that officers and members of the public are clear
- viii. each entry should clearly identify which O & S Committee's remit the issue relates to
- ix. more focus be placed on supervising the use of the FP i.e. the Forward Plan Administrators should ensure all the required information has been included – training to be provided where necessary.
- x. a CMT member be identified as lead for scrutiny charged with raising the profile of scrutiny across the Council and with external partners
- xi. Scrutiny leads within each Directorate be identified to work with the relevant Scrutiny Committees, their Chairs and the Scrutiny Officers

### **The Monitoring Officers Views on the Suggested Recommendations**

18. The Monitoring Officer's views have been sought on the suggested recommendations listed above. In reminding the Committee that technically (legally) it is the Leader's Forward Plan, she supports the basic changes identified in paragraphs 10 and 11 of this report, and has made the following comments in regard to the recommendations of the Task Group:
19. Changing the definition of a 'key decision'  
The legislation requires a 'key decision' to be defined as those are decisions which have to be taken in public and which therefore have to appear on the FP. Given that this council includes all decisions for the executive and executive members to be included on the FP and all of those decisions are taken in public, it is not immediately clear why the distinction between 'key' and 'non key' items is significant except insofar as officer decisions are concerned. (Officer key decisions have to appear on the FP but do not have to be taken in public)
20. The statutory definition of 'key decision' is one which is:
  - likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, or

- Significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council
21. The proposed financial limit is currently unclear as there is no definition of 'particular area'. The recommendation asks for that to be defined but it would be useful to have an understanding of whether the committee is thinking in terms of cost centres (potentially very small service areas) or Divisions (much larger service areas). Lowering the figure to £100,000 may mean that it falls outside the definition of 'significant' included in the legislation.
  22. In terms of the impact on communities, the assumption is that this refers to the impact on two or more wards as that is the statutory definition unless it is the intention of the Committee that this could apply to one ward only. The reputation of the Council does not obviously fall within the definition of 'impact on communities' and this should be removed. Overall it is not entirely clear why this element of the statutory definition needs further elaboration.
  23. Identifying corporately, key issues to scrutinise, and helping to shape future policy development or improve the way we do things  
Ensuring that scrutiny is involved in helping to shape future policy and practice is key to developing successful scrutiny. It is important that this is supported at senior officer level and proposals will be put to the Council Management Team to improve this link. However, it is my view that it is not appropriate for Members to make recommendations as to how officers organise themselves and in that light recommendations (x) and (xi) are not appropriate. However the proposals to be put to CMT are likely to include the suggestion that a CMT member be identified as lead for scrutiny and that Scrutiny leads within each Directorate be identified to work with the relevant Scrutiny Committees, their Chairs and the Scrutiny Officers. Some consideration also needs to take place about the level of appropriate engagement between each Scrutiny Chair, relevant Executive Member and the CMT scrutiny lead.
  24. Consideration is also being given to improving the process of planning Executive agendas. This ought to have an impact on forward planning throughout the Council which in turn should make the FP a more effective tool for scrutiny.

## **Corporate Strategy**

21. This scrutiny review is in line with the Council's aim to improve the Council's organisational effectiveness i.e. 'we shall be a modern council with high standards in all we do, living up to our values and be a great place to work. As members of the public are entitled to participate in the Council's decision making process, it is important that the Council's Forward Plan is robust and informative.

## **Implications**

22. **Legal** - The Council's Constitution will need to be updated to reflect any changes approved by the Executive as a result of this review. The Council must comply with its statutory obligations relating to publication of the Forward Plan and as such, where the Committee has identified the Council is not currently complying

effectively, it is important that those changes (identified in paragraphs 10-11) are implemented with immediate effect

23. **Human Resources** – If a decision is taken to limit the FP to ‘Key’ decisions only and use the alternative mechanism outlined within the table at paragraph 9 to identify forthcoming ‘Non-Key’ decisions, this would result in officer time being saved through the reduction in time spent populating and administering the Forward Plan.
24. There are no known Financial, Equalities, Crime & Disorder, ITT, Property or Other implications associated with the recommendations in this report.

### **Risk Management**

25. If the changes needed to ensure the Forward Plan is meeting the legislative and constitutional requirements are not made, there is a risk to the Council that the Forward plan will remain organisationally ineffective and moreover, not be operating in accordance with statutory requirements.

### **Recommendations**

26. Having considered the information within this report and its associated annexes, and having considered the comments of the Monitoring Officer above, Members are asked to amend and/or agree the recommendations suggested by the Task Group, as shown at paragraph 17 above.

Reason: To conclude the work of this review, in line with scrutiny procedures and protocols, enabling the final report and recommendations to be put forward for consideration by the Executive.

### **Contact Details**

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**Interim Report Approved**  **Date** 2 February 2010

**Wards Affected:** All

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

**Background Papers:** Scoping Report dated 24 November 2009; Interim Report dated 12 January 2010

**Annexes:**

**Annex A** – Information Gathered In Support of the Review

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## Review of the Executive Forward Plan

### Information Gathered In Support of the Review

The Committee held a number of meetings at which they received a number of reports in support of this review. Each report presented information on City of York Council's Executive Forward Plan, paying particular attention to how it relates to constitutional and legislative requirements.

#### Limiting the Forward Plan to 'Key' decisions only

Since the introduction of Executive arrangements in York, the Council's FP has always included both 'Key' and 'Non-Key' decisions. The number of 'Key' decisions appearing on the FP is minimal in comparison to the number of 'Non-Key' decisions – as shown below:

Municipal Year	Number of Key Decisions	Number of Non-Key Decisions
2009 – 2010	1 (to date)	81
2008 – 2009	7	219
2007 – 2008	12	173

These figures suggest that items are not being correctly identified as either key or non-key. From a cursory examination of recent Executive agenda it appears that potentially more than one 'Key' decision has been taken this municipal year.

In the case of 'Non-Key' decisions, it is expected that the figures for 2009-10 will be lower than previous years following the introduction of a separate log for 'information only' reports, resulting in their removal from Executive Member agenda.

Council is exceeding its legislative requirement by including non-key decisions on its forward plan. Based on the number of 'Key' and 'Non-Key' decisions shown above, it is clear that there is an issue within the Council of identifying what is a 'Key' decision. This may be as a consequence of the Council's constitutional definition i.e.:

'A decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely to:

- result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates i.e.:
  - make a saving of more than 10% of the budget for a particular area - or be more than £500,000
  - require spending that is more than 10% of the budget for a particular area - or be more than £500,00
- be significant in terms of its effects on communities '

Alternatively, it may be that there is a lack of understanding about the need to make this identification correctly, when the FP contains both 'Key' and 'Non-Key' items. If this is the case, the removal of 'Non-Key' items from the FP may encourage officers to correctly identify the type of decision they require.

There are some consequences to limiting the FP to 'Key' decisions only, e.g.:

Consequence	Effect / Available Solution
It would seriously reduce the amount of work involved and time taken to populate and publish each FP.	Effect - Reduced workload for: <ul style="list-style-type: none"> <li>• Directorate based FP Contacts (currently the Director's PAs act as FP Contact for their Directorate),</li> <li>• Forward Plan Administrator in Democratic Services.</li> </ul>
It would require another mechanism for identifying 'Non-Key' decisions items for agendas	Available Solution - The Committee Management System provides a simple mechanism for addressing this issue e.g. <ul style="list-style-type: none"> <li>• an officer writing a report which requires a 'Non-Key' decision can easily submit an agenda item onto the relevant draft agenda via the electronic system, well in advance of the meeting date.</li> <li>• Later, they can attach the associated report they've produced to that agenda item.</li> <li>• The Democracy Officer can see at a glance whether the report has been attached and can chase up the report as the report deadline approaches.</li> <li>• Once attached, the Democracy Officer can check the report in the usual way before publishing the agenda.</li> </ul>
It would require more focus on correctly identifying whether an item is 'Key' or 'Non-Key'	<ul style="list-style-type: none"> <li>• The Democracy Officer can see at a glance whether the report has been attached and can chase up the report as the report deadline approaches.</li> <li>• Once attached, the Democracy Officer can check the report in the usual way before publishing the agenda.</li> </ul> <p>Effect – Introducing the above mechanism would involve establishing a separate procedure for 'Non-Key' decisions, which may be seen as an unnecessary complication</p>

#### Timing of Items Appearing on the Forward Plan

The issue of deferring items on a FP has always been contentious, and many Authorities experience this. Historically in York, it has led to many items appearing on the FP only 4/6 weeks in advance of the decision being required. This is limiting the time available for scrutiny members to identify and carry out pre-decision scrutiny of the associated issues.

It should be noted that the longer the period between an item appearing on the FP and the decision date, the more likely it is that the decision date will change, as the entries become more speculative. A necessary consequence of including items

early is that Members understand the need for flexibility around decision dates. It is therefore recognised that an important cultural change at the Council is required in order to ensure an environment exists in which officers work within guidelines on acceptable reasons for deferral of FP items, and where Members accept the necessity on occasion for deferral. The Committee Management System already provides a mechanism for recording reasons for deferral and enables those reasons to be visible online.

The alternative method for identifying forthcoming 'Non-Key' decisions outlined within the table at paragraph 8 above, would not restrict report writers from adding these well in advance of the decision being required, thus enabling their earlier identification by scrutiny, allowing more time for pre-decision scrutiny to take place where necessary.

#### Optimum Format of Printed Forward Plan

An example of this Council current FP format is shown at Annex A. Only some of the information contained therein is required by legislation, leaving some scope for simplifying the process by reducing the amount of information required per item. However, the current printed format of the Council's FP does not include all of the information required by legislation. Therefore, whatever changes this Committee recommends to the layout and format of the FP, they must allow for the inclusion of the following information:

- the members of the decision making body to be listed i.e. the names of the Executive Members (*in practical terms it would be better for this information to appear at the beginning of the printed FP, rather than on each FP entry*)
- the steps that may be taken by any person who wishes to make representations, and the date by which those steps are to be taken (again, *in practical terms it would be better for this information to appear at the beginning of the printed FP, rather than on each FP entry*)
- a list of the documents to be submitted to the decision maker for consideration, in relation to the matter in respect of which the decision is to be made (*this information would be specific to each individual entry therefore it would need to appear on each one*)

In addition, although the Council's Constitution states that details of any consultation taking place should be included (in line with the legislative requirement), in practice this does not happen in York. The Council's working practices therefore need revising to ensure this is done, where relevant.

There are over a hundred Council's nationally using the same Committee Management System as used by CYC. Each of them produces a FP and many have chosen to adapt the style of their plan to best suit their individual needs. Many of these are much simpler and clearer than the format this council currently has in use and the Committee looked at a number of these when considering the optimum layout and format for use by CYC.

### **Consultation Feedback**

Simultaneously to the work on this review, the Monitoring Officer has been considering how scrutiny and the support given to it might be improved. Her comments and suggestions are shown at paragraph 18 of the draft final report.

The Committee also consulted with Executive Members, Group Leaders, Directors, Senior Officers, and FP Contacts on possible changes to the FP and options for earlier identification of topics for pre-decision scrutiny. It generated a number of responses.

#### **From the Executive Member for City Strategy:**

Forward Plan - The existing format is of little use to anyone. We should judge it on the basis of how helpful it is in informing residents about what is happening.

Residents have 5 requirements

- a. What is the decision to be taken?
- b. How will it affect me?
- c. Who will take the decision?
- d. When will the decision be taken?
- e. How can I (a resident) influence the decision?

The rest of the information is essentially an internal administrative process (and can be referred out to a second layer document)

I'm not at all sure that the other formats used by other Councils are actually much better in addressing these questions.

Key Decisions - What forms a Key Decision in York is largely mystic. You can argue that the undefined "community interest" criteria could make all decisions "Key". I doubt whether this would meet national legislative requirements.

Some decisions are, of course, reserved for Council (while others have been delegated to officers, although the delegation in some Departments seems to have gone too far and needs to be reviewed)

One list - Having 2 lists (Key/Non Key) would add more confusion to the process. We need an integrated approach.

Information Register - This has limited value. The Executive members are going to routinely report these items through the decision session simply to provide accessibility for residents (residents should have the opportunity to raise questions on them, publicly, if they wish to).

Mod.Gov alerts - These are largely useless. They don't answer the 5 important questions at a glance (see 1 above) and appear at seemingly random times. Need a facelift

Business Plans - There is an argument for (say) the covering sheet for each Department/Portfolio work plan to be updated in real time and made available on the shared drive. These could include the decisions that are to be taken over the

next 2 months (at least) but it would have to be accepted that these would be subject to change. Some Departments already have a forward programme of decisions and publish it for their internal DMT meetings.

Web Site - "Up coming decisions" need to be added to the home page of the Council web site

From the Corporate Policy Officer:

One issue has always been lack of time for things to be picked up and this applies across a range of policy areas - it is easier to pick up and address issues early than wait until the last minute - i.e. when we have to implement something. However in the past relevant Executive Members have been somewhat reluctant to put items on the agenda that they don't see as important - even if they are a matter of national policy & this has led to us failing to meet requirements or having a motion put at full council and no real response.

If the methods proposed will enable earlier debate of key issues it should improve decision making in the longer term.

However still struggling to see the overall co-ordination of cross-cutting issues in this - who champions something that crosses several areas. At the moment we are setting up a policy network for officers and possibly this might have some potential to link into Directorate plans as there will be Directorate contacts with I hope a co-ordination role. The Chief Executive has also been talking about something for Member development on policy but nothing firm yet.

From the Head of Arts & Culture:

The first thing that strikes me is the issue of defining a Key decision is almost entirely based on budget implications. Is this the same with the other councils using the method of limiting Executive business via the Key decision route? There surely are some decisions whose budget implications are not yet known or have political and cultural implications that the Executive may wish to retain a view on that would be missed by the current definition. Clearly the system needs improvement but one also needs to ensure that appropriate decisions are owned by the Executive. Is this definition of Key Decision one that is legally or constitutionally proscribed or do councils have the opportunity to determine what is key to them?

I'm also not sure how this would then have knock on effects to the Executive decision making level. And the scrutiny procedures operating at that level.

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## Effective Organisation Overview & Scrutiny Committee Work Plan 2009-10

Meeting Date	Work Programme
23 March 2010	<ol style="list-style-type: none"> <li><b>1. Report on current arrangements for traineeships etc in York in support of suggested scrutiny review</b></li> <li><b>2. Draft Final Report re review of 'The Effectiveness of the Executive Forward Plan'</b></li> <li><b>3. Workplan</b></li> </ol>
23 February 2010	<ol style="list-style-type: none"> <li>1. Third Quarter Monitoring Report</li> <li>2. Draft Final Report for Review of 'The Effectiveness of the Executive Forward Plan'</li> <li>3. Workplan, Forward Plan Extract &amp; Topic Registration Form for possible review of 'The existing arrangements for traineeships in the City of York'</li> </ol>
12 January 2010	<ol style="list-style-type: none"> <li>1. Attendance of the Executive Leader &amp; the Executive Member for Corporate Services</li> <li>2. Budget Strategy Report</li> <li>3. Report presenting the Council's Annual Audit Letter from the Audit Commission</li> <li>4. Interim Report for Scrutiny Review of 'The Effective Use of the Executive Forward Plan'</li> </ol>
24 November 2009	<ol style="list-style-type: none"> <li>1. Second Quarter Monitoring Report</li> <li>2. Presentation on Risk Management</li> <li>3. Scoping Report for Review on Effective Use of the Executive Forward Plan</li> </ol>
30 September 2009	<ol style="list-style-type: none"> <li>1. First Quarter Monitoring Report</li> <li>2. Feasibility Report for possible review of 'The Executive Forward Plan'</li> <li>3. Update Report presenting correct performance indicators relevant to this Committee and feedback on referrals previously made to SMC</li> <li>4. Two Feasibility Reports - subject to expected topic registration forms being submitted (on HR and Project Management)</li> </ol>
30 June 2009	<ol style="list-style-type: none"> <li>1. Report on Overview &amp; Scrutiny Committees - Terms of Reference</li> <li>2. Information Report on Improvement Plan 2009/10</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>

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