

Report of the Assistant Director Legal & Governance

Review of Changes to Scrutiny Committee Structure

Summary

1. This report provides an update on the implementation of the changes to this Council's scrutiny function, resulting from its review of 'Future Ways of Working in Scrutiny' completed in March 2017.
2. Members are asked to consider the issues raised and specifically whether they wish to extend the trial of the two Economy & Place Committees to the end of this municipal year.

Background

3. In September 2015 the then Corporate & Scrutiny Management Committee (CSMC) agreed to undertake a review to examine alternative committee structures to support the better delivery of this Council's scrutiny function, based on the following review remit:

'To review all options for revising the scrutiny committee remits, including the financial implications, in order to:

- Ensure an annual scrutiny workplan that better supports the Council's priorities
 - Improve the Council's scrutiny function and working arrangements;
 - Better balance the committees' workloads;
 - Increase corporate engagement;
 - Encourage more policy development work, and;
 - Allow for reactive scrutiny
4. The review looked at scrutiny arrangements in good practice authorities, identified a range of issues with the scrutiny arrangements in York and examined the advantages and disadvantages of five alternative options for committee structures.
 5. The review also highlighted a number of specific issues around the work of the Health Policy & Scrutiny Committee. It had completed only 9

scrutiny reviews since 2005, with the majority of its time spent on overview work, bringing together external health colleagues to discuss ongoing health issues within the city and region.

6. Having considered the findings of the review, CSMC identified two preferred options (Option iii – aligning committee remits with Directorates and Option iv – a new structure based on scrutiny functional roles) and sought feedback from the political groups and the corporate management team on those options.
7. Having considered the feedback, CSMC agreed to recommend scrutiny committees with remits in line with directorates, with the exception of Economy & Place Directorate which because of the size of the workload the Directorate was likely to generate, they agreed should be split across two policy & scrutiny committees. However after further consideration, CSMC agreed to propose one committee be responsible for all the services within the Economy & Place Directorate, which would have resulted in the number of standing Policy & Scrutiny Committees being reduced by one, leading to an annual saving of £4,200 i.e. one less Scrutiny Chair Special Responsibility Allowance.
8. Full Council considered CSMC's proposals in March 2017, and approved the terms of reference for the proposed new scrutiny committees, with the exception of that proposed for Economy & Place. In regards to that Directorate, Members agreed to trial Option iv (one of the original options), with two Economy & Place committees; one focussed on Policy Development and the other on Scrutiny, and agreed they should be piloted for 12 months and then reviewed.

Consultation

9. Feedback on the pilot was requested from both Economy & Place Committees and the Corporate Director of Economy & Place. The general consensus from members of the Economy & Place Policy Development Committee was that overall it had been successful, once they had taken time to undertake some overview of the various services areas. They were mindful that in some cases the work they had undertaken involved looking ahead at future medium term policy development opportunities which did not therefore lead to immediate policy/strategy recommendations, although it would overtime prove helpful in steering direction of travel. Feedback from members of the Economy & Place Scrutiny Committee was less positive, and concerns were raised about understanding their remit. Formal feedback from the Chairs of both Economy & Place Committees is shown at Annex A.

10. Feedback from the Corporate Director for Economy & Place is shown at Annex B.
11. Feedback from the new Health, Housing & Adult Social Care Policy & Scrutiny Committee suggests its members have felt unable to focus on health issues to the same degree as previously done, as a result of having both housing and crime and disorder as part of their remit.

Analysis

12. The trial of the alternative way of working for the two Economy & Place Committees has led to mixed results. Where this council has previously been strong in holding to account Executive decisions and examining ways of working, the Economy & Place Scrutiny Committee has struggled to identify any subjects worthy of review. In contrast, where the Council's scrutiny function has previously been comparatively weak i.e. policy development, the Economy & Place Policy Development Committee has risen to the challenge and undertaken some useful and informative work over this municipal year. Both Committees were supported by the same senior officers, which suggests technical support from officers has not been a factor.
13. The workplan of the new Health, Housing & Adult Social Care Policy & Scrutiny Committee remains predominantly focussed on overview, and whilst the quantity of overview reports presented at a formal public meeting has been reduced (as a result of some papers being circulated by email rather than being included in a published agenda), its ability to challenge constructively is still a matter of concern. For example, the Committee recently considered proposals for the relocation of health services to a new Health Centre. Whilst the information provided did contain some consultation feedback, the Committee could have chosen to challenge the findings by complementing and contrasting the information provided against the views of some service users. Without such challenge the scrutiny process becomes ineffective and over time is likely to lead to external providers being less willing to participate.
14. It was hoped that the shift in focus of the Health, Housing & Adult Social Care Policy & Scrutiny Committee would assist the Committee in moving away from an excessive overview of health issues, and help concentrate its focus on only those health issues that were a strategic priority for the city. However, some of its members are uncomfortable with the change to its remit and would prefer to return to a Committee solely focussed on Health.

Options

15. In light of the information received in this report, Members could:
- (i) Extend the pilot arrangement with the two Economy & Place Committees for a further year running up to the local elections in 2019 to allow time for it to properly embed and in particular for the Economy & Place Scrutiny Committee to establish its area of focus more clearly now that it has operated for a year, or;
 - (ii) Request Council to formally end the pilot arrangement for the two Economy & Place Committees and revert to one Policy & Scrutiny Committee in line with that Directorate.
 - (iii) Consider any further changes it may wish to make to the council's scrutiny committees, in light of the comments in this report

Implications

16. Legal – Overview and Scrutiny is a required function of local authorities in England and Wales. It was introduced by the Local Government Act 2000 which created separate Executive and Overview and Scrutiny functions within councils.
17. Those Councils operating executive arrangements are required to have an Overview and Scrutiny Committee composed of Councillors who are not on the Executive Committee, or Cabinet, of that council. Overview and Scrutiny Committees are required to meet the rules on proportionality defined in the Local Government & Housing Act 1989 (i.e. the committee must reflect the respective sizes of the political groups on the council).
18. This is a specific duty for the Council put in place measures that enable the scrutiny of Education, Health, Crime & Disorder & Flood Plans, although there is flexibility as to how this duty is met. In relation to Health specifically, the Council has a statutory obligation to scrutinise substantial developments of, or variations to, the health service in the council's area as well as NHS Bodies annual statement to the Care Quality Commission on how they have complied with the NHS core standards.
19. There are no Financial, HR or other known implications associated with the recommendation in this report.

Risk Management

20. An effective and robust scrutiny function can go beyond the traditional adversarial and organisational boundaries and be a genuinely creative force in generating new policy and ways of working. It also enables the public to engage in the difficult choices a council has to make and can play a significant role in ensuring implementation is done correctly. Without a robust function fit for purpose, this Council is at risk of not being able to demonstrate how non executive members engage with the big issues facing the city and those shared across the country, or how the Council is equipped to tackle and challenge those issues in an open, inclusive and democratic way.

Recommendations

21. Members are asked to consider the information contained within this report, including the options identified and make appropriate recommendations to Full Council, if required.

Reason: To ensure the most appropriate scrutiny model continues to be identified for York to ensure its effectiveness for the future.

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Wards Affected:

All

For further information please contact the author of the report

Background Papers: None

Annexes:

- Annex A – Feedback from the Chair of Economy & Place Policy
Development Committee & the Chair of Economy & Place
Scrutiny Committee
Annex B – Feedback from the Corporate Director of Economy & Place

Abbreviations:

CSMC - Corporate & Scrutiny Management Committee

CMT - Corporate Management Team

DMT – Directorate Management Team