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MEETING	SCRUTINY MANAGEMENT COMMITTEE
DATE	17 NOVEMBER 2008
PRESENT	COUNCILLORS GALVIN (CHAIR), ASPDEN, FRASER (AS SUBSTITUTE FOR BLANCHARD), SCOTT (FROM 5.20PM, FOR PART OF ITEM 4 AND ITEMS 5-6), SIMPSON-LAING, TAYLOR, R WATSON (FROM 5.15PM, FOR PART OF ITEM 4 AND ITEMS 5-6) AND WAUDBY
APOLOGIES	COUNCILLOR BLANCHARD

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## **PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS**

### **20. DECLARATIONS OF INTEREST**

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

Councillor Fraser declared a personal non-prejudicial interest in agenda item 4 (Update on the Work of the Health Scrutiny Committee) as he was one of the Council's representatives on the Hospital Foundation Trust and a member of the retired sections of Unison and Unite.

Councillor Waudby declared a personal non-prejudicial interest in agenda item 4 (Update on the Work of the Health Scrutiny Committee) as her daughter was employed by York Local Involvement Network (LINK).

### **21. MINUTES**

In relation to minute 15 (Final Report of the Barbican Ad-Hoc Scrutiny Committee – Sale of the Barbican) of the meeting of the Scrutiny Management Committee held on 15 September 2008, Members asked officers to check that the Committee's comments were being reported to the Executive for consideration with this item.

RESOLVED: That the minutes of the meeting of the Scrutiny Management Committee held on 15 September 2008 and the minutes of the Barbican Ad Hoc Scrutiny Committee held on 16 July 2008 be signed as a correct record.

### **22. PUBLIC PARTICIPATION**

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

## **23. UPDATE ON THE WORK OF THE HEALTH SCRUTINY COMMITTEE**

Members received a report which presented a summary of the work undertaken by the Health Scrutiny Committee since April 2008.

The topics that the Committee had looked at included Local Involvement Networks (LINKs), dental provision and the 'Dementia Review'.

The Chair of the Committee requested that political groups considered the benefits of continuity of membership for the Health Scrutiny Committee when putting forward nominations for places in the future, in order to allow Members to build on their training to date and develop a good knowledge of the complex structures and processes in the health service.

In relation to the three year government funding for the Council to commission a host organisation to enable, support and facilitate the LINK, Members queried whether the funding would continue in the longer term.

Members thanked the Chair of the Health Scrutiny Committee for the report.

RESOLVED: That the report be noted.

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

## **24. PROTOCOL ON JOINT SCRUTINY REVIEWS**

Members received a report which asked them to consider adopting a protocol to enable joint scrutiny reviews to be undertaken in York should the need arise.

A draft protocol was attached as Annex A of the report.

RESOLVED: That the protocol to allow joint scrutiny work to be carried out be adopted, subject to minor alterations being brought back to a subsequent meeting in relation to the following:<sup>1</sup>

- a) How proportionality would be achieved for the City of York Council membership;
- b) How the arrangements would apply if more than two authorities were involved.

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

### Action Required

1 - To bring back minor alterations.

GR

## **PART B - MATTERS REFERRED TO COUNCIL**

### **25. REVIEW OF THE COUNCIL'S OVERVIEW AND SCRUTINY FUNCTION**

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

The report presented the following options for consideration:

- Option A – To remove the existing Scrutiny Committees from the structure and give authority to each of the Executive Member Advisory Panels (EMAPs) to carry out all of the scrutiny function in relation to the services under their individual portfolio areas;
- Option B – To replace the existing Scrutiny Committees with an increased number of alternative Scrutiny Committees, and remove EMAPs from the decision making structure;
- Option C – To replace the existing Scrutiny Committees with an increased number of alternative Scrutiny Committees, and retain EMAPs, for the recording of Executive Member decisions, but clearly define their role to ensure they do not undermine the scrutiny function;
- Option D – To make no change to the Scrutiny Committees and decision making structure, but clearly define the role of EMAPs to ensure they do not undermine the scrutiny function and allow for policy development work (currently considered by EMAPs in part) to be considered by Scrutiny Management Committee instead, in line with Section 21 of the Local Government Act 2000, with Executive Member decisions continuing to be recorded at EMAPs.

Options A-C would also involve the removal of the Strategic Policy Panel from the structure. If none of the options were adopted, some changes would still be needed to the current structure to meet the requirements of existing or forthcoming legislation.

Some Members supported Option B and expressed the view that it provided clarity in the roles of the different bodies and individuals in the decision making structure, and a properly resourced scrutiny function to hold the Executive to account. Other Members supported a version of Option C, modified to strengthen the status and increase the resourcing of scrutiny, on the grounds that EMAPs had an important discursive role and provided an opportunity for backbench and minority group members to be informed of and comment on items for decision.

RECOMMENDED: That Option B be adopted and a Committee of Council be formed to consider the detailed implementation of this model and the constitutional changes required.<sup>1</sup>

REASON: To improve the Council's Overview and Scrutiny function.

[Note: Councillors Aspden, R Watson and Waudby requested that their votes against the recommendation to Council above be recorded.]

Action Required

1 - To refer to Council.

GR

Councillor J Galvin, Chair

[The meeting started at 5.00 pm and finished at 6.25 pm].