
Scrutiny Management Committee

23rd February 2009

Report of the Head of Civic, Legal & Democratic Services

Protocol for Joint Scrutiny Reviews

Summary

1. The purpose of this report is to present Members with a revised protocol to enable York to host joint scrutiny reviews should the need arise. A draft of the protocol is attached at Annex A to this report.

Background

2. A draft protocol was presented to Members at Scrutiny Management Committee on 17th November 2008. Members agreed to adopt the protocol on the proviso that minor alterations regarding the following be added to the protocol:
 - 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.
3. Members requested that the report be presented to them again once these alterations had been made.

Summary of Amendments

4. Joint committees will be composed of Councillors drawn from local authorities in the following terms (these are set out in paragraph 3.2 of the protocol):
 - i. Where 9 or more local authorities participate in a joint scrutiny committee - The Chair (or Chair's representative) of each participating authority's relevant Overview & Scrutiny Committee will become a Member.
 - ii. Where 4 to 8 local authorities participate – then each participating authority will nominate 2 Councillors from their relevant Overview & Scrutiny Committee. [In York, under the current Council composition this would entitle the 2 largest groups to nominate 1 Member each]
 - iii. Where 3 local authorities participate then each participating authority will nominate 4 Councillors from their relevant Overview & Scrutiny Committee.

[In York, under the current Council composition this would entitle the 2 largest groups to nominate 1 Member each]

- iv. Where 2 local authorities participate then the Host authority will nominate 4 Councillors from their relevant Overview & Scrutiny Committee and the other authority will nominate 3 Councillors from their relevant Overview & Scrutiny Committee. [In York, under the current Council composition this would entitle the 2 largest groups to nominate 1 Member each]¹

Consultation

5. Consultation would take place with the relevant local authority(s) at the time a potential review topic was proposed. North Yorkshire County Council is currently being consulted in relation to both this protocol and a scrutiny topic submitted by Councillor D'Agorne.
6. To date the draft protocol has not been seen by other local authorities; so should the need arise for a joint scrutiny review to take place then all participating authorities would need to agree to this protocol being used.

Options

7. Members have the following option:

Adopt the amended protocol for joint scrutiny reviews with or without further amendment.

Analysis

8. As detailed in paragraph 3.1 of the protocol each participating local authority should ensure that the Councillors it nominates reflects its own political balance. However any local authority can decide to waive its political balance requirements in order to reflect more appropriate representation.
9. Paragraph 4 of this report details the amendments that Scrutiny Management Committee requested at a previous meeting. By agreeing these amendments City of York Council would be in a position to host joint scrutiny reviews with any number of other local authorities should the need arise.

Corporate Strategy 2007-2011

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

¹ In relation to (ii), (iii) & (iv) of paragraph 4 of this report – unless strict proportionality is waived in compliance with paragraph 3.1 of the Protocol.

Implications

11. **Financial** – There are no direct financial implications from this report. Any administrative costs arising from the joint scrutiny work would be either met by the host organisation or, if more substantial, be shared between those authorities that are working on any particular investigation. Arrangements and terms of reference would need to be agreed between relevant authorities if a joint review took place.
12. **Human Resources (HR)** - There are no known Human Resources implications associated with this report. However, in York leading and hosting a joint review under the protocol, scrutiny administrative support would need to be identified.
13. **Legal** – Section 21 of the Local Government Act 2000 gives Overview & Scrutiny bodies the powers to establish joint committees with other local authorities to undertake scrutiny functions.
14. Constitutionally Scrutiny Management Committee has the power to establish joint committees with other local authorities/public bodies to undertake scrutiny reviews and to exercise the scrutiny function. They also have the authority to delegate functions of overview and scrutiny of cross-boundary topics to other local authorities.
15. Under the new scrutiny arrangements (taking effect after Annual Council meeting in May 2009), provision has been made for joint scrutiny task groups to be established. Arrangements contained within the attached protocol for hosting such reviews would be equally available under the new scrutiny system.
16. There are no known equalities, crime & disorder, information technology or property implications associated with the recommendations in this report.

Risk Management

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

Recommendations

18. Members are asked to agree to the revisions to the protocol as set out in Annex A to this report.

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

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Report Approved

Date 09.02.09

Specialist Implications Officer(s)

Legal

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Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A – Joint protocol for scrutiny reviews.