

Report of the Head of Civic, Democratic & Legal Services

Restructure of Scrutiny & Decision Making Process

Summary

1. This report presents the conclusions of the Working Group tasked with making recommendations in regard to the restructuring of Scrutiny and the Executive Member decision making process.

Background

2. At Full Council in November 2008 it was agreed to remove EMAPs from the decision making structure and replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees.
3. A Working Group of Council, made up of one member from each of the political groups, was formed to consider the detailed implementation of the changes agreed at Full Council in November 2008, and the consequential changes required to the Constitution.
4. At Full Council in January 2009, following the first meeting of the Working Group, Members agreed new terms of reference for the Scrutiny Management Committee (SMC). They also agreed to the creation of five new cross cutting scrutiny committees based around the LAA themes and the functions which would be common to all of those new standing scrutiny committees.

Consultation

5. In early March 2009 the Working Group met to consider:
 - the most practical and transparent method for making Executive Member decisions whilst ensuring no loss of provision for the public to access relevant reports, make representations in advance of a decision, and participate at the point of decision making
 - the names and composition of the new Scrutiny Committees
 - The composition of SMC
 - Sourcing some external research support for the scrutiny team

Options

6. Having considered the information within this report, Members may choose whether or not to approve the recommendations made within this report.

Analysis

7. In regard to Executive Member decision making, the Working Group suggests:
 - individual Executive Member Decision Making Sessions should be held on Tuesdays at 4pm following either EBS or meetings of the Executive
 - These sessions should occur four-weekly e.g.
 - Week 1 = Decision Session of the Executive Leader &
Decision Session of the Executive Member for City Strategy
 - Week 2 = Decision Session of the Executive Member for HASS &
Decision Session of the Executive Member for Children's Services
 - Week 3 = Decision Session of the Executive Member for Neighbourhoods &
Decision Session of the Executive Member for Leisure &
Culture
 - Week 4 = Decision Session of the Executive Member for Resources
 - The same rules should continue to apply in relation to Executive Member items appearing on the Forward Plan.
 - Information only reports should no longer appear on the agendas for Executive Members. Instead, an on-line Information log should be introduced which allows officers to submit information only / update reports which require no decision. The log should be made visible to all Members, officers and the public. Each entry should show which portfolio area the report relates to, the name of the report author and the date of submission, and the log should contain a search mechanism to enable items of interest to be easily found. Finally, all Members should receive email notification each time a new report is submitted which gives a summary of the new report and provides a direct link to the council website to allow Members to read the full report if they so choose.
 - Each Executive Member agenda should include a standard item which lists all the information only reports added to the log since the Member's last decision making session, thus enabling any members of the public to register to speak on any of the information only reports and allowing the Executive Member to publicly ask any pertinent questions about a report on the log and have those answers recorded in the minutes of the meeting.

- The reports presented to Executive Members relating to petitions are currently handled in a variety of different ways, which is not ideal. The Working Group agreed that in order to ensure a corporate approach an optimum method for handling petitions should be identified. As there is an ongoing commitment for officers to report back to Audit & Governance Committee on e-petitions, the Working Group recommends the introduction of a corporate register for petitions and a corporate approach for reporting on them, and that these recommendations be fed into the officer report to Audit and Governance Committee for their consideration.
8. In regard to the new Scrutiny Committees:
- The suggested names are:
 - Effective Organisation
 - Economic & City Development
 - Learning & Culture
 - Community Safety
 - Health
 - Their composition, based on proportionality to be as follows:

2 x Committees = LD 3 : Lab 3 : Cons 1,
3 x Committees = LD 3 : Lab 3 : Cons 1 : Greens 1

(the Green Party having 3 seats to be apportioned on the scrutiny committees of their choice)
9. In regard to SMC, the Working Group suggests:
- Composition based on proportionality = 4 LD : 4 Lab : 1 Green : 1 Cons
 - It should include one committee member from each of the five new scrutiny committees.
10. Finally, the Working Group agreed in principle to the external sourcing of expert advisors from local universities for the scrutiny team, subject to further investigation by the Chief Executive.
11. There was one issue on which the Working Group were unable to agree, and that was on the proportionality for chairing the new Scrutiny Committees, although it was recognised that issues relating to strict proportionality could be resolved at Annual Council in May 2009.

Corporate Strategy

12. Making the recommended changes to the scrutiny function and decision making process in York will ensure full support is given to achieving the Council's Vision, Direction Statements and Corporate Values.

Implications

13. **ITT** – Revisions to the Council's Committee Management System are already underway including the creation of the information log referred to in paragraph 4 above.
14. **Legal** – The following sections of the Council's Constitution will need to be amended to reflect the changes:
 - i. Part 2 - Articles relating to Scrutiny and Executive Member decision making
 - ii. Part 3 - Removal of EMAPs / SPP and references there to Scrutiny committees and their delegated authority
 - iii. Part 4 - Scrutiny procedural rules
 - iv. Part 1 - Decision making structure chart

S.21(11)(b) LGA 2000 provides that overview and scrutiny committees are subject to the duty under S.15 of the Loc Govt & Housing Act 1989, to allocate seats according to principles of political proportionality.

15. **Human Resources** – In order to support the enhanced level of service required, given the increased number of scrutiny committees on the structure and the impact of forthcoming legislative changes upon the scrutiny function (e.g. CCfA), approval is currently being sought to release the frozen Scrutiny Assistant post.
16. **Financial** – The overall financial implications of the agreed changes to the scrutiny structure have been addressed in previous reports to Council. In regard to the HR implications for the scrutiny team i.e. the release of the frozen Scrutiny Assistant post, this was originally graded at scale 4/5 (approx £26k with on costs), and this funding is still available. However, in light of pay and grading, a new job description would need to be prepared and graded, which may affect the amount of funding required.
17. There are no known Crime and Disorder, Property or other implications associated with the recommendations in this report.

Risk Management

18. Without making the required changes identified in this report Council will not be able to deliver the structural changes it has already agreed to the scrutiny and decision making functions.

Recommendation

19. As Chair of SMC, Cllr Galvin will move the following recommendations as a motion at this meeting of Council:
- (1) That council authorises the Monitoring Officer to make the following necessary constitutional changes to be put into operational effect after the Annual meeting in May 2009:
 - i. Public monthly individual Executive Member Decision Making Sessions held on Tuesdays (minor timetabling requirements to be agreed with Democratic Services Manager)
 - ii. A public on-line information log for 'information only' reports
 - iii. A Scrutiny Management Committee of 10 members on 4:4:1:1 basis, to include one Member from each of the new scrutiny committees and be set up with the functions and delegated powers agreed by Council in January 2009
 - iv. 5 scrutiny Committees of either 8 or 7 members in principle (subject tot proportionality details being resolved at Annual Council in May 2009), to be set up with the functions and delegated powers agreed by Council in January 2009
 - v. external expert advisors to scrutiny from local universities (pro bono excluding expenses), subject to further investigation by the Chief Executive
 - (2) Council to commission a report to Audit & Governance Committee investigating a corporate approach to handing petitions (including establishing a public on-line corporate register).

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Report Approved

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Wards Affected:

All



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