

ARTICLE 8 – SCRUTINY

1 Role and Function of Scrutiny

- 1.1 Effective scrutiny offers non-executive members the opportunity to propose policy changes, suggest improvements, commend good practice, involve communities and take a leadership role on issues of significant concern in local areas.
- 1.2 The Council will appoint the following Scrutiny bodies to discharge the functions conferred by section 21 of the Local Government Act 2000:
- Corporate Scrutiny Committee (will act as the Council's statutory scrutiny committee)
- 1.3 Standing Scrutiny Committees:
- People Scrutiny Committee
 - Place Scrutiny Committee
- 1.4 The Chairs and Vice Chairs of the Scrutiny Committees are appointed by Full Council.
- 1.5 The common functions and individual terms of reference for each of the Scrutiny Committees are set out below.
- 1.6 All Councillors, except Members of the Executive, may be members of a scrutiny committee. However, no Councillor may be involved in scrutinising a decision in which they have been directly involved.
- 1.7 Government Statutory Scrutiny Guidance (2019) promotes the four core principles for effective scrutiny originally proposed by The Centre for Governance and Scrutiny namely:
- Provide constructive 'critical friend' challenge;
 - Amplify the voices and concerns of the public;
 - Be led by independent people who take responsibility for their role;

- Drive improvement in public services.

1.8 Any efficiency reviews undertaken by a Scrutiny Committee should:

- a) be outcome focused and reflect the Council's corporate priorities;
- b) challenge assumptions about the Council's operational processes;
- c) ensure all feasible options for the future delivery of services are explored and appraised;
- d) encourage the involvement of interested parties and external partners;
- e) make relevant recommendations to the Executive or Council

1.9 For further information on how scrutiny fits into the Council's committee structure see Article 8, Appendix 5 and Appendix 7 of this Constitution

2 General Role

2.1 Within their terms of reference, the Scrutiny Committees will:

- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- b) make reports and/or recommendations to the full Council and/or the Executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- c) consider any matter affecting the area or its inhabitants; and
- d) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive. A call-in request received will be considered

by the Corporate Scrutiny Committee in accordance with the procedures at Appendix 5 of this Constitution

3 Specific Functions

3.1 Policy development and review.

3.2 The Scrutiny Committees may:

- a) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d) question members of the Executive and committees and Senior Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects on the issues and proposals affecting the area; and
- e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

4 Scrutiny

4.1 The Scrutiny Committees may:

- a) review and scrutinise the decisions made by and performance of the Executive and/or committees and Council officers both in relation to individual decisions and over time;
- b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

- c) question members of the Executive and or committees and Senior Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- d) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
 - i. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address an Improvement and Scrutiny Committee and local people about their activities and performance; and
 - ii. question and gather evidence from any person (with their consent).

5 Best Value

- 5.1 To oversee specific Best Value reviews undertaken on the Council's functions; receive progress reports; and make recommendations for consideration by the Executive on measures to be implemented.

6 Annual Report

- 6.1 The Corporate Scrutiny Committee must report annually to full Council on their working and make recommendations for future work programmes and amended working methods if appropriate.

7 Proceedings of Scrutiny Committees

- 7.1 The Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Appendix 5 of this Constitution.

8 Impartiality

- 8.1 When considering any matter as a member of a Scrutiny body the party whip will not be exercised.

Note: the Party whip is defined as “any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Council and any committee or sub-committee or the application or threat to apply any sanction by the group in respect of that Councillor should they speak or vote in any particular manner.”

9 Access to Information

- 9.1 Requests for access to information by a Member of a Scrutiny Committee will be considered in accordance with the Access to Information rules at Appendix 7 of this constitution.

10 Corporate Scrutiny Committee

- 10.1 To act as the Council’s statutory scrutiny committee
- 10.2 To oversee and co-ordinate/support the work of the Scrutiny Committees in its capacity as the Council’s statutory scrutiny committee.
- 10.2 This will include:
- a) Allocating responsibility for issues which fall between more than one Scrutiny Committee;
 - b) Allocating, in consultation with the relevant Chair and Vice-Chair, urgent issues to be considered by an appropriate committee (including ad-hoc scrutiny committee), as may be necessary;
 - c) Reviewing progress against the work plans of the Scrutiny Committees, as may be necessary and receiving updates from Chairs of those scrutiny committees, as required;

- d) Receiving periodical progress reports, as appropriate, on specific scrutiny reviews.
 - e) Considering and commenting on any final reports arising from completed reviews produced by the Scrutiny Committees, as required.
- 10.3 To provide an annual report to Full Council on the work of the overview and scrutiny function
- 10.4 To consider all post-decision Call-in for scrutiny in accordance with the Scrutiny Procedure Rules as set out in Appendix 5 of the Constitution and to question any Executive Member, as may be required
- 10.5 In consultation with the Monitoring Officer, to periodically review the scrutiny procedures to ensure that the function is operating effectively and recommend to Council any appropriate constitutional changes relating to the scrutiny structure or procedural rules.
- 10.6 To receive details of petitions received by the Council in line with the Council's published arrangements and responses or proposed responses to those petitions. To consider using its powers as a scrutiny committee to support the Council in responding appropriately to issues raised by such petitions and, in so doing, to promote public engagement.
- 10.7 To monitor progress and actions taken in response to motions approved by Full Council
- 10.8 Is responsible for monitoring performance of the following areas:
 - a) Legal Services
 - b) Corporate Governance Team
 - c) Civic & Democratic Services
 - d) Electoral Services
 - e) Corporate Finance and Procurement
 - f) Human Resources and Organisational Development
 - g) Customer, Resident and Exchequer Services
 - h) Digital and ICT
 - i) To monitor major capital projects
 - j) To have strategic oversight of the Council's 10 year strategies

- k) Develop and maintain a closer working relationship with the council's Audit and Governance Committee

10.9 To have detailed oversight of the Council's Climate Change responsibilities and actions, specifically:

- a) The production and delivery of the Climate Change Strategy and Climate Change Action Plan, which provides the framework for the council and city to be net zero carbon and climate ready.
- b) Annual emissions reporting to monitor progress against our climate change ambition, reviewing the Council's practices, policies, and procedures to understand our impact and identify improvements.
- c) The development of projects and programmes that contribute towards the Council's climate change ambition, including resilience measures to enable communities to address the consequences of climate change, and the identification of resources that can contribute towards delivery of actions
- d) Collaboration with local and regional stakeholders, including the York Climate Commission, and engaging communities to understand their needs and deliver direct benefits for them,

10.10 As part of the committee's Climate Change responsibility

- a) To review best practice across the UK and other international cities
- b) To provide opportunities for the committee to contribute to reducing carbon emissions, in the context of environmental responsibility, economic prosperity, social equity and cultural vitality

11 Scrutiny Committees

11.1 The Council will establish Standing Scrutiny Committees whose overarching functions are:

11.2 To exercise the powers of a Scrutiny Committee under section 21 of the Local Government Act 2000 by:

- a) Promoting a culture of continuous improvement across specific service plan areas
- b) Challenging and reviewing the performance of those services
- c) Assisting in the development of appropriate council policy in relation to those services
- d) Maintain an annual work programme and ensure the efficient use of resources

11.3 In accordance with the powers of the Council, the Executive and Corporate Scrutiny Committee and subject to the Scrutiny Review Procedural Rules in Appendix 5 of this Constitution:

- a) Review any issue that it considers appropriate or any matter referred to it by the Executive, Corporate Scrutiny Committee or Council and report back to the body which referred the matter.
- b) Identify aspects of the Council's operation and delivery of services, and/or those of the Council's statutory partners, suitable for efficiency reviews.
- c) Carry out efficiency reviews or set up a Task Group from within their membership to conduct a review on their behalf.
- d) Scrutinise issues identified from the Executive's Forward Plan, prior to a decision being made subject to the Pre-Decision protocol at Appendix 5 of this Constitution.
- e) Receive Executive Member reports relating to their portfolio, associated priorities & service performance when requested by the committee.
- f) Scrutinise the services provided to residents of York by other service providers, as appropriate.
- g) To make final or interim recommendations to the Executive and/or Council.

- h) To report any final or interim recommendations to Corporate Scrutiny Committee, if so requested.
- i) Monitor the Council's financial performance during the year.
- j) Monitor progress on the relevant Council Priorities and advise on potential future priorities.
- k) Initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to their service plan areas

11.4 In carrying out their individual remit each Scrutiny Committee must ensure their work further promotes inclusiveness and sustainability.

12 Scrutiny Service Plan Responsibilities

12.1 Each Scrutiny Committee is responsible for the following service plan areas.

12.2 People Scrutiny Committee:

- a) Develop & maintain close working with Corporate Parenting Board and York Schools & Academies Board and deliver complimentary agendas where appropriate;
- b) Children's Social Care
- c) The Virtual School for children in care
- d) Early Years and childcare
- e) School effectiveness and achievement, including school attendance and school safeguarding
- f) School services: School place planning and capital maintenance; School transport; Admissions; The School governance service and SENDIASS; Behaviour and attendance; Elective home education; Children missing education
- g) SEND services & Educational Psychology
- h) Skills, including monitoring of York Skills Board; York Learning
- i) Neighbourhood Working, Community Centres
- j) People & Neighbourhoods Strategy & Policy

- k) Community Safety including Safer York Partnership, Substance Misuse, Anti Social Behaviour
- l) Youth Services
- m) Voluntary Sector
- n) Digital inclusion strategy
- o) Develop & maintain close working with Health & Wellbeing Board in order to deliver complimentary agendas and avoid duplication; hold HWB board to account on HWB Strategy
- p) Public Health
- q) Maintain oversight of Health Services as appropriate to Scrutiny, including monitoring of the Integrated Care Strategy
- r) Consider any substantial changes to Health service provision within the local authority area
- s) Services for carers
- t) Adult Safeguarding
- u) Adult Social Care Provision
- v) Adult Social Care Community Teams
- w) Commissioning, Quality Improvement and Partnerships
- x) Early Intervention and Prevention
- y) Housing Revenue Account
- z) Housing Services
- aa) Housing - Building Services, Repairs and maintenance, Standards and Adaptations
- bb) Older People's Accommodation Programme
- cc) Landlord services
- dd) Homelessness and rough sleeping

12.3 In addition to the general powers and delegated authorities of Scrutiny Committees of the Council, the People Scrutiny Committee is also responsible for:

- a) the discharge of the health and scrutiny functions conferred on the Council by the Local Government Act 2000
- b) undertaking all of the Council's statutory functions in accordance with section 7 of the Health and Social Care Act 2001, NHS Reformed & Health Care Professional Act 2002, and section 244 of the National Health Service Act 2006 and associated regulations, including appointing members, from within the membership of the Committee, to any joint scrutiny committees with other local authorities, as directed under the National Health Service Act 2006.

- c) reviewing and scrutinising the impact of the services and policies of key partners on the health of the City's population
- d) reviewing arrangements made by the Council and local NHS bodies for public health within the City
- e) making reports and recommendations to the local NHS body or other local providers of services and to evaluate and review the effectiveness of its reports and recommendations
- f) delegating functions of scrutiny of health to another Local Authority Committee
- g) reporting to the Secretary of State of Health when:
 - i. concerned that consultation on substantial variation or development of service has been inadequate
 - ii. it considers that the proposals are not in the interests of the health service

12.4 Place Scrutiny Committee:

- a) 10 Year Economic Strategy, Economic Growth & Inward Investment
- b) 10 Year Transport Strategy
- c) Local Transport Strategy
- d) Accessibility in public areas including City Centre Access Strategy
- e) Parking Services (including Digital ResPark)
- f) Highways
- g) Planning & Development Services
- h) Strategic Housing Provision
- i) Regeneration & Asset / Property Management
- j) Public Realm
- k) Waste Services
- l) Fleet
- m) Public Protection (Trading Standards, Environmental Health, Food Safety Licensing)
- n) Client Management: Make it York, GLL
- o) Client Management: YorWaste
- p) Emergency Planning, Flood Risk
- q) Monitor Emissions Impacts across the City
- r) Consider MCA Joint Committee Decisions as relate to this Committee
- s) Culture, including York Theatre Royal, Museums, Music Venues Network (& elements of MIY)

t) Libraries & Archives

13 Task Groups

- 13.1 Task groups will be formed to undertake a specific scrutiny review in accordance with the powers conferred by section 21 of the Local Government Act 2000 and will include at least one member of the initiating Scrutiny Committee. Where possible, task groups will be politically proportionate and aim to have a quoracy membership.

14 Executive / Scrutiny Protocol for City of York Council

14.1 Introduction

- 14.1.1 This Protocol applies to all members of scrutiny committees, any member who may be a member of a Task and Finish Group and all members of the Executive.

14.2 Policy development, pre-decision scrutiny and review of policy implementation

- 14.2.1 The importance of early input from Scrutiny into policy development is recognised. Executive Members and/or officers should bring to the attention of the relevant scrutiny committee any policy that is being developed or is due for review to ensure timely input.
- 14.2.2 Policy development will be carried out through discussion at the relevant scrutiny committee or through a Task and Finish Group overseen by the relevant scrutiny committee. The Executive and relevant officers will consider the views of scrutiny members in the development of the policy and provide a response to the recommendations of scrutiny. The detail of scrutiny's involvement shall also be included within the body of the Executive report. The Executive/Full Council will continue to be responsible for approving and adopting policy.
- 14.2.3 Executive Members may wish to request views from Scrutiny members on a decision before it is taken in order to be able to

consider different views and perspectives prior to a decision being taken.

- 14.2.4 Scrutiny members may wish to review the implementation of new or revised policies, with a view to identifying best practice or lessons learned.

14.3 Holding the Executive to account

- 14.3.1 A key role of scrutiny is in holding the Executive to account for decisions taken and the performance of services. In holding the Executive to account Scrutiny members will:
- Consider decisions taken by the Executive, individually and collectively and items on the Forward Plan;
 - Review service performance and performance against policy and targets;
 - Be prepared to ask searching questions that provide a constructive challenge;
 - Be respectful in their interactions with Executive Members and officers;
 - Represent the voice of the public;
 - Listen to the responses provided and to assist the Executive in identifying areas for further consideration and improvement.
- 14.3.2 In return, Executive Members will:
- Be willing to be open, honest and engaged in providing a response to constructive challenge;
 - Value the importance of scrutiny;
 - Be supportive of the scrutiny process and invite and seek opinion from Scrutiny members on decisions to be taken, where appropriate;
 - Provide a positive contribution to scrutiny meetings;
 - Attend meetings when able to do so to answer questions and present information;
- 14.3.3 Where a decision is 'called in', it will be considered by the Corporate Scrutiny Committee in accordance with the procedures set out at Appendix 5 of the council constitution⁵.

⁵ <https://democracy.york.gov.uk/documents/s184985/05%20-%20Appendix%205%20-%20Scrutiny%20Procedure%20Rules.pdf>

14.4 Scrutiny work planning

- 14.4.1 Scrutiny sets its own work programme, with input from Executive Members, officers and residents and taking into account the council's Forward Plan. At the start of each Municipal Year, the scrutiny committees will hold a work planning workshop. As part of this workshop the views of the relevant Executive Members and officers will be sought with a view to ensuring that the Scrutiny function contributes towards effective policy formulation and decision-making.
- 14.4.2 The Chair and Vice Chair of the Corporate Scrutiny Committee will meet regularly with representatives of the Executive in order to ensure a positive working relationship between the two functions.

14.5 Scrutiny recommendations to the Executive

- 14.5.1 Scrutiny committees may make recommendations to the Executive on functions the Council is responsible for through formal scrutiny committee meetings and through Task and Finish Group reports.
- 14.5.2 Upon receipt of a recommendation from Scrutiny, Executive Members will:
- Give due consideration to any recommendations and accept these where they are minded to; and/or
 - Provide an explanation for the reasons why recommendations made by scrutiny have or have not been accepted.
- 14.5.3 Recommendations from Scrutiny will be logged and tracked by Democratic Services and Scrutiny Committees will receive formal reports twice each year on the number of recommendations that have been accepted and incorporated through the decision-making process and the level of progress made against the recommendations.
- 14.6 Ensuring Compliance with the Protocol
- 14.6.1 The Head of Democratic Services and the Monitoring Officer will be responsible for overseeing compliance with the

Executive/Scrutiny Protocol which should be used by members to support the wider aim of supporting and promoting a culture of scrutiny. The success of the protocol will be determined by:

- Recognition of the value of scrutiny;
- A clear record of constructive challenge;
- Valuable scrutiny reviews that achieve outcomes;
- An open and accountable decision making process.

14.6.2 An Annual Report will be submitted to Full Council each year with the aim of demonstrating the impact of Scrutiny and effectiveness of the Protocol.