
Learning & Culture Overview & Scrutiny Committee

15 July 2009

Report of the Democratic Services Manager

New Arrangements for Overview & Scrutiny in York

Summary

1. This report highlights the agreed changes to the Overview & Scrutiny function in York, detailing the terms of reference for the new committees and the resources available to support the function.

Background

2. At Full Council in November 2008 it was agreed to remove Executive Member Advisory Panels (EMAPs) from the decision making structure and replace the existing Scrutiny Committees with an increased No. of alternative Scrutiny Committees.
3. At Full Council in April 2009 Members agreed to retain the Scrutiny Management Committee and to the formation of the following five Overview & Scrutiny Committees, to come into effect as from Annual Council in May 2009:
 - Effective Organisation
 - Economic & City Development
 - Learning & Culture
 - Community Safety
 - Health

Consultation

4. The decision to revise the Overview & Scrutiny function in York followed an extensive consultation process involving Members and senior officers, involving careful consideration of working structures and best practice at other Councils.

Terms of Reference & Common Functions

Scrutiny Management Committee (SMC)

5. This Committee oversees and co-ordinates the overview & scrutiny function, including:

- allocating responsibility for issues which fall between more than one Overview & Scrutiny Committee
- periodically reviewing the overview and scrutiny procedures to ensure that the function is operating effectively and recommending any constitutional changes, to Council
- providing an annual report to Full Council
- recommending to the Executive a budget for scrutiny and thereafter exercising overall responsibility for the finance made available to scrutiny.

6. In Addition, SMC:

- advises the Executive on the development of the Sustainable Corporate Strategy and monitoring its overall delivery
- receives bi-annual feedback through reports or otherwise as appropriate, from the Overview & Scrutiny Committees on progress against their workplans
- receives periodical progress reports, as appropriate, on particular scrutiny reviews.
- considers and comment on any final reports arising from completed reviews produced by the Scrutiny Committees, prior to their submission to the Executive
- considers any decision “called in” for scrutiny in accordance with the Scrutiny Procedure Rules as set out in Part 4 of the Council’s Constitution.
- exercises the powers of an Overview & Scrutiny Committee under section 21 of the Local Government Act 2000

Standing Overview & Scrutiny Committees

7. Each of the five standing Overview & Scrutiny Committees has its own individual remit (as detailed below), and in carrying out their remit each must ensure their work promotes inclusiveness and sustainability.

8. Effective Organisation Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following Council service plan areas through regular performance monitoring reports:

- | | |
|------------------------------|-----------------------------------|
| • Audit & Risk Management | • Human Resources & Directorate |
| • Strategic Finance | • HR Services |
| • IT&T | • Performance & Improvements |
| • Public Services | • Resources & Business |
| • Property Services | • Management |
| • Policy & Development | • Business Support Services |
| • Civic Democratic & Legal | • Corporate Services |
| • Services | • Directorate Financial Services |
| • Marketing & Communications | • Management Information Services |

9. This Committee is also responsible for promoting a culture of continuous improvement in all services, and monitoring efficiency across organisational / service boundaries to promote a seamless approach to service delivery, with the user as a central focus.

10. Economic & City Development Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports:

- Economic Development
- Planning
- City Development & Transport
- Licensing & Regulation
- Housing Landlord & Housing General

11. Learning & Culture Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports

- Early Years
- Schools & Communities
- Education Development Services
- School Governance Service
- Special Educational Needs
- Adult Education
- Access
- Education Planning & Resources
- Young People's Service
- Arts & Cultural Services
- Libraries & Heritage Services
- Parks & Open Spaces
- Sports & Active Leisure

12. Community Safety Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports:

- Safer City
- Waste Management Strategy (Client)
- Environmental Health & Trading Standards
- Street Scene
- Cleansing Services
- Waste Collection Services
- Building Cleaning Services
- Highways Maintenance Services
- Street Environment
- Bereavement Services
- Youth Offending Team

13. In addition, the Community Safety Overview & Scrutiny Committee is also responsible for the discharge of the functions conferred on the Council by sections 19 & 20 of the Police & Justice Act 2006, in relation to the scrutiny of community safety issues, the Police and the work of the local Crime and Disorder Reduction Partnership (CDRP) made up of the following community safety partners:

- The Local Authority
- The Police Force
- The Police Authority
- The Fire and Rescue Authority
- The Primary Care Trust

14. Health Overview & Scrutiny Committee

This Committee is responsible for monitoring the performance of the following service plan areas through regular performance monitoring reports

- Adults i.e. older people and adults with Physical Disabilities & Sensory Impairments
- Adults Mental Health
- Adults Learning Disability

15. In addition, the Health Overview & 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 overview and 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 overview and 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

Standing Overview & Scrutiny Committees - Common Functions

16. In exercising the powers of an Overview and Scrutiny Committee under section 21 of the Local Government Act 2000, the five Overview & Scrutiny Committees shown above have the following common functions:
- Maintain an annual work programme and ensure the efficient use of resources
 - Report to the SMC on a bi-annual basis on their contribution to their work programme.
 - Review any issue that it considers appropriate or any matter referred to it by the Executive, SMC or Council and report back to the body that referred the matter.
 - Identify aspects of the Council's operation and delivery of services, and/or those of the relevant Council's statutory partners, suitable for an efficiency review (a full list of statutory partners is shown at Annex A)
 - Carry out efficiency reviews or set up a Task Group from within their membership to conduct a review on their behalf.
 - Scrutinise issues identified from the Executive's Forward Plan, prior to a decision being made.

- Receive Executive Member reports relating to their portfolio, associated priorities & service performance.
- Scrutinise the services provided to residents of York by other service providers, as appropriate.
- Comment on the annual budget proposals and elements of the Corporate Strategy.
- Make final or interim recommendations to the Executive and/or Council
- Report any final or interim recommendations to SMC, if requested
- Monitor the Council's financial performance during the year.
- Monitor progress on the relevant Council Priorities and advise on potential future priorities.
- Initiate, develop and review relevant policies and advise the Executive about the proposed Policy Framework as it relates to their service plan areas
- Support the achievement of the relevant 'Local Area Agreement' priority targets

Roles Within Overview & Scrutiny Committees

17. Members of the Overview & Scrutiny Committees:

- Meet on a regular basis
- Prepare for meetings and visits by reading briefing papers and preparing any questions for witnesses
- Formulate and agree an annual work plan for their Committee, in consultation with the relevant Scrutiny Officer
- Discuss and decide on the remit and scope of each scrutiny review they undertake
- Contribute to discussions as community representatives but without a political agenda
- Develop each review through constructive debate
- Participate as fully in Scrutiny reviews as their time commitments will allow – e.g. by attending site visits and taking part in smaller task groups
- Make recommendations based on their deliberations and information received
- Take ownership of their final reports and any recommendations, and work with the Scrutiny Officer on their production
- Monitor Scrutiny recommendations approved by the Executive to see how they are being implemented
- Identify items on Executive Forward Plan for potential consideration by the Committee
- Treat officers, witnesses and other members with respect and consideration

18. Chairs of Overview & Scrutiny Committees - in addition to their member role, each Chair is responsible for:

- Providing leadership and direction
- Working with the Scrutiny Officer to decide how each meeting will be run and agree the agenda
- Working with the scrutiny officer and senior officers to ensure an effective exchange of information

- Ensuring an appropriate timescale is agreed for a review, taking into account the Scrutiny team's workload
 - Ensuring everyone gets the opportunity to contribute and that they are heard and considered
 - Ensuring that officers and witnesses are introduced to the Committee and that they are always treated with respect and consideration
 - Working with the Scrutiny Officer on the production of any final reports
 - Presenting the final report and recommendations to the Executive
19. Vice chairs perform the chair's role in their absence. They are also invited to attend chair's briefing sessions.
20. Statutory & Non-statutory Co-optees:

Statutory

- Required for the Learning & Culture Scrutiny Committee, to represent parents and religious groups
- Participate fully within the Scrutiny work as a member of the Committee (see member's role) and vote on issues within the remit of a review
- Provide advice and information to the Committee based on their specific skill, knowledge or expertise

Non-statutory

- Invited by a Committee to provide advice and information based on their specific skill, knowledge or expertise, either on a permanent basis or for the duration of a review.
- Participate as a member of the Committee would do, but cannot take part in a vote if one is held during a meeting

Officer Roles Supporting Overview & Scrutiny

21. The work of the Overview & Scrutiny Committees is supported by officers in a number of ways:
22. The Scrutiny Services Team
- Facilitate and support SMC and the Overview & Scrutiny Committees, and organise events and meetings
 - Support the SMC in reviewing and improving the Overview & Scrutiny function
 - Work with individual Committees to develop their annual work plans, and with SMC to co-ordinate the overall scrutiny function
 - Provide independent and impartial advice to Councillors
 - Carry out research and gather information as directed by the Committees
 - Provide a link between the Committees, senior officers of the council and external witnesses, inviting them to meetings and supporting them throughout the scrutiny process to ensure an effective exchange of information
 - Liaise and consult with residents, partnerships and other external parties on behalf of the Committees
 - Draft final reports in close consultation with the Chairs of the Committees

- Forward reports and agenda items to the appropriate Democracy Officer on time so these can be published
 - Stay up to date with new developments in Scrutiny legislation and implement changes as necessary
23. Assistant Directors and/or Senior Officers
- Provide support and expertise to an Overview & Scrutiny Committee
 - Have input to the production of the Committee's workplan and use their ability to influence appropriately; particularly where there are significant resource implications for their Directorate
 - Ensure resources are subsequently made available to the Committee and Scrutiny Officer as agreed in the plans and highlight any problems
 - Work with the Chair and the Scrutiny Officer to ensure an effective exchange of information
 - Attend chair's briefings and scrutiny meetings as required
 - Provide a link with the Directorate ensuring the work of Overview & Scrutiny is supported
 - Allocate responsibility for implementing recommendations from Scrutiny
24. Technical Officers
- Work with the Scrutiny Officer, Chair and senior officers to consider the requirements of a scrutiny review
 - Provide written and/or verbal information to a Committee relevant to a topic under review
 - Work with the scrutiny officer and the assistant director to ensure an effective exchange of information
 - Attend Scrutiny meetings to offer evidence as a witness when requested
25. Democracy Officers
- Provide constitutional advice at scrutiny meetings or to Scrutiny Officers and councillors when required
 - Timetable meetings in consultation with Committee members
 - Book meeting rooms and cancel bookings when necessary
 - Receive reports and compile agenda for meetings, publish and circulate within the legal deadlines
 - Write Minutes of overview & scrutiny meetings, consult with Scrutiny Officer afterwards and get Minutes signed off by the Chair of the Committee
 - Provide a registration facility for members of the public wishing to speak at scrutiny meetings

Work Planning

26. Each of the five Overview & Scrutiny Committees will produce and maintain an annual work plan (see example shown elsewhere on this agenda). This will appear on the agenda for each meeting, and will show the different stages of any ongoing reviews and the scheduled dates for receiving the following reports:
- Performance and Finance Monitoring
 - Proposals for Corporate Priorities associated with the work of the Committee
 - Budget Consultation

- Audit Commission's Report on Use of Resources
- Annual Reports from Local Strategic Partners

27. Each Committee is responsible for providing bi-annual updates to SMC on their progress with achieving their planned programme of work. In 2009-10, it is suggested that these updates be provided for the meetings of SMC in July 2009 and February 2010.

Corporate Strategy

28. The Council's Corporate Strategy was recently revised for 2009-12, to align it with the Local Area Agreement (LAA). The new Overview & Scrutiny Committees are designed to be cross-cutting across Directorates and each is based on an individual LAA theme i.e.

Effective Organisation – to be a modern Council with high standards and values and a great place to work

Thriving City – to support York's successful economy to make sure employment rates stay high and that local people benefit from new job opportunities

Safer City – for York to have low crime rates and be recognised for its safety record

City of Culture & Learning City – to inspire residents and visitors to free their creative talents and make York the most active city in the country, and that local people have access to world-class education, training facilities and provision

Healthy City – for residents to enjoy long, healthy and independent lives

29. In addition, each of the above named Overview & Scrutiny Committees is responsible for ensuring their work promotes inclusiveness and sustainability which are the final two themes of the Corporate Strategy

Implications

30. There are no known Legal, HR, Finance, Equalities, Crime & Disorder, Property or Other implications associated with the recommendation in this report.

Risk Management

31. There are no known risks, associated with the recommendation in this report.

Recommendations

32. Members are asked to note the contents of this report and provide comments.

Contact Details

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Wards Affected: **All**

For further information please contact the author of the report

Background Papers: Reports to Full Council dated 22 January & 2 April 2009

Annexes:

Annex A – List of the Council’s Statutory Partners