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## **Corporate & Scrutiny Management Policy & Scrutiny Committee**

**14 September 2015**

Report of the Assistant Director Governance & ICT

### **Future Ways of Working in Scrutiny**

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#### **1. Background**

- 1.1 At its last meeting on 13 July 2015, the Committee considered and commented upon a report setting out some proposals for new decision making arrangements requiring the consultation of scrutiny prior to decision making.
- 1.2 Members of the Committee welcomed the opportunity in general for the inclusion of scrutiny, and thereby a cross party selection of Members, at that stage in the Council's decision making. A summary of this Committee's comments is attached at Annex A. These were forwarded to the Executive for consideration, who also consulted Audit & Governance Committee on these proposals.
- 1.3 The Executive decided formally upon the most appropriate practices for implementing this new way of working at its meeting on 27 August 2015. They agreed to implement a system which allows for pre-decision scrutiny arrangements as set out in Annex B, attached. The Executive has invited this Committee to consider:
  - How best to involve Scrutiny Committees in its pre decision 'call-in' work;
  - Establishing a Sub-Committee to deal with urgent pre-decision 'call-ins';
  - Future appropriate remits for Scrutiny Committees and the membership of this Committee, for submission to Council

## **2. Impact on Corporate & Scrutiny Management Policy & Scrutiny Committee (CSMC) and Scrutiny**

### **CSMC**

2.1 Annex B provides a guide to the new executive decision making arrangements. In terms of the impact on the role of this Committee, in summary this is as follows:

- CSMC will continue to meet as a Calling-In Committee on scheduled dates to consider both pre- and post- decision 'call-ins';
- Post decision call-ins will continue to operate in the usual constitutional way;
- Pre-decision call-ins will be triggered by 3 Members, again, but, this time within 7 days of an item being added to the Forward Plan and by notifying Democratic Services;
- Democratic Services may need to review scheduled 'call-in' meeting dates to ensure these remain suitable within the cycle of decision making and implementation;
- CSMC will consider any pre-decision call-ins for Executive business before the Executive meets at the end of the month and report the outcome(s);
- CSMC will invite relevant Members of other Scrutiny Committees to attend the 'call-in' meeting and join in the debate but with no voting rights;
- Relevant Executive Members will also be invited to attend to outline their plans and answer questions, together with relevant Officers;
- In addition, the Committee will continue to meet as currently scheduled to deal with ordinary scrutiny business, overview and review work.

### **Other Scrutiny Committees**

- 2.2 Executive Member business 'called-in' pre-decision will normally be considered by the Policy & Scrutiny Committee in whose remit the issue lies.
- 2.3 Democratic Services will liaise with the relevant Chair/Vice Chair to schedule consideration at an appropriate meeting. If timescales for a

decision are too restrictive, it will be possible for CSMC Call-in Committee to deal with the business;

- 2.4 The relevant Executive Member will attend the meeting at which the 'call-in' is being considered. At the end of that meeting, he/she will be invited by the Scrutiny Chair to indicate their decision, which will then be recorded and published, by Democratic Services, as the Executive Member decision.

### **3. Changes to Scrutiny Remits**

- 3.1 In order to align more sensibly the new Executive portfolio areas and scrutiny remits and to try to limit the number of Executive Members having to report in general to each Scrutiny Committee, a review of current scrutiny remits has been proposed and was supported by this Committee during the consultation process on these changes. The Executive has invited this Committee to consider what remits would be appropriate for Council to adopt for its Scrutiny Committees. Members of the Committee may wish to request a report back with more detail on this for the next meeting or consider nominating 2 Members to work with the Scrutiny Officer in bringing forward some recommendations on proposed remits to a future meeting. It would perhaps be worth taking into account the aims and fundamental principles of the Acting Chief Executive's organisation review to see if it would be helpful to align scrutiny remits to Directorates.

### **4. Reviewing the Composition of CSMC**

- 4.1 The Executive has asked this Committee to consider its own composition and whether it would be feasible to recommend to Council an alternative membership based on the Committee compromising Chairs and Vice Chairs of the Standing Scrutiny Committees. Again, Members may wish to consider requesting a more detailed report on options to the next meeting or consider nominating 2 Members to work with the Scrutiny Officer and Head of Civic & Democratic Services to bring forward some options to a future meeting, alongside any proposed remit changes.

### **5. Refresh of Scrutiny Activity**

- 5.1. The new executive decision making arrangements provide scrutiny with a real opportunity to develop an effective relationship with the Executive and Executive Members. The new arrangements provide an opportunity for scrutiny to review reports prior to decisions being taken. There is though also an opportunity for Scrutiny to help Executive Members

shape their policies while they are still in development and before reports are being drafted. Establishing a strong dialogue with the Executive will contribute to how successful the collaboration becomes. Early and regular engagement with Executive Member plans and priorities will be key.

5.2 Given these changes and this Committee's overall responsibilities in managing scrutiny business, Members may wish to renew and refresh some of the following scrutiny activity:

- Presentation of final scrutiny review reports;
- Member led activity – review involvement/role to achieve greater sense of ownership;
- Allocation of external research support budget;
- Relationship of Scrutiny Committee Chairs with CSMC
- How effectively scrutiny work currently addresses relevant equalities or sustainability strands
- How scrutiny currently identifies potential areas for review

## **6. Consultation**

6.1 This Committee and Audit & Governance Committee have formally been consulted on their views on introducing these pre-decision scrutiny arrangements.

## **7. Council Plan**

7.1 Effective and inclusive decision making will assist in achieving all Council plan priorities.

## **8. Implications**

8.1 There are potential implications with the future ways of working now agreed around pre-decision scrutiny, as follows:

- Financial – there are no financial consequences arising directly from this report. However, the Executive have considered the impact of resourcing these arrangements, particularly upon Democratic Services. An additional £100k was made available in the revised Council budget agreed in July 2015, to support these and other improved transparency arrangements.

- Equalities - none relating to the new processes specifically but these would need to be addressed should the Committee choose to consider in more detail, at a future meeting, how equalities strands could be dealt with more effectively in scrutiny review work generally;
- Legal - The Monitoring Officer advises that as York operates a Leader and Cabinet model of decision making under the Local Government Act 2000, executive decisions must be taken in accordance with the provisions of that Act and Regulations issued under it. Decisions will be open to challenge if the Executive or an Executive Member were to slavishly follow the recommendations of a Scrutiny Committee without applying their own independent judgment.

## 9. Recommendations

9.1 Members are requested to:

- Note the new pre-decision scrutiny arrangements this report;
- Make arrangements to consider revised remits for Scrutiny Committees and to review the composition of this Committee as requested by the Executive and set out in paragraphs 3 and 4 above; and
- Identify any potential areas for refresh set out in paragraph 5 of this report.

Reason: To implement revised decision making arrangements involving scrutiny and to refresh scrutiny activity.

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**Report Approved**



**Date** 21/08/2015

**Wards Affected:**

**All**



**For further information please contact the author of the report**

**Background Papers:** None

**Annexes:**

**Annex A** – Summary of CSMPC comments to Executive, 30 July 2015

**Annex B** – Guide to new executive decision making arrangements