

**NORTH YORKSHIRE COUNTY COUNCIL**

**EXECUTIVE**

**10 MARCH 2020**

**OVERVIEW AND SCRUTINY REVIEW**

**Report of the Chairman of Scrutiny Board**

**1.0 PURPOSE OF THE REPORT**

- 1.1 The aim of this report is to update the Executive on the work that is being done by the Council's Scrutiny Board to review overview and scrutiny practice at the Council. Executive is asked to note the draft Improvement Plan and comment on those aspects that relate directly to the relationship between the Council's overview and scrutiny and executive functions.

**2.0 BACKGROUND**

- 2.1 The Local Government Act 2000 first introduced the requirement for every local authority to include provision for at least one overview and scrutiny committee. The Council has five thematic overview and scrutiny committees, as below:

- Scrutiny of Health
- Care and Independence
- Young People
- Transport, Economy and Environment
- Corporate and Partnerships.

Scrutiny work is also carried out by the Council's Police, Fire and Crime Panel and the Looked After Children Members Group.

- 2.2 The committees each have 13 County Councillors on them and the committees are subject to political proportionality. Four of the five committees are chaired by a member of the ruling administration.
- 2.3 Every non-Executive member of the Council is expected to sit on an overview and scrutiny committee or Audit.
- 2.4 Scrutiny aims to contribute to the Council's corporate outcomes in many ways, including:
- Enabling Councillors to become directly involved in the development of: policy and strategy; consultation and public engagement planning; and the performance management of the Council
  - Keeping Councillors and the public informed of key issues, priorities and initiatives
  - Enabling direct engagement with the people of North Yorkshire
  - Acting as a critical friend and providing Executive Members and senior officers with a non-partisan forum in which to test out ideas, approaches and gain feedback and suggestions
  - Providing a structure, through the call-in process, for scrutinising specific decisions of the Executive

- Scrutinising issues of public concern beyond the remit of the Council.

2.5 Scrutiny Board plays a key role in the development and co-ordination of overview and scrutiny at the Council. The members of Scrutiny Board are the five Chairs of the thematic overview and scrutiny committees and the Older People's and Young People's Champions.

### **3.0 GOVERNMENT GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL GOVERNMENT**

3.1 In January 2017, the Communities and Local Government (CLG) Committee launched an inquiry into overview and scrutiny in local government. The Committee considered whether overview and scrutiny arrangements are working effectively. Recommendations were made and in response (March 2018) the Department for Housing, Communities and Local Government stated that new guidance on overview and scrutiny in local government would be published. The guidance was published in May 2019 and is available via the following link - <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

3.2 The guidance re-iterates the key role that overview and scrutiny has to play in holding decision-makers to account. It identifies four key areas in which increased awareness and understanding is needed: the purpose of scrutiny; what effective scrutiny looks like; how to conduct it; and the benefits that it brings.

3.3 The guidance has a number of policies and practices that it highlights that would support the establishment and development of effective scrutiny, including:

- Establish an organisational culture whereby overview and scrutiny is valued, supported and independent. This can involve developing an Executive-Scrutiny Protocol.
- Ensure that there is sufficient funding, officer time and general support in place for the scrutiny function
- Ensure that committee members are selected according to their skills and aptitudes (albeit taking into account political balance), that they receive training and that people with specific skills are either co-opted onto committees or appointed as technical advisers
- Enable scrutiny to access information in a timely manner, particularly data about the management of the local authority, performance and risk
- Ensure that work planning is undertaken that is co-ordinated across committees, draws upon a broad range of data, information and analysis and which clearly states what the benefit is from scrutinising a topic.

3.4 Local authorities are left to determine what scrutiny arrangements best suit their local needs. Councils will have to 'have regard to' the guidance in the way that they work and the decisions they make.

### **4.0 MEMBER WORKING GROUP ON THE CONSTITUTION**

4.1 The Member Working Group on the Constitution last met on 2 December 2019. At that meeting a number of issues relating to overview and scrutiny practice at the Council and how the function is defined in the Council Constitution were raised by Cllr Geoff Webber. The key points made are as follows:

1. The overview and scrutiny committees are too large. The current membership of 13 is too large to enable the committee to effectively perform a scrutiny role.
2. The political make-up of the committees undermines the independence of overview and scrutiny. Under the current administration four out of the five overview and

scrutiny committees are chaired by members of the ruling party. Under the proportionality rules, each of the overview and scrutiny committees has 9 or 10 members from the ruling party.

3. The process for scrutinising Motions that have been referred from County Council to overview and scrutiny needs to be reviewed to ensure that it is timely, that there is a full debate at the overview and scrutiny committee and that there is greater clarity about the route that recommendation from overview and scrutiny go back to County Council.
4. Executive members and senior officers routinely attend overview and scrutiny committees and engage in the meetings. It is important that overview and scrutiny is able to operate independently of the Executive and senior officers. As such, they should only attend when specifically invited to do so and when they have a specific contribution to make.

4.2 The Member Working Group on the Constitution resolved to refer the issues raised by Cllr Geoff Webber to Scrutiny Board for further consideration.

## **5.0 REVIEW OF OVERVIEW AND SCRUTINY PRACTICE AT THE COUNCIL**

5.1 Scrutiny Board met on three occasions (22 November 2019, 7 January 2020 and 14 February 2020) to review overview and scrutiny practice. The review looked at the government guidance, issues raised by Cllr Geoff Webber that had been referred from the Member Working Group on the Constitution and also used a self-assessment tool developed by the Centre for Public Scrutiny.

5.2 The areas of overview and scrutiny practice that were identified for further development or improvement were:

- The greater use of expert witnesses and site visits to enable a more in-depth understanding of the increasingly complex issues that are being reviewed by overview and scrutiny committees
- A more defined relationship with the Executive, which ensures that overview and scrutiny is and is also perceived to be independent. This is not intended to create a combative atmosphere, as overview and scrutiny has a key role to play in policy development at the Council and as a critical friend to the Executive, but to ensure that there is clarity around the relationship between these two key elements of the Council's governance process.
- Scrutiny Board to consider taking on a more active role in the co-ordination of overview and scrutiny work programmes across the five thematic committees and also to work more closely with the Council's six Area Constituency Committees, through the Area Constituency Committee Chairs and Vice Chairs meeting
- Scrutiny Board to establish a baseline for overview and scrutiny practice at the Council and review how overview and scrutiny is delivered at other local authorities in the region
- More involvement of the overview and scrutiny committee membership, as a whole, in the setting of the overview and scrutiny work programmes and greater use of performance, finance and risk data, analysis and information in determining priorities for scrutiny
- Refresher training for committee Chairs, Vice Chairs and members in effective scrutiny
- Clearer direction to the committees on what the range of possible actions are in response to an item that has come to overview and scrutiny and also clearer direction to officers attending overview and scrutiny as to what the committee is interested in and hoping to achieve from the discussions
- Greater involvement in policy development and pre-decision scrutiny, with overview and scrutiny committees engaged at an early stage in the development of policy so that they can then make timely recommendations to the Executive

- More work to be done within the Council to highlight the important role that overview and scrutiny has to play in policy development and good governance.

5.3 All of the above relate to scrutiny practice and there are no implications for the Council Constitution.

## **6.0 ONGOING DEVELOPMENT OF PRACTICE**

6.1 In response to the above, some initial scoping of possible responses to the areas for improvement and development that had been identified was done at the meeting of Scrutiny Board on 14 February 2020, as below:

- Refresher training for all overview and scrutiny Chairs and Vice Chairs on overview and scrutiny practice and chairmanship skills. This could be offered to other local authorities in the region, to help cover any associated costs. This could also be opened out to Chairs and Vice Chairs of the Area Constituency Committees, the Pension Fund Committee and the Audit Committee
- Refresher training for all overview and scrutiny committee members on overview and scrutiny practice. This could be offered to other local authorities in the region, to help cover any associated costs. It may be preferable to defer this to after the May 2021 local government elections and include it in the induction training for county councillors.
- Awareness raising sessions at a Senior Management Forum meeting on overview and scrutiny practice, as part of a larger piece of work around good governance and decision-making
- Committee reports to be briefly introduced by officers, working upon the assumption that the reports have been read and understood
- Development of a training module for officers on how to engage in overview and scrutiny committees
- Motions referred from County Council to overview and scrutiny to be prioritised by the relevant overview and scrutiny committee so that their recommendations can go back to the subsequent meeting of the County Council, via Executive
- Scrutiny Board to review committee work programmes, corporate performance, risk and finance data and take a more active role in the prioritisation of scrutiny work
- Scrutiny Board to hold joint work programme co-ordination meetings with the meeting of the Area Constituency Committee Chairs and Vice Chairs
- Executive members only to attend overview and scrutiny committee meetings when invited to do so and where they have an identified role to play in the meeting
- The Chair of Scrutiny Board and the Statutory Scrutiny Officer to attend meetings of overview and scrutiny in other local authorities
- Consider a formal work programme session with each of the committees on an annual basis, which involves departmental officers in outlining priorities and plans for the next year.

## **7.0 CONCLUSION**

7.1 The review of overview and scrutiny practice at the Council has identified a number of areas in which practice could be improved or developed. The draft improvement plan that is being developed is focussed upon the day to day practice of overview and scrutiny at the Council and has no Constitutional implications. As such, Scrutiny Board and the overview and scrutiny team in Legal and Democratic Services are able to go ahead and implement the plan as part of their business as usual or day-to-day work.

## **8.0 FINANCIAL IMPLICATIONS**

8.1 There are no significant financial implications. There may be some costs incurred through the development and provision of refresher training in overview and scrutiny practice but these costs could be covered by offering the training to other local authorities in the region.

## **9.0 LEGAL IMPLICATIONS**

9.1 There are no legal implications and no changes to the Constitution are being proposed.

## **10.0 EQUALITIES IMPLICATIONS**

10.1 There are no implications for equalities.

## **11.0 RECOMMENDATIONS**

11.1 The Council's Executive is asked to note the draft Improvement Plan and comment on those aspects that relate directly to the relationship between the Council's overview and scrutiny and executive functions.

County Councillor Derek Bastiman  
Chairman of Scrutiny Board  
County Hall, Northallerton  
14 February 2020

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Background documents: None

Appendices: None

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