



North Yorkshire Scrutiny Officer Network

Overview and Scrutiny Guiding Principles

2009

In June 2008 the lead scrutiny Members from the District, Borough and County Councils took part in an event to look at the enhanced powers for scrutiny in particular the scrutiny of the Local Area Agreement. On the day Members agreed that the best way forward was to develop a common sense approach to overview and scrutiny between the Councils. There was a clear message that they did not want to see additional bureaucracy but the better sharing of information, learning and expertise between our councils. This led to the signing of the Memorandum of Understanding, the development of the North Yorkshire Scrutiny Officer Network and the commitment to a partnership approach towards the implementation of the enhanced powers for scrutiny that the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007 bring.

In an attempt to make the enhanced powers for scrutiny as easy to understand as possible the criteria and checklists included within this document will be used across the District, Borough and County Councils. Through working together and coordinating requests for information it is hoped that those partners subject to the new duty to co-operate will not feel overburdened but will welcome the opportunity to engage with the scrutiny process.

The guiding principles are intended to provide a foundation from which to undertake overview and scrutiny without being too prescriptive or adding layers of bureaucracy however once the regulations and guidance for the LGPIH Act 2007 are available and as the extended powers mature they may require revision and updating.

Joint working

The Councils have made a commitment to joint working based on good communication and sharing information and resources where possible. In order to support this the North Yorkshire Scrutiny Officer Network has agreed:

- To share forward plans for scrutiny.
- To share the outcomes of scrutiny reviews.
- To organise a regular (at least annual) event for lead scrutiny members to meet and review how effectively the Councils are scrutinising partnership outcomes in the county.
- That two or more Councils may work together to scrutinise an issue jointly where this will add value or where an issue impacts on more than one area.
- That informal task groups or formal joint committees (once the necessary Regulation is passed) may be set up as agreed on a case by case basis.
- That scrutiny officers will liaise over requests for information from partners with a view to coordinating these where possible.

Criteria for Councillor Call for Action (CCfA)

The CFPS guidance on CCfA maintains that:

- *CCfA is about helping councillors to resolve issues and problems on behalf of their residents.*
- *CCfA should not be regarded as merely a “scrutiny process”.*
- *CCfA will be a means of “last resort” in a broad sense, with issues being raised at committee after all other avenues have been exhausted.*

District and/or County Councillors will use informal ways of resolving an issue brought to them by a member of the public. However if all avenues to solve the issue have been exhausted and a referral to overview and scrutiny (O&S) is being considered then Councillors and scrutiny officers will work together to ensure that the appropriate District Councillor refers the matter to a District level O&S and similarly the appropriate County Councillor refers the matter to a County level O&S (Local Government & Public Involvement in Health Act 2007).

Listed below are the criteria that will be applied by the scrutiny functions of the District, Borough and County Councils in North Yorkshire when considering a CCfA referral.

1. Is it an ‘excluded matter’ included in the list below?
 - Individual complaints concerning personal grievances or commercial issues.
(However if a number of complaints have been received on a particular matter and this is evidence that there may have been a systemic failure the matter may be considered for a CCfA.)
 - Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
 - Planning and licensing applications and appeals
 - Council Tax/Housing Benefits complaints and queries
 - Issues currently under dispute in a court of law.
 - Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the relevant scrutiny committee or any of its sub-committees.
2. Have all reasonable attempts at resolution been made by the councillor?
3. Is it an issue in the Councillor’s ward / division?
4. Has the committee considered a similar issue recently?
5. Are there projects, reviews, audits or inspections already underway that are already considering the concern?
6. Is it a crime & disorder issue?
7. In the case of a crime & disorder issue, has the matter been referred to the CDRP?
8. Has it been the subject of a petition?
9. Has the Councillor tried to address the issue through an Area Committee / Area Forum?
10. Has the relevant Portfolio Holder, Cabinet Member, Member Spokesperson been consulted?
11. Have relevant partners or council service areas been informed and not responded?
12. Has the matter been referred to the complaints procedure of any agency or local authority?
13. Is there a more complex/strategic issue at the heart of it that could not be resolved at a lower level?
14. Has consideration been given to whether the matter is better dealt with initially at District or County level?
15. Is it an individual case or a wider service or policy matter?

Scrutiny of crime and disorder matters (Including CCfA)

The bullet points below set out the Crime and Disorder (Overview and Scrutiny) Regulations (April 2009) and the local approach of the District, Borough and County Councils in North Yorkshire to the scrutiny of crime and disorder matters.

- Each Local Authority will have a designated crime and disorder committee (*The Committee*)
- *The Committee* will meet to consider crime and disorder matters at least once a year. For the District and Borough Councils this will involve a report from the local Crime & Disorder Reduction Partnership (CDRP). The County Council will receive an annual report from the Safer Communities Forum.
- Scrutiny will be focused on the CDRP (or Safer Communities Forum) as a whole and if issues arise which relate specifically to a particular partner organisation it may be appropriate to refer the issue to the governing body of that organisation.
- *The Committee* for the County Council will co-opt a Police Authority representative onto its membership.
- Except in cases where a member of *The Committee* in the District and Borough Councils is also a Police Authority member, the committee will issue a standing invitation to the Police Authority to send a representative (either Member or officer) to attend as an expert adviser. Alternatively, in consultation with the Police Authority, the committee may co-opt a member of that Authority.
- Each Local Authority will consider its own requirements on the co-option of additional members from partner organisations.
- A member of the committee (or an invited expert advisor) shall not also be a representative on the CDRP or the Safer Communities Forum
- *The Committee* may 'require the attendance' of an officer or employee of cooperating partner organisations, and will give reasonable notice to attend. Unless there is a compelling reason to do so, the committee will not require the attendance of specific officers (eg the Chief Constable). If a named individual is required to attend the committee will give reasons.
- When requesting information in writing the scrutiny officer will liaise with the responsible authorities, persons or bodies (as applicable) on behalf of *the Committee* to agree when the response is required. Scrutiny officers will remind partner organisations that any information should be de-personalised and not include anything that might prejudice current or future legal proceedings
- Where the final report of *The Committee* makes recommendations for the responsible authorities, persons or bodies they must respond in writing and submit it within 28 days. If there are circumstances where adhering to this timescale is impossible the scrutiny officer (on behalf of *The Committee*) will liaise with the partner organisation / Executive to make suitable arrangements for the response as soon as it is practicable.
- Consideration of a Councillor Call for Action (CCfA) on a crime and disorder matter will be undertaken by *The Committee* at the most appropriate level. This would mean a local issue would be dealt with at local (District / Borough) level with strategic matters being dealt with at County level.
- Where an issue affects more than one District / Borough and/or the County the opportunity to work collaboratively (Joint Task Groups) will be used where appropriate.
- The first point of contact for the scrutiny officer on crime and disorder matters will be the local CDRP Manager.

Joint Scrutiny Task Groups

In order to assist the running of any joint scrutiny task groups:

- The Council O&S Committee that establishes the joint task group will retain 'ownership' of the scrutiny review therefore on completion of the review the Task Group will present a final report to the Committee.
- The originating O&S Committee will present the report and any recommendations to the responsible authorities, persons or bodies.
- The Chairmanship of the Task Group will be taken from the originating O&S Committee.
- The support and resources for the Task Group would ordinarily remain with the originating authority but with the scope to share the workload between scrutiny officers where appropriate.
- There will be a process of nomination for representation on the Task Group from other authorities. The nominees will claim any expenses they incur, from their own authority.
- The Task Group meetings are informal and any decisions will take account of the opinions of the membership.
- Agreement by consensus will be encouraged rather than 'taking a vote' however if no consensus can be reached a minority report will be prepared and also presented to the originating Committee.

Joint Committees

Once the necessary Regulation is passed two or more Councils may agree to set up a joint committee to scrutinise a particular issue. As the Regulation and Government guidance on the arrangements for joint committees are still awaited this section will be completed when they are received.