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Supplementary Information for 9th May 2012 General Purposes Committee

Appendix 8 to Item 10 – Constitution amendments – Scrutiny arrangements

AGENDA

Item No	Ward/Equal Opportunities	Item Not Open		Page No
10			<p>CONSTITUTIONAL AMENDMENTS - SCRUTINY ARRANGEMENTS</p> <p>To receive a report of the Director of Resources proposing amendments to the authority's scrutiny arrangements, following an annual review by the Scrutiny Officer.</p>	1 - 6

ARTICLE 6 – SCRUTINY BOARDS

6.1 ROLE

The Council will appoint the following Scrutiny Boards to exercise functions conferred by section [9F](#) of the Local Government Act 2000 and in accordance with the National Health Service Act 2006, in accordance with their terms of reference¹.

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- Scrutiny Board (Health and Well-being and Adult Social Care)²
- Scrutiny Board (Resources and Council Services)
- Scrutiny Board (Children and Families)
- Scrutiny Board (Sustainable Economy and Culture)³
- Scrutiny Board (Safer and Stronger Communities) – which shall be the authority's crime and disorder committee
- Scrutiny Board ([Housing and Regeneration](#))

6.2 GENERAL FUNCTIONS

In exercising, or deciding to exercise any of their functions, Scrutiny Boards must have regard to any guidance issued by the Secretary of State⁴.

Within their terms of reference, all Scrutiny Boards will

- review or scrutinise the exercise of any function of the Council or Executive;
- make reports or recommendations to Council or the Executive in connection with the exercise of any functions of the Council or the Executive; and
- make reports or recommendations to the Council or the Executive on any matter affecting the area or its inhabitants;
- exercise the right to Call-In decisions made but not yet implemented by the Executive, for reconsideration.

The Scrutiny Board (Health and Well-being and Adult Social Care) will also:

- review or scrutinise any matter relating to the planning, provision and operation of health services in the authority's area;
- make reports and recommendations to local NHS bodies⁵ and to the Council or the Executive on any matter reviewed or scrutinised by it; and

¹ As set out at Part 3 Section 2A of the Constitution

² Which shall respond to any consultation made under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002.

³ Which shall undertake the authority's statutory functions in relation to the scrutiny of flood risk management

⁴ Section [9FA](#) Local Government Act 2000

⁵ NHS bodies in Leeds means NHS Leeds, Leeds Community Healthcare NHS Trust, the Leeds Teaching Hospitals NHS Trust, Leeds Partnerships NHS Foundation Trust, NHS Yorkshire and the Humber, and the Yorkshire and Humber Specialised Commissioning Group

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- be consulted by local NHS body⁶.

The Scrutiny Board (Safer and Stronger Communities) is the Council's crime and disorder committee. In this capacity it will:

- review or scrutinise the exercise of crime and disorder functions⁷ by responsible authorities⁸;
- review or scrutinise any Member referred local crime and disorder matter⁹; and
- make reports or recommendations to the Council or the Executive about the exercise of crime and disorder functions¹⁰ or any local crime and disorder matter in relation to a Member¹¹.

6.3 SPECIFIC ROLES

Vision for Scrutiny

The Council has adopted a Vision for Scrutiny, which is attached at Annex 1.

Policy development and review

Within their Terms of Reference all Scrutiny Boards may:

- assist the Council and the Executive in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question Members of the Executive and Directors about their views on issues and proposals affecting the area; and

⁶ in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended

⁷ As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies).

⁸ These are the authorities responsible for crime and disorder strategies (Section 5 of the Crime and Disorder Act 1998)

⁹ This is any matter concerning-

(a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or

(b) the misuse of drugs alcohol and other substances in that area which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

¹⁰ See footnote 8

¹¹ See footnote 10

- 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.

Scrutiny

Within their Terms of Reference all Scrutiny Boards may:

- make recommendations to the Executive and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board and local people about their activities and performance; and
- question and gather evidence.

Within its Terms of Reference the Scrutiny Board (Health and Well-being, and Adult Social Care) may also review or scrutinise:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area;
- the provision of such services to those inhabitants;
- the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- the public health, health protection and specialist health promotion arrangements in the area;
- the planning of health services by NHS bodies, including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population; and
- the arrangements made by NHS bodies for consulting and involving patients and the public;

and make recommendations to the local NHS bodies arising from the outcome of the scrutiny process.

6.4 SCRUTINY OFFICER

The Council ~~has designated~~ the post of Head of Scrutiny and Member Development, as Scrutiny Officer¹².

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¹² Under Section ~~9FB~~ Local Government Act 2000.

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Article 6 - Scrutiny Boards

The functions of the Scrutiny Officer are:

- (a) to promote the role of the Scrutiny Boards;
- (b) to provide support to the Scrutiny Boards and their members¹³;
- (c) to provide support and guidance to Members (including Executive Members), and officers¹⁴, in relation to the Scrutiny Boards' functions;
- (d) to report to Council¹⁵ annually about how the authority has carried out its overview and scrutiny functions.

6.5 PROCEEDINGS

Scrutiny Boards will conduct their proceedings in accordance with the Scrutiny Board Procedure Rules set out in Part 4 of this Constitution.

6.6 SCRUTINY BOARD CHAIRS

Group spokespersons shall not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.¹⁶

6.7 CO-OPTED MEMBERS

Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters¹⁷:

- (a) For a term of office which does not go beyond the next Annual Meeting of the Council:
 - one Church of England diocese representative
 - one Roman Catholic diocese representative
- (b) For a four year term of office:
 - three parent governor representatives

If the relevant Scrutiny Board deals with other matters, these representatives shall not vote on those other matters. They may stay in the meeting and speak.

Crime and Disorder Committee

Subject to the following provisions, in its capacity as crime and disorder committee, the Scrutiny Board (Safer and Stronger Communities) may co-opt additional members to serve on the Board¹⁸.

¹³ The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.

¹⁴ The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

¹⁵ After consultation with the relevant Scrutiny Chairs

¹⁶ This does not apply to those groups who have less than 10% of the membership of the Council

¹⁷ A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive

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The Scrutiny Board cannot in this capacity co-opt an Executive Member.

Unless the Scrutiny Board decides otherwise, any such co-opted member shall not be entitled to vote.

The Scrutiny Board may limit a co-opted person's membership to the exercise of the Board's powers in relation to a particular matter or type of matter.

The Scrutiny Board may withdraw the co-opted person's membership at any time.

Additional co-opted members

The following may be appointed to each Scrutiny Board¹⁹:

- (a) For a term of office which does not go beyond the next Annual Meeting of the Council:
 - up to five **non-voting** co-opted members
- (b) For a term of office which relates to a particular Scrutiny Inquiry:
 - up to two **non-voting** co-opted members

¹⁸ The Crime and Disorder (Overview and Scrutiny) Regulations 2009

¹⁹ Co-option would normally only be appropriate where the co-opted member has some specialist skill or knowledge, which would be of assistance to the Scrutiny Board.

Vision for Scrutiny at Leeds

“To promote democratic engagement through the provision of an influential scrutiny function which is held in high regard by its many stakeholders and which achieves measurable service improvements which add value for the people of Leeds through a member led process of examination and review”

To achieve this Scrutiny will follow the nationally agreed ‘Four Principles of Good Scrutiny’;

1. Provide ‘critical friend’ challenge to decision makers, through holding them to account for decisions made, engaging in policy review and policy development;
2. Promote Scrutiny as a means by which the voice and concerns of the public can be heard;
3. Ensure Scrutiny is carried out by ‘independent minded’ Board members;
4. Improve public services by ensuring reviews of policy and service performance are focused.

To succeed Council recognises that the following conditions need to be present;

- Parity of esteem between the Executive and Scrutiny
- Co-operation with statutory partners
- Member leadership and engagement
- Clarity and focus of purpose
- Genuine non-partisan working
- Evidence based conclusions and recommendations
- Effective dedicated officer support
- Supportive Directors and senior officer culture