

## ARTICLE 6 – SCRUTINY BOARDS

### 6.1 ROLE

The Council will appoint Scrutiny Boards as set out in Annex 2 to this Article 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 reference<sup>1</sup>.

### 6.2 VISION FOR SCRUTINY

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

### 6.3 ROLE OF SCRUTINY

#### **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
- 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.

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<sup>1</sup> As set out at Part 3 Section 2A of the Constitution

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### 6.4 **SCRUTINY OFFICER**

The Council has designated the post of Head of Governance and Scrutiny Support, as Scrutiny Officer<sup>2</sup>.

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 members<sup>3</sup>;
- (c) to provide support and guidance to Members (including Executive Members), and officers<sup>4</sup>, in relation to the Scrutiny Boards' functions;
- (d) to report to Council<sup>5</sup> 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**

The Chair of each of the Scrutiny Boards shall be appointed in accordance with the Council Procedure Rules.

Group spokespersons shall not be appointed to Chair a Scrutiny Board which corresponds to the same portfolio.<sup>6</sup>

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<sup>2</sup> Under Section 9FB Local Government Act 2000.

<sup>3</sup> The Scrutiny Officer shall exercise overall responsibility for the finances made available to Scrutiny Boards.

<sup>4</sup> The Scrutiny Officer shall exercise overall responsibility for the work programme of the officers employed to support the work of the Scrutiny Boards.

<sup>5</sup> After consultation with the relevant Scrutiny Chairs

<sup>6</sup> This does not apply to those groups who have less than 10% of the membership of the Council

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### 6.7 CO-OPTED MEMBERS

#### Education Representatives

The following shall be appointed as voting representatives on each relevant Scrutiny Board dealing with educational matters<sup>7</sup>:

- (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, the Scrutiny Board allocated special responsibility for crime and disorder may co-opt additional members to serve on the Board<sup>8</sup>.

- 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 Board<sup>9</sup>:

- (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

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<sup>7</sup> 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

<sup>8</sup> The Crime and Disorder (Overview and Scrutiny) Regulations 2009

<sup>9</sup> 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
- Genuine non-partisan working
- Evidence based conclusions and recommendations
- Effective dedicated officer support
- Supportive Directors and senior officer culture

***Council agrees that it is incumbent upon Scrutiny Boards to recognise that resources to support the Scrutiny function are, (like all other Council functions), under considerable pressure and that requests from Scrutiny Boards cannot always be met. Therefore Council agrees that constructive consultation should take place between the Executive and Scrutiny about the availability of resources prior to any work being undertaken.***

***Consequently, when establishing their work programmes Scrutiny Boards should***

- ***Seek the advice of the Scrutiny officer, the relevant Director and Executive Member about available resources***
- ***Avoid duplication by having a full appreciation of any existing forums already having oversight of, or monitoring a particular issue (e.g. Plans Panel, Housing Advisory Board, established member working groups, other Scrutiny Boards)***
- ***Ensure any Scrutiny undertaken has clarity and focus of purpose and will add value and can be delivered within an agreed time frame.***



Scrutiny Board	External oversight	Officer oversight (by reference to the Officer Delegation Scheme)	
		Council Functions	Executive Functions
<b>Strategy and Resources</b>		Chief Executive Director of Resources and Housing Chief Officer (Financial Services) City Solicitor Director of Communities and Environment	Chief Executive (1-3) Director of Resources and Housing (1-9) City Solicitor (1-3) Chief Officer (Financial Services)(1) Director of Communities and Environment (2, 15 – 17, 19) Director of City Development (6, 9)
<b>Infrastructure, Investment and Inclusive Growth</b>	Risk management authorities (defined by S6 Flood and Water Management Act 2010)	Director of City Development (a-w) Chief Planning Officer	Chief Executive (4) Director of Communities and Environment (9) Director of City Development (1, 3- 5, 7-8, 11) Chief Planning Officer (1-4) Director of Children and Families (2e)
<b>Environment, Housing and Communities</b>	Responsible authorities (defined by S5 Crime and Disorder Act 1998)	None	Director of Communities and Environment (1, 3-8, 10-14, 18) Director of Resources and Housing (10-12) Director of City Development (1 <sup>10</sup> , 2)
<b>Children and Families</b>		Director of Children and Families	Director of Children and Families (1, 2a-d & f, 3)
<b>Adults, Health and Active Lifestyles</b>	Relevant NHS bodies or health service providers including:- NHS England NHS Leeds Clinical Commissioning Group Local NHS Trusts and other NHS service providers Healthwatch Leeds	None	Director of Adults and Health (1 - 8) Director of Public Health (1-6) Director of City Development (10)

<sup>10</sup> Relating to provision of frontline services only





## SPECIAL RESPONSIBILITIES OF SCRUTINY BOARDS

### 1 – Flood risk Management

**The Scrutiny Board (Infrastructure, Investment and Inclusive Growth) is allocated special responsibility for flood risk management namely:-**

- To review and scrutinise the exercise by risk management authorities<sup>11</sup> of flood risk management functions<sup>12</sup> which may affect the Leeds City Council area<sup>13</sup>.

### 2 – Crime and Disorder

**The Scrutiny Board (Environment, Housing and Communities) is allocated special responsibility for crime and disorder namely:-**

- To exercise the functions of a crime and disorder committee<sup>14</sup>, including the following:
  - a) To review or scrutinise the exercise of crime and disorder functions<sup>15</sup> by responsible authorities<sup>16</sup>; and
  - b) To review or scrutinise any local crime or disorder matter<sup>17</sup> raised by a Member.

### 3 – Health

**The Scrutiny Board (Adults, Health and Active Lifestyles) is allocated special responsibility for health namely:-**

- to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and to make reports and recommendations on any such matter it has reviewed or scrutinised;
- to comment on, make recommendations about, or report to the Secretary of State in writing about such proposals as are referred to the authority by a relevant NHS body or a relevant health service provider;
- to respond to consultation by any relevant NHS body or health service provider; and

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<sup>11</sup> As defined by Section 6 Flood and Water Management Act 2010

<sup>12</sup> As defined by Section 4 Flood and Water Management Act 2010

<sup>13</sup> In accordance with Section 9FH Local Government Act 2000

<sup>14</sup> In accordance with Section 19 Police and Justice Act 2006

<sup>15</sup> As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies)

<sup>16</sup> These are the authorities responsible for crime and disorder strategies set out in Section 5 Crime and Disorder Act 1998.

<sup>17</sup> 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.

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- to nominate Members to any joint overview and scrutiny committee appointed by the authority.<sup>18</sup>

Matters which fall within the terms of reference of this Scrutiny Board include:

- arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of the authority's area and the quality and safety of such services;
- the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- arrangements made by the authority for public health, health promotion, health improvement and for addressing health inequalities;
- the planning of health services by NHS bodies, including plans made in co-operation with local authority's Health and Wellbeing Board for improving both the health of the local population and the provision of health care to that population;
- any matter referred by Healthwatch Leeds; and
- the arrangements made by relevant NHS bodies and health service providers for consulting and involving patients and the public.

The Scrutiny Board may make recommendations to the authority, relevant NHS bodies, or relevant health service providers arising from the scrutiny process.

### **4– Residual Responsibility**

**The Scrutiny Board (Strategy and Resources) is allocated residual responsibility for any function not otherwise allocated to a Scrutiny Board.**

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<sup>18</sup> such nominations to reflect the political balance of the Board.