

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 reference¹.

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.

¹ 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 Democratic Services, as Scrutiny Officer².

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 members³;
- (c) to provide support and guidance to Members (including Executive Members), and officers⁴, in relation to the Scrutiny Boards' functions;
- (d) to report to Council⁵ 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 MEMBERSHIP

Members shall be appointed in accordance with the Scrutiny Board Procedure Rules.

Scrutiny Boards shall co-opt members in accordance with the Scrutiny Board Procedure Rules.

6.7 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.⁶

- The Scrutiny Board with responsibility for health shall nominate Members to any joint overview and scrutiny committee appointed by the authority.⁷

² Under Section 9FB Local Government Act 2000.

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

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

⁵ After consultation with the relevant Scrutiny Chairs

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

⁷ such nominations to reflect the political balance of the 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
Strategy and Resources		Chief Executive Director of Strategy & Resources Chief Officer (Financial Services) City Solicitor Director of Communities, Housing and Environment	Chief Executive (1-3) Director of Strategy & Resources (1-7) City Solicitor (1-3) Chief Officer (Financial Services)(1-5) Director of Communities, Housing and Environment (2, 15 – 17) Director of City Development (8, 11)
Infrastructure, Investment and Inclusive Growth	Risk management authorities (defined by S6 Flood and Water Management Act 2010)	Director of City Development Chief Planning Officer	Chief Executive (4) Director of City Development (1, 3-5a&b, 6 & 7, 9-10, 14) Chief Planning Officer (1-4) Director of Children and Families (2(e))
Environment, Housing and Communities	Responsible authorities (defined by S5 Crime and Disorder Act 1998)	None	Director of Communities, Housing and Environment (1, 3-14, 18-20) Director of Strategy & Resources (8-12) Director of City Development (2)
Children and Families		Director of Children and Families	Director of Children and Families (1, 2(a-d & f), 3 & 4) Programme Director Strengthening Families, Protecting Children (1 – 3) Director of Children & Families 1 (Functions delegated as Lead Officer of One Adoption Agency for West Yorkshire)
Adults, Health and Active Lifestyles	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 (12&13)

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 authorities⁸ of flood risk management functions⁹ which may affect the Leeds City Council area¹⁰.

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 committee¹¹, including the following:
 - a) To review or scrutinise the exercise of crime and disorder functions¹² by responsible authorities¹³; and
 - b) To review or scrutinise any local crime or disorder matter¹⁴ 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

⁸ As defined by Section 6 Flood and Water Management Act 2010

⁹ As defined by Section 4 Flood and Water Management Act 2010

¹⁰ In accordance with Section 9FH Local Government Act 2000

¹¹ In accordance with Section 19 Police and Justice Act 2006

¹² As defined by Section 6 Crime and Disorder Act 1998 (formulating and implementing crime and disorder strategies)

¹³ These are the authorities responsible for crime and disorder strategies set out in Section 5 Crime and Disorder Act 1998.

¹⁴ 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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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.