



Member Guide to Scrutiny

This guide is designed to give information to Members about the role and function of Scrutiny Boards. Further information can be found on the Scrutiny site at www.leeds.gov.uk/scrutiny

Where does Scrutiny come from?

The existence of the Scrutiny function is a requirement of the 2000 Local Government Act and is embodied in the Council's constitution.

What can Scrutiny Boards do?

- Hold the Executive, NHS bodies and other named bodies to account
- Undertake policy development and review performance

This is done by:

- Reviewing decisions and performance management information
- Calling In Executive Board decisions and also key and major decisions taken by Area Committees and officers
- Considering requests for Scrutiny from any source
- Reviewing the budget, Council policy and its implementation

What are the arrangements at Leeds?

There are seven Scrutiny Boards chaired by 2 Conservative, 3 Liberal Democrat and 2 Labour Members. Their protocols, terms of reference and membership can be found within the Scrutiny site on the Intranet.

Adult Social Care
Central & Corporate Functions
City & Regional Partnerships
City Development
Children's Services
Environment & Neighbourhoods
Health

What are the powers of Scrutiny Boards?

- They are empowered to prepare reports and make recommendations to Council, Executive Board, Area Committees or officers
- No member of the Executive Board may sit on a Scrutiny Board
- The Boards can appoint non-Councillor co-optees
- They can require any member of the Executive, the Chief Executive and/or any senior officer to attend and answer questions
- They can invite other Members, officers or non-Council individuals to attend as witnesses
- They can appoint Working Groups
- Decisions taken under regulatory arrangements cannot be considered by Scrutiny Boards (e.g. any decisions made by the Licensing and the Development Control Regulatory Panels)

How often do the Boards meet?

Each Scrutiny Board is scheduled to meet approximately once a month. However, additional meetings may be called if considered appropriate. Scrutiny Board meetings are held during the day and normally take place at the Civic Hall. However, the Boards have the flexibility to change the arrangements of their meetings as appropriate. With limited exceptions, the meetings are also open to the public. As a key element of Scrutiny, public attendance is very much welcomed by the Boards.

How are Inquiries generated?

The Boards are responsible for setting their own work programmes provided that topics for inquiries remain within their terms of reference. Work programmes for all the Boards can be



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viewed on the Scrutiny site on the Intranet

Requests for Scrutiny

Members of the public may request that a particular issue be considered by Scrutiny. These will be considered by the appropriate Scrutiny Board.

As the role of Scrutiny is focused on examining strategic issues, any requests for Scrutiny which relate solely to the interests of one individual or company will not normally be admitted. Where a public request relates to a particular local area, it may be more appropriate for the issue to be considered by the relevant Area Committee.

The government has also recently introduced a new power called the 'Councillor Call for Action'. This allows Councillors the opportunity to ask for discussions at Scrutiny Boards where *local* problems have arisen and other methods of resolution have been exhausted and failed to deliver an appropriate outcome. In this context, local means within a particular ward.

If you wish to make a request for scrutiny or a Councillor Call for Action, please contact Peter Marrington in the Scrutiny Support Unit.

The role of Scrutiny in setting the Budget and Policies of the Council

The Constitution lists a number of Strategies and Policies which, together with the Budget, comprise the Council's Budget and Policy Framework.

The Executive or appropriate Chief Officer is required to submit initial proposals of the Budget and those Policies within the Framework to the relevant Scrutiny Board. This process allows for Scrutiny to have a view in the early stages of their development. The final decision on these

Policies and the Budget is taken by Full Council and not by the Executive Board. However, Executive Board will make recommendations to Full Council.

Can the Boards review any other policies?

Yes. In line with their Terms of Reference, the Boards may initiate such reviews of policies and implementation as they see fit.

Do the Boards have the power to make decisions?

Scrutiny Boards are not decision-making bodies in their own right. Instead, they are empowered to prepare reports and make recommendations to the Executive, Area Committees, officers, Full Council, LAA partners, and, in the case of Health Scrutiny, the Board of the NHS body being scrutinised. If the Inquiry relates to any other area outside the Council's control they may also forward their recommendations to the body concerned, but they cannot impose their recommendations on that body.

What is meant by 'Calling In' a decision?

Members have the power to Call In a range of decisions prior to implementation and, where they consider it appropriate, to recommend that a particular decision be reconsidered. In principle, the following decisions are eligible for Calling In (although in practice, some may be declared exempt on the grounds of urgency):

- All decisions of the Executive Board
- All key and major decisions taken by Area Committees
- All key and major decisions taken by Officers

A **Key Decision** is a decision relating to an executive function:



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- which is likely to result in the authority incurring expenditure or making savings over £500,000 per annum, or
- is likely to have a significant effect on communities living or working in an area comprising two or more wards.

A **Major Decision** is a decision relating to an executive function:

- which is likely to result in the authority incurring expenditure or making savings over £100,000 per annum, or
- is likely to have a significant effect on communities living or working in an area (including one ward).

The 'Call In' mechanism may only be used once in relation to any particular decision. Also, the mechanism does not extend to decisions taken by Joint Committees or any decisions made under regulatory arrangements.

How do I 'Call In' a decision?

To initiate a 'Call In', a request must be submitted to the Scrutiny Support Manager by 5 p.m. of the fifth working day after a decision has been published. This request must be made on a pro forma (available from Scrutiny Support Unit) and be signed by five non-executive Members, or two non-executive Members from different political groups. Upon receipt of the request, the decision will be suspended pending the Scrutiny inquiry. A special meeting of the relevant Scrutiny Board must be held within seven days of the 'Call In' request being received.

Further details about the operation of the 'Call In' mechanism can be found in the Council's Constitution.

Where can I find further information?

The Council has a dedicated Scrutiny Support Unit providing officer support to each of the Scrutiny Boards. To request any further information, please contact the following officers within the Scrutiny Support Unit:

Adult Social Care

Sandra Newbould
Tel. (0113) 2474792
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Central and Corporate Functions

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Children's Services

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City Development

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