



Report to:	Corporate Scrutiny Committee
Date:	8 March 2024
Subject:	Members' Report - Scrutiny Protocol Review
Director:	N/A
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1. Purpose of this report

- 1.1 To introduce the Scrutiny Protocol Working Group's report (**Appendix 1**) concluding its review of the government's Scrutiny Protocol and its recommendations.

2. Information

- 2.1 The government's new Scrutiny Protocol – published alongside the Autumn Statement in November 2023 – sets out the best practice for accountability and scrutiny within Mayoral Combined Authorities.
- 2.2 The Scrutiny Protocol was developed in consultation with scrutiny officers, chairs and members nationwide as well as academic and sectoral experts (Centre for Governance and Scrutiny, the House of Commons Library, Onward and The Bennett Institute at the University of Cambridge).
- 2.3 The full Scrutiny Protocol (available under "Background Documents") covers identifies 18 Key Principles and two additional principles, for a total of 20, which the working group's report mirrors.

Working Group's report

- 2.4 On 24 November 2023, the Corporate Scrutiny Committee – whose remit includes governance and assurance, including scrutiny arrangements – set up a Scrutiny Protocol Working Group with volunteers from all three scrutiny committees, to review the Protocol and make recommendations on how the Combined Authority can ensure compliance with all of the Key Principles.
- 2.5 This fulfilled a commitment from the previous review of Scrutiny in 2020/21 prior to the first mayoral election to review the current scrutiny arrangements before the end of the Mayor's first term.

- 2.6 The report constitutes an introduction, a summary 'vision', an executive summary of the 20 recommendation groups (one for each of the key principles) and over 60 total recommendations across the key principles.

3. Tackling the Climate Emergency Implications

- 3.1 There are no climate emergency implications directly arising from this report but, in general, an improved and robust scrutiny function will better monitor, scrutinise and drive improvements in all outcomes including those related to tackling the climate emergency.

4. Inclusive Growth Implications

- 4.1 There are no inclusive growth implications directly arising from this report but, in general, an improved and robust scrutiny function will better monitor, scrutinise and drive improvements in all outcomes including those related to inclusive growth.

5. Equality and Diversity Implications

- 5.1 There are no equality and diversity implications directly arising from this report but, in general, an improved and robust scrutiny function will better monitor, scrutinise and drive improvements in all outcomes including those related to EDI workstreams – and making improvements in how Scrutiny Members are selected, trained, supported and remunerated would likely attract a wider base of membership interested in the role.

6. Financial Implications

- 6.1 There are no financial implications directly arising from this report, but, in general, an improved and robust scrutiny function could better monitor, scrutinise and drive value for money improvements across the CA's activities and functions, internally, financially and strategically.
- 6.2 Successfully implementing and sustaining the Scrutiny Protocol has been cited by the central government as a key factor in securing deeper devolution deals which could secure greater financial autonomy in administering previously ringfenced departmental funding as single pots, which will allow for funds to be redeployed more flexibly than they are the moment, including on administrative efficiencies.
- 6.3 Any change in the number of formal committees, members, chairs, deputy chairs and general scrutiny member role profiles may change the level of remuneration and the overall amount spent on remuneration, in either direction, subject to review by an Independent Remuneration Panel – as required by law.
- 6.4 Extra resourcing for the procurement of member training and consultative-style advice and briefings from subject experts may require additional financial resource, but long-



term efficiencies are possible if bespoke re-usable training materials are procured on a one-off basis for delivery by internal staff long-term, for example.

- 6.5 There are unavoidable direct and indirect financial implications from increasing scrutiny activity and scope related to staff resource, outlined under the “Staffing Implications” heading below.

7. Legal Implications

- 7.1 There are no legal implications directly arising from this report, but the Combined Authority already complies with all statutory requirements relating to governance and scrutiny already as a matter of course.
- 7.2 The process for adopting a report and recommendations is outlined in Scrutiny Standing Order 11 – link to the Standing Orders:
<https://westyorkshire.moderngov.co.uk/documents/s34096/Part46ScrutinyStandingOrders.docx.pdf>
- 7.3 The Scrutiny Protocol is not legislation but government guidance. The Combined Authority’s constitution (Scrutiny Standing Order 16) obligates it to ‘have regard’ for government guidance in the formation and operation of its scrutiny function.
- 7.5 Scrutiny committees are not decision-making committees and may only make recommendations to decision-makers. The Combined Authority must decide all governance arrangements including scrutiny arrangements and procedures, within statutory limits, at a formal meeting.
- 7.6 Any changes to scrutiny arrangements must be considered in Annual Meeting/Council planning well in advance so that officers and elected members in the constituent councils are able to take it into account when they consider committee appointments following the elections and annual council seasons in May 2024.
- 7.7 There is a new statutory requirement for combined authorities to convene an Independent Remuneration Panel to assess and recommend allowances paid to members on scrutiny committees – which was already the established practice of the Combined Authority to date.
- 7.8 There is no statutory requirement for constituent authorities to approve combined authority scrutiny arrangements, in the same way as it is required for constituent authorities to approve devolution deals agreed with ministers. It is the Combined Authority members, co-opted from the constituent councils, who make that decision at the main Combined Authority meeting.

8. Staffing Implications

- 8.1 There are no staffing implications directly arising from this report, but the impact level depends on the committee model ultimately adopted.
- 8.2 Greater scrutiny activity in both quantitative and qualitative terms as required by the Protocol would necessarily involve greater direct and indirect staff resource to facilitate, including but not limited to; making budgets/finances available to scrutiny which need to be managed, more communications and marketing for scrutiny, greater policy/research/briefing support for scrutiny, training and development and more administrative/scrutiny support in general.
- 8.3 As a general rule, the greater the number of committees / sub-committees, co-opted members and formal meetings, the greater resource is necessary to administer them. The use of informal structures and platforms, such as working groups, evidence sessions, and individual scrutiny are not subject to the formalities of statutory committee meetings but would still require both admin and non-admin resource, such as research, analysis and policy recommendation.
- 8.4 Particular departments and teams would likely be affected by an enhancement of scrutiny activities more than others, including: scrutiny, committee services, Mayor's office and any portfolio holder support, communications and marketing, portfolio and programme management, research and intelligence, policy and development, corporate performance and strategy, and senior leadership team in general.
- 8.5 The Protocol and working group's report also addresses the situation with combined authority officer time and resource being requested at local authority's scrutiny committees on a regular basis.

9. External Consultees

- 9.1 No external consultations have been undertaken but the draft versions of the working group's report were circulated to scrutiny members on all three Combined Authority scrutiny committees and to the corporate and political leadership of the Combined Authority and local authorities.

10. Recommendations

- 10.1 That the Corporate Scrutiny Committee considers the working group's report and recommendations.

11. Background Documents

Scrutiny Standing Orders:

<https://westyorkshire.moderngov.co.uk/documents/s34096/Part46ScrutinyStandingOrders.docx.pdf>

Background documents are listed within the appended report.

12. Appendices

Appendix 1 – Scrutiny Protocol Working Group Members Report