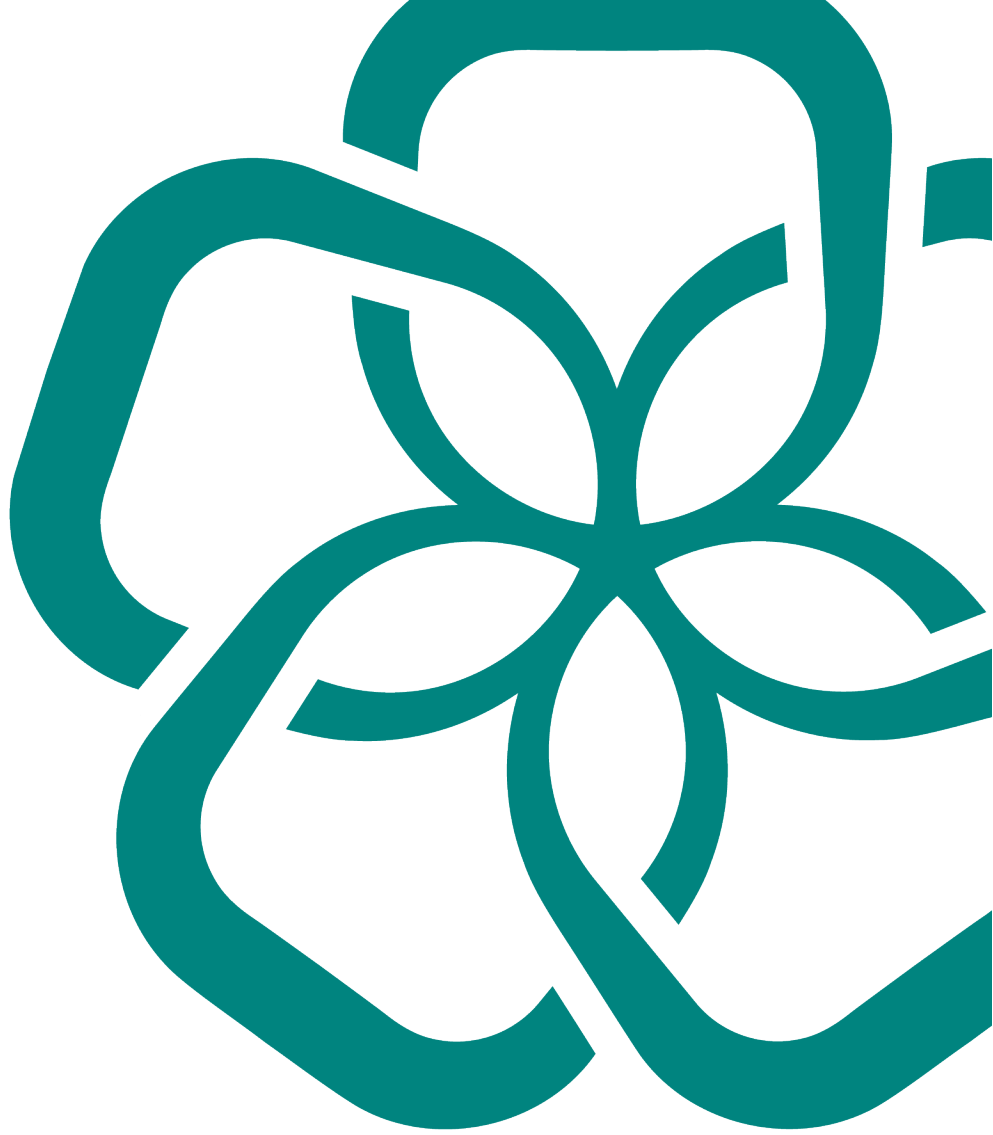




West
Yorkshire
Combined
Authority

Tracy
Brabin
Mayor of
West Yorkshire



Scrutiny Protocol Review

Corporate Scrutiny Committee
Members Report

February 2024

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Introduction

Greater Devolution, Greater Scrutiny

This review was undertaken by Scrutiny Members led as a demonstration of an independent and honest assessment of where Scrutiny is now and where it needs to be in future to fulfil its duties.

It is a follow up review to the last review of scrutiny arrangements in 2020, after the agreement of a mayoral devolution deal, which resulted in the current scrutiny system in place since May 2021.

At the time, it was understood that greater devolution should require greater scrutiny – and that principle is still true now.

The public want to be assured that devolved funding and powers are being properly scrutinised and challenged.

The government published a new Scrutiny Protocol, co-developed with scrutineers and experts nationally, to support combined authorities in conducting good scrutiny and possibly accessing deeper devolution in the future.

The Protocol is a genuinely good summary of good scrutiny which all combined authorities should aim to implement.

It consists of 18 Key Principles and 2 additional principles which this working group was established to review and make recommendations on.

This report includes many comprehensive, wide-reaching recommendations based on the collective experience of scrutiny chairs, Members and officers over the years.

The recommendations form a long-term ambitious vision for an ideal Scrutiny function which adds genuine value and is right for the West Yorkshire Combined Authority.

The “Perennial Problem”

There’s a perennial problem with how Combined Authority governance structures were established, which has created a fundamental scrutiny deficit.

The only regional mayoral authority prior to their establishment in the English regions was in Greater London, whose Mayor is scrutinised by 25 directly elected full-time members (“AMs”), who have considerable coverage through an overarching body (“the London Assembly”), 13+ committees and a total support staff of over 100; including over 50 in committee services, over 20 scrutiny and research officers, and a team of dedicated comms and marketing officers.

In the West Yorkshire Combined Authority, Scrutiny is conducted by 48 part-time councillors, on top of their local council and ward duties and full-time jobs, across 3 separate co-equal committees supported by 2 officers.

The legislative basis and functions – as well as the geography, population, and budget (roughly three times more) – differ between West Yorkshire and London and even between different mayoral combined authorities.

This does not serve as an argument that what works in London and other mayoral areas will work in West Yorkshire, but the picture presents an idea of the scale and challenge of scrutinising complex activity at a regional county level compared to the resources and member time available.

For combined authorities, it was assumed that part-time councillors from constituent authorities who already have other responsibilities could be co-opted onto combined authority scrutiny committees to do the same job with less.

This was already a tall order, and as combined authorities and metro-mayors evolved and expanded in funding, powers, and profile – the order has become taller and taller, without commensurate resources to match.

Combined authorities are evolving and may change in the future but in the meantime, the Scrutiny Protocol and this report's recommendations attempt to bridge the gap of this scrutiny deficit and suggest creative, resourceful ways of working to ensure that Scrutiny is productive, challenging and makes a *provable* impact on the Combined Authority's outcomes and on lives of the people of West Yorkshire.

Terms of Reference

This working group was established on 24 November 2023 by the Corporate Scrutiny Committee to:

1. review the newly published Scrutiny Protocol and its Key Principles.
2. assess the Combined Authority’s current compliance with it.
3. make any recommendations needed in order to make improvements.
4. report any findings and recommendations to the appropriate decision-maker.

Membership

The responsibility for convening and approving this report and its recommendations falls within the remit of the Corporate Scrutiny Committee and the working group was chaired by that committee’s Chair.

However, the working group was a joint-scrutiny effort calling on members from all three scrutiny committees and seeking representation from all council areas and political parties.

Member	Scrutiny Committee	Council	Party
Cllr Aneela Ahmed	Economy	Bradford	Labour
Cllr Barry Anderson (Chair)	Corporate (Chair)	Leeds	Conservative
Cllr Kayleigh Brooks	Transport & Infrastructure	Leeds	Labour
Cllr Bob Felstead	Economy (Deputy)	Bradford	Conservative
Cllr Samantha Harvey	Corporate	Wakefield	Conservative
Cllr Charlie Keith	Transport & Infrastructure	Wakefield	Labour
Cllr Susan Lee-Richards	Corporate	Kirklees	Green
Cllr Dave Merrett	Transport & Infrastructure	York	Labour
Cllr Amanda Parsons-Hulse	Transport & Infrastructure (Chair)	Calderdale	Lib Dem
Cllr Andrew Pinnock	Transport & Infrastructure (Deputy)	Kirklees	Lib Dem
Cllr Richard Smith	Economy (Chair)	Kirklees	Conservative

The Working Group was also advised in part by Debbie Simpson, Independent Chair of the Combined Authority’s Governance and Audit Committee, at their first session.

Timeline

- 22 November 2023 – Scrutiny Protocol published as part of the Autumn Statement
- 24 November 2023 – The working group and its terms of reference was established
- December 2023 – Recruitment of working group members from all three committees
- January 2024 – Discussion on Protocol at scrutiny committees
- 29 January 2024 – 1st session of working group, reviewing Key Principles and suggestions
- 9 February 2024 – draft report sent to all scrutiny members and corporate/political leadership
- 16 February 2024 – 2nd session of working group, finalisation of report and recommendations
- 29 February 2024 – publication of final report

Background information

Links to background documents and information referenced throughout and considered by the Working Group during its deliberations are available at the end of the report under “Background documents”.

These include, amongst others, the following:

- the government's Scrutiny Protocol (2023)
- the previous WYCA scrutiny review conducted in 2020 and subsequent decision in 2021
- Greater Manchester independent review of scrutiny 2022/23 and subsequent CfGS '1 year on' evaluation in 2023
- West Midlands IRP's review of scrutiny allowances and review of Transport Committee in 2023
- English devolution framework, Level 4 Devolution technical document and the Combined Authority's letter to the government in 2023/24

Glossary and acronyms

CA – Combined Authority (a type of local government authority that is a partnership of two or more local councils)

Constituent council / authority – the five West Yorkshire member authorities which make up West Yorkshire Combined Authority (Bradford, Calderdale, Kirklees, Leeds and Wakefield)

GMCA – Greater Manchester Combined Authority

IRP – Independent Remuneration Panel (made up of independent persons who review and determine allowances for various member positions at a local or combined authority)

ITA – Integrated Transport Authority (the previous transport authority which WYCA was established from in 2014)

KD – Key Decision (any decision spending £1m+ or affecting two or more electoral wards, as defined in the Access to Information Rules of the WYCA Constitution)

KPI – Key Performance Indicators

MCA – Mayoral Combined Authority (a combined authority led by a directly elected metro-mayor)

MQT – Mayors Question Time (for members of the public to question the Mayor in 'town hall' style sessions moderated by an independent local journalist or businessperson)

MQs – Mayors Questions (for scrutiny members at scrutiny committee meetings to question the Mayor)

Non-constituent council / authority – the non-voting observer member (City of York Council)

OfLog – Office for Local Government (not yet in operation)

WMCA – West Midlands Combined Authority

WY – West Yorkshire

WYCA – West Yorkshire Combined Authority

Recommendations

Scrutiny does not have the power to make decisions, only to make recommendations which the decision-maker must then consider and decide whether to implement and how – or not.

There are over 60 recommendations in this report, grouped around 20 recommendation summaries – one for each of the Protocol's 18 Key Principles and the 2 additional principles.

The recommendations are:

- designed to ensure Scrutiny fulfills the requirements of the Scrutiny Protocol in the long term.
- comprehensive and a combination of broad strategic-focused recommendations and detailed process-focused recommendations,
- a general consensus of what the working group agreed and areas where there was no consensus are left open to the Combined Authority, such as the overall committee model.
- directed towards the:
 - Combined Authority, both as a decision-making entity (Mayor, CA Members) and as a corporate entity (officers and leadership).
 - constituent authorities, through the Combined Authority in its role as a partner, on matters relating to their functions e.g. member appointments and how combined and local scrutiny committees can cooperate.
 - future WYCA Scrutiny members, in matters under Scrutiny's control e.g. work programming and meeting format.

Executive summary of recommendations

The following is a summary of each *group* of recommendations under each Key Principle; the full recommendations (over 60+ in total) and their formal wording are within the report.

Primary Recommendation:

The Scrutiny Protocol should be implemented in full and expressed as a clear, long-term vision with supporting annual plans focusing on implementation.

Recommendation summaries:

1. Consider a committee model which fulfils the requirements of the Scrutiny Protocol, to be reviewed in a few years, and is properly resourced to operate as intended. (p15-18)
2. Consider reprofiling substitutes as 'deputies' with enhanced duties supporting their member scrutinise issues within their portfolio, if a single committee model is adopted. (p18-19)
3. Continue to calculate political balance across the entire scrutiny membership, including substitutes if appointed, to allow for the most representative political balance. (p19)
4. Consider calculating geographic balance based on the number of members each council has and support members to see issues through a WY-wide lens. (p19-20)

5. Consider the role profile of the Scrutiny Chair, the time requirement, and how they are selected, to ensure they have independence and greater parity in their profile, support and access to resources. (p20)
6. Establish role profiles for all scrutiny members and roles, including substitutes if appointed, and encourage councils to appoint members for longer terms. (p21)
7. Dedicate more resources to onboarding, developing and engaging with scrutiny members on a 1-1 basis to boost attendance, their skills and the quality of scrutiny. (p22)
8. Help scrutiny build its own network of experts to call upon, including drawing upon existing stakeholders engaging with other committees and service areas. (p22-23)
9. Convene an IRP to reconsider allowances, as required, if role profiles are reviewed in light of enhanced member and committee duties and increase the officer resource and capacity available for direct scrutiny work. (p24-25)
10. Revisit Mayors Questions format, scrutinise political leadership more often and extend invitation to scrutiny chairs and members to appropriate meetings, like the main CA. (p25-26)
11. Look to improve Scrutiny's participation in, and impact on, major strategies, policies and decisions at earlier stages. (p27-27)
12. Improve and strengthen the call-in process and key decision records and transparency. (p27-28)
13. Provide full monthly and quarterly KPI data in a scrutiny-friendly format for close long-term monitoring. (p28)
14. Provide all necessary information, data and resources so Scrutiny can establish (and monitor) a suitably comprehensive, but strategic work programme. (p29-30)
15. Conduct more 'task and finish' reviews and involve Scrutiny more in other ongoing non-Scrutiny reviews. (p30)
16. Agree a WY-wide protocol to manage scrutiny co-working and duplication and establish a dedicated communications plan and resource for WYCA scrutiny activity. (p30-31)
17. Review scrutiny arrangements and effectiveness more frequently and publish impact-focused annual scrutiny reports. (p32)
18. Use OfLog's data when available and notify Scrutiny of external reviews being undertaken on WYCA. (p32-33)
19. Conduct an Audit-led review of audit committee, including resource and membership and establish co-working between scrutiny and audit chairs and work programmes. (p33)
20. Continue to host regular, widely marketed public Mayors Questions Time. (p34)

Long term vision

There is a recognition that there are many recommendations within this report covering many issues and that it would take some time to implement many of them and build up the scrutiny function to the enhanced level the Combined Authority and region needs.

Therefore, it is useful to see the entire plan presented in the form of a clear long-term vision and a supporting, phased implementation plan that can be easily tracked and monitored during that time.

- **Scrutiny Vision:** Long term strategic vision to be achieved by 2028 (by the 3rd Mayoral election) with significant progress by 2025/26.
- **Scrutiny Plan:** Short/medium term implementation plans to implement the Vision to be overseen jointly by Scrutiny and the Combined Authority on an annual basis.

WYCA Scrutiny Vision 2028

Summary – WYCA Scrutiny Vision 2028	
Ambition	<p>The Scrutiny Vision aims to position WYCA’s Scrutiny function to:</p> <ul style="list-style-type: none"> • Go above and beyond the Scrutiny Protocol and best practice. • Determine a unique approach suited to the unique needs of regional, strategic scrutiny in West Yorkshire, compared to local authority-level scrutiny or MCA scrutiny elsewhere. • Support WYCA’s fundamental strategic purpose, defend the interests of the organisation with regards to its functions and consider the needs of <i>all</i> WY residents it serves. • Foster and sustain an organisational culture within WYCA where scrutiny and challenge is welcomed, independent, and impactful. • Become demonstrably outcomes-focused, no different to any other corporate core service, which can prove the impact it makes on a regular basis.
Role	<p>To directly scrutinise, advise and hold the Mayor and Combined Authority to account in public and private.</p> <p>To have a unique role and purpose, not conducted by other committees, focused on providing serious challenge to identify, monitor and resolve ‘persistent strategic challenges’ by:</p> <ul style="list-style-type: none"> • Enabling – supporting (but not <i>leading</i>) <ul style="list-style-type: none"> ○ policy development ○ service improvement ○ programme delivery • Protecting – monitoring <ul style="list-style-type: none"> ○ activity, risks and performance

	<ul style="list-style-type: none"> ○ studying data and information ○ maintaining accountability ○ investigating persistent issues. <p>A wide Terms of Reference which clearly outlines Scrutiny’s powers and responsibilities, to provide maximum manoeuvrability and oversight.</p> <p>Strictly non-parochial and non-partisan – having a holistic, strategic focus which considers WYCA and West Yorkshire’s interests.</p> <p>An understanding with local scrutiny functions on rules of engagement in scrutinising cross-cutting areas, including formal referral and joint scrutiny arrangements.</p>
<p>Structure</p>	<p>An overarching, strategic overview and scrutiny committee supported either by multiple formal committees/subcommittees or more flexible member-led panels / working groups able to operate more flexibly and with greater focus.</p> <p>Permanent working groups (‘panels’) to focus on <i>overview</i> duties monitoring activity and advising the committee:</p> <ul style="list-style-type: none"> ● KPIs and budget ● key decisions & project delivery ● portfolios, committees and directorate activity ● recommendations and the work programme ● public & democratic (member) engagement <p>Temporary working groups (‘task and finish’) to focus on <i>scrutiny</i> duties and report back to committee:</p> <ul style="list-style-type: none"> ● fact finding and answering questions ● reviewing and investigating issues and decisions ● making recommendations ● policy & strategy review and challenge ● call-in
<p>Membership</p>	<p>Politically and geographically proportionate membership; calculated across both members and deputies (substitutes) to ensure maximum representation in terms of parties and place (i.e. urban, rural).</p> <p>A ‘fuller-time’ Chair able to dedicate time to maintaining a comprehensive overview of WYCA activity and maintain a degree of parity in officer interface and profile.</p> <p>Independent Member(s) recruited, as required, for longer terms to maintain continuity over many years and provide expertise.</p> <p><i>To be determined based on final structure, but if adopting a single committee model, should consider: two Vice Chairs,</i></p>

	<p>overseeing a strategic portfolio, managing a pool of trained, well-supported Members appointed for multi-year terms, who each oversee portfolio areas and working groups as a team.</p>
<p>Duties</p>	<p>Role profiles clearly outlining each Member’s responsibilities, be maintained and regularly reviewed.</p> <p><i>To be determined based on final structure, but if adopting a single committee model, should consider the following role profiles:</i></p> <p>The roles:</p> <ul style="list-style-type: none"> • Chair x 1: Overall Lead • Vice Chairs x 2: Strategic Leads (<i>possibly: Infrastructure and Economy</i>) • Members: Portfolio / Working Group Leads • Deputies (formerly substitutes): Assistant Portfolio / Working Group Leads (as appropriate) • Independent Member <p>1 x <u>Chair</u> (‘Overall Lead’) is expected to:</p> <ul style="list-style-type: none"> • Manage all committee meetings and agendas • Oversee overall MCA strategy, WY Plan and activity • Oversee corporate issues, assets and services • Manage Vice Chairs and other leads • Shadow the Mayor • Interface regularly with officers internally <p><u>2 x Vice Chairs</u> (‘Strategic Leads’) are expected to:</p> <ul style="list-style-type: none"> • Support the Chair as required throughout the year • Manage/Chair all relevant meetings within their strategic portfolio • Act as a ‘strategic portfolio lead’ and oversee multiple portfolio areas under two strategic categories, e.g. <ul style="list-style-type: none"> ○ <i>Economy (Business, Skills, Culture portfolios)</i> ○ <i>Infrastructure (Transport, Environment, Place portfolios)</i> • Manage ‘portfolio leads’ within their strategic portfolio • Shadow appropriate strategic chairs <i>i.e. the Transport Committee and Business Board chairs</i> <p>TBC x <u>Members</u> (‘Portfolio Leads’) are expected to:</p> <ul style="list-style-type: none"> • Attend all meetings or send their Deputy • Brief and keep their Deputy in the loop on their portfolio • Act as a portfolio lead – maintaining a watching brief over activity in their portfolio area, attend relevant meetings, take relevant briefings, and lead updates and questioning on that area • Chair working groups and reviews as required <p>TBC x <u>Deputy Members/Substitutes</u> (‘Assistant Portfolio Lead’) are expected to:</p>

	<ul style="list-style-type: none"> • Attend all meetings as required with, or on behalf of, their Member • Keep in the loop on all matters related to their portfolio • Act as a deputy portfolio lead – maintaining a watching brief over activity in their portfolio area, attend relevant meetings, take relevant briefings, and lead updates and questioning on that area, and advice their Member on anything of note • Chair working groups and reviews as required
<p>Support</p>	<p>To perform enhanced duties, Members will be provided with:</p> <ul style="list-style-type: none"> • Appropriate allowance level and travel expenses commensurate with new enhanced duties. • Onboarding and induction at the beginning of the year, with frequent in-year follow up. • Training, development and ‘360 performance review’ throughout the year, as required. • Engagement through regular 1-1s and catch ups. • Summaries, analysis and advice on lines of questioning in advance of meetings to ensure productive, strategic scrutiny. • Direct access to relevant information, members, officers and meetings, as required (i.e. Key Decisions, agenda forward plans, reports/committee papers, media scanning, briefing notes) at an equal level to ‘Executive’ members. <p>Scrutiny will be well resourced and supported by a dedicated team of scrutiny support officers able to provide independent overview, scrutiny, research, review, analysis, advisory and administrative duties, reporting to the statutory scrutiny officer.</p>
<p>Meetings</p>	<p>An appropriate number of full committee meetings per year supplemented with regular meetings of panels, working groups, workshops, briefings and director / portfolio holder catch ups – as required.</p> <p>Public committee meetings have two purposes/outcomes:</p> <ul style="list-style-type: none"> • Document accountability; ‘challenge and shine a light’ • Manage recommendations; ‘drive and monitor improvement’ <p>These outcomes will be primarily pursued in two formats:</p> <ol style="list-style-type: none"> 1. Inward (member-member interface): members reporting on their inter-meeting overview and scrutiny duties and agreeing recommendations and actions 2. Outward (member-witness interface): members questioning relevant witnesses (politicians, experts, public, officers) on overarching strategic themes and challenges to build evidence to agree recommendations and actions <p>Business-focused sessions (‘Inward’):</p>

	<ul style="list-style-type: none"> • Early “AGM-style” agenda to formally confirm governance and work programme (i.e. member roles and working groups) and consider previous year’s annual report. • Mid-year “State of the union” meeting to consider the overall performance situation and the previous, current and next year’s budget and business planning. • Late year “final chance” meeting in before the pre-election period to wrap up the municipal year’s business and decide how to monitor issues during the election/nomination season. • Pre-meeting for Members to ask clarifying questions on reports and receive briefings on live issues. • Standing items: minutes/notes of relevant meetings, work programme, member reports, working group reports, review reports and recommendation tracking. <p>Evidence-focused sessions (‘Outward’):</p> <ul style="list-style-type: none"> • Members, officers, experts, guests, other members invited to be questioned and give evidence. • Focusing on answering themed, strategic, cross-cutting questions e.g. <i>“Is WYCA activity Leeds-centric?”</i> or <i>“Are residents and members views being taken into account in decision-making?”</i> • Pre-meeting for Members to ask clarifying questions, discuss lines of questioning and establish outcomes. • “Wrap up” to establish conclusions, next steps and emerging recommendations. • Reports include cross cutting background information, data and analysis and aim to support Members’ in-session questions.
<p>Profile</p>	<p>Parity of profile with executive members, in terms of access to organisational resources and impartial advice by officers.</p> <p>Reporting scrutiny activity to other committees, including through attendance by appropriate Scrutiny Members at appropriate meetings (i.e. Scrutiny Chair / Vice Chairs at the main Combined Authority meetings).</p> <p>Consideration of Scrutiny’s work programme and recommendations in the MCA’s planning, decision-making and activity to ensure Scrutiny participates and contributes to key areas of work.</p> <p>Dedicated communications plan to support and promote Scrutiny activity, including consultation, press releases and social media management.</p> <p>Maintain its own network of stakeholders including members, the public, experts, and scrutiny partners to support the scrutiny process.</p>

WYCA Scrutiny Plan 2024-2028

Summary – WYCA Scrutiny Plan 2024-2028			
Phase	Focus	Years	Objectives
1	Agreement (Vision)	2023-24	<p>Review and approve improved scrutiny arrangements.</p> <ul style="list-style-type: none"> Review the Scrutiny Protocol, make recommendations and propose consensus-based Vision. Convene an IRP to assess allowances according to new enhanced duties.
2	Development (Resources)	2024-25	<p>Build new structures, processes, systems, resources, and member roles:</p> <ul style="list-style-type: none"> Implement new committee and working group structure. Recruit, induct and train members – and assign and test new member roles. Identify biggest strategic challenges and establish long term work programme goals. Conduct reviews through working groups. Determine officer support structure (i.e. recruit officers, scrutiny in business planning, regular briefing arrangements) Design and test new systems and processes (i.e. key decisions, report templates, etc) <i>[Report and document changes to government in the event of any L4 deeper devolution deal.]</i>
3	Application (Activity)	2025-26	<p>Build on structures, processes, systems, additional resources, and member training and experience established in Phase 2 to:</p> <ul style="list-style-type: none"> Deepen level of outcomes-based scrutiny activity. Begin higher-profile evidence sessions and reviews. Expand working group and member activity, according to resource.
4	Evaluation (Impact)	2026-27	<p>Independent/external review and evaluation to determine if:</p> <ul style="list-style-type: none"> the goals of Phases 1-3 have been achieved. the Vision is making good progress, there is a demonstrable impact and outcomes in from Scrutiny work. how WYCA has benefited from scrutiny as an organisation.
5	Consolidation (Results)	2027-28	<ul style="list-style-type: none"> Make improvements and adjustments required by the Evaluation. Confirm the Vision has been implemented in full. Outline real impact of Scrutiny since 2024.

“Principle 0” – Committee structure

This is not a Key Principle, but acts as a “Principle 0” from which all the Key Principles flow; the structure is the core around which membership, processes, and resources must be built.

It is clear that the interconnection of policies across a number of portfolio areas and authorities across a larger geography makes MCA-level scrutiny fundamentally different to local authority scrutiny.

The Protocol *recommends* but does not *require* MCAs to have a single, overarching scrutiny committee and suggests Greater Manchester Combined Authority’s system as an example and suggests, at least, that all scrutiny members should be treated as a singular body or ‘scrutiny pool’.

The previous review of WYCA scrutiny arrangements in 2020/21 recommended arrangements very similar to the one ultimately adopted by Greater Manchester Combined Authority.

At the time, Scrutiny considered it prudent to retain one scrutiny committee, while the organisation adjusted to Mayoral working, and builds its resource and process base.

Ultimately, the Combined Authority opted for the current model of three ‘co-equal’ committees of 48 members, without an overarching committee, covering corporate, economy and transport/infrastructure issues primarily to:

1. Ensure that as many members as possible can be involved in WYCA scrutiny, in part, to ‘de-mystify’ the MCA in eyes of members and the public.
2. Ensure that Scrutiny can maintain an overview of all the new MCA’s activity and functions through separate groups of members.

Assessment and conclusions:

The current system has advantages, and these are outlined throughout the report where it is recommended that they are retained, strengthened and built upon.

However, it has also presented numerous challenges directly linked to the number of committees, members and meetings – and the complicated nature of cross-cutting strategic MCA activity over a wider geographic area – compared to the level of resources available to support them.

- **Resourcing challenges** – scrutiny, governance, and the wider officer corps (which Scrutiny relies on for reports, information and analysis) spend a lot of time servicing the many committee meetings and members across the governance structure (not just scrutiny) – and even local authority scrutiny committees – leading to capacity struggles and gaps in member support.
- **Member availability and support** – a frequently changing membership each year, unable to dedicate enough time to the increasing demands of the role and attending meetings, with a complicated substitute system, leading to persistent quoracy issues (outlined below in Figure 2) when coupled with officer resourcing challenges, has meant members have not felt supported in their roles and the time they do dedicate is not actualised in terms of impact; many councils have struggled to appoint members to persistent vacancies.
- **‘Silo scrutiny’** – fragmented ‘silo working’ with committees looking at different issues from different points of view, keen not to step into each other’s remits, without a single

group with an overview of *all* activity to spot patterns and understand wider context. Remits have been shuffled numerous times but still leave unnecessary strategic gaps, no one has ‘ultimate authority’ and scrutiny members are not part of a single body where they would be briefed on all the authority’s work, as they are at *full council*.

- **Reactive, less strategic** – due to the thematic distribution and lack of central oversight, along with officer resourcing pressures, the committees end up reacting to the thematic committees chaired by WYCA’s portfolio holders and responding late to issues that have already emerged or progressed, rather than maintaining a pro-active strategic work programme – engaging in little pre-decision scrutiny.
- **Outcomes and impact** – Due to the aforementioned pressures and challenges, the committees have not been able to conduct reviews or produce reports as a direct outcome of their work, and any ‘soft’ recommendations have been difficult to both prove and track as evidence of Scrutiny’s impact; to date, no review has been completed by a scrutiny committee at the Combined Authority in the mayoral era.

Figure 2 – Number of inquorate meetings due to low attendance

Committee	Inquorate (Less than 11)	Nearly inquorate (11 present)	Barely quorate (12 present)	TOTAL w/ quoracy issues
Corporate	20%	10%	40%	30%
Economy	60%	10%	20%	70%
Transport	10%	40%	30%	50%

In summary, the current system suffers from severe resourcing difficulties and consequent member availability challenges which affect the level of integrated, strategic scrutiny which can optimally take place.

Figure 3 – MCA structure comparisons

MCA	LAs ⁱ	Cttees	Members	Call-in	Chairs ⁱⁱ	Meetings
West Yorkshire	5 (+1)	3 ⁱⁱⁱ	48 (+ 5 subs) (16 per cttee)	5	3	12 (4 per cttee)
Greater Manchester	10	1	20 (+ 20 subs)	3	1 ^{iv}	10
West Midlands	7 (+11)	2 ^v	39 (15 + 24)	5	2	14 (7 per cttee)
South Yorkshire	4	1	10 (+10 subs)	5	1	4
Liverpool City Region	6	1	20	13	1	6
North of Tyne	3	1	9	4	1	4
Cambridgeshire-Peterborough	7	1	14	5	1	7
West of England	4	1	11	1	1	7
Tees Valley	5	1	15	5	1	5
North East	4	1	10 ^{vi}	4	1	3

ⁱ (Non-constituent councils in brackets)

ⁱⁱ All have deputy chairs apart from South Yorkshire.

ⁱⁱⁱ Corporate, Economy + Transport Infrastructure

^{iv} Elected at the first meeting.

^v Overview & Scrutiny + Transport Delivery Scrutiny, who question the Mayor jointly.

^{vi} 8 elected, 2 independent non-members who are Chair and Deputy Chair.

Structure and number of committees

The Scrutiny Protocol recommends either a single committee model or an alternate multi-committee model in which all scrutiny members have oversight over all MCA activity as a single body or 'pool'.

All other MCAs have a single committee structure apart from the West Midlands, which has two scrutiny committees; one of which is a reconstituted version of their former ITA's 'legacy' Transport Committee.

There are three possible options for committee models open to the Combined Authority:

- Single committee option: a single overarching committee, which operates more like a select committee, with both permanent and temporary working groups to conduct many reviews and maintain comprehensive overview duties.
- Status quo: simply retaining the current three co-equal committee model as they currently operate without an overarching or joint body, with or without reforms to the remits, but with extra officer resource to support the system as a whole and more review work.
- Joint scrutiny: a retention of multiple committees in some form, that would also meet or be structured as a joint scrutiny body, i.e. an overarching committee w/ sub-committees, with increased officer resource to support the system as a whole and more review work.

The working group could not arrive at a consensus on which of these options should be recommended, citing concerns about WYCA's level of activity, Scrutiny's subsequent workload, the number of members involved in Scrutiny, and the level of officer resource needed to optimally support it all.

The working group, therefore, leaves the question of structure open but notes that a single committee might ultimately become the preference of the Combined Authority.

If so, it asks that the Combined Authority ensures:

1. Scrutiny is properly resourced whatever model is adopted
2. as many of the benefits of the current model are retained as possible
3. any single committee model does not reduce the amount of scrutiny work taking place, and that it utilises working groups and panels to supplement its formal committee meetings

Select Committees and strategic scrutiny

The structure and size of Scrutiny is important, but *how* the scrutiny is conducted is equally, if not more, important.

There is a strong argument in favour of modeling MCA scrutiny along the lines of parliamentary select committees which scrutinise large government departments which cover a large geography and complicated, cross-cutting policy issues.

The government's expressed desire to see metro-mayors with "trailblazer" – or full single settlement funding – scrutinised by the region's MPs in select committee format is an expression that this is an appropriate way to scrutinise Mayors similarly to ministers.

Recommendation 1:

The Combined Authority should:

- a) Consider whether to reconstitute scrutiny arrangements to consist of either:
 - i. a single overarching ‘select committee style’ model, which operates mainly through temporary working groups and permanent sub-panels.
 - ii. a multiple committee model, with or without some capacity for overarching joint-scrutiny committee arrangements.
- b) Evaluate, within a few years, the level of scrutiny work to determine if the chosen committee structure is still working.
- c) Ensure that whatever structure is chosen is appropriately resourced so that it can operate as intended.

Figure 4 – Suggested working groups for a single committee structure

West Yorkshire Scrutiny / Select Committee (*name to be confirmed*)

Overview – monitoring groups

- KPIs and budget
- key decisions & project delivery
- portfolios, committees and directorate activity
- recommendations and the work programme
- stakeholder engagement

Scrutiny review – task and finish groups

- fact finding and answering questions
- reviewing / investigating issues
- making recommendations
- policy & strategy review
- call-in

Key Principle 1 – A pool of members

Assessment and conclusions

- Scrutiny committees operate best when the members operate and feel like a close-knit and united team.
- Currently a member of one WYCA scrutiny committee can only call upon a member of another WYCA scrutiny committee from the same party and authority – which has proven complex.
- Members from bigger parties and authorities have more options, but short notice often makes them unavailable, leaving meetings inquorate.
- This system is necessary due to legal limitations only members formally co-opted onto the MCA being able to act as substitutes – due to requirements to declare disclosable pecuniary interests and receive a dispensation.
- The only alternative is to appoint one substitute per member, taking the total number of scrutiny members to 96 (48 x 2).
- Members are not routinely briefed on other scrutiny committees’ activity beyond work programmes being shared on agendas and meeting papers for the meetings they are substituting at.
- Due to availability reasons, briefings are usually conducted through email which are not a reliable way of keeping members informed of events.

Recommendation 2:

The Combined Authority should consider, if a single committee model is adopted, reprofiling the role of “substitute” as a paid “deputy” for each appointed member, treated equally in terms of rights and information as a scrutiny member and permitted to be part of (and even lead) working groups, reviews and any other scrutiny work on behalf of their member or the committee.

Key Principle 2 – Politically balanced membership

Assessment and conclusions

- This is a legal requirement which WYCA meets and goes beyond by calculating political balance over the entire 48-person scrutiny membership, rather than on a per-committee basis, to ensure that as many parties are represented as possible which has included since 2021 the Green Party and a local Morley Borough Independents political group.

Recommendation 3:

The Combined Authority should continue to calculate political balance across the entire pool of scrutiny members where possible as it does now, including substitutes if appointed, in order to ensure that scrutiny membership is as politically representative as possible.

Key Principle 3 – Geographically balanced membership

Assessment and conclusions

- This is a legal requirement which WYCA meets by appointing three members from each West Yorkshire constituent authority and one member from the non-constituent authority, York.
- Some councils have struggled more than others to find members to fill vacancies, sometimes leaving them – or substitute positions – vacant for long periods and even for the entire municipal year.
- WYCA scrutiny members should not see themselves as representatives of their council or their ward area, but as a single body representing the interests of West Yorkshire residents *as a whole*.
- Members should be supported to approach WYCA Scrutiny through a West Yorkshire wide, holistic, and strategic lens, instead of relying on the Ward-Member dynamic more established and understood at Local Authority level.

Recommendation 4:

The Combined Authority should:

- a) Consider calculating geographic balance allocation similarly to political balance, by the number of councillors each authority has, to ensure that all positions are suitably appointed to, and membership is as geographically representative as possible.

- b) Support Members with regional-level data and information so that they are able to better consider matters brought before them through a WY-wide strategic lens.**
- c) Ask the constituent authorities to consider ‘place’ when appointing scrutiny members during the annual appointments process, to ensure that there is a good distribution between rural, urban and town representation.**

Key Principle 4 – Appointing a chair

Assessment and conclusions

- This is a legal requirement which WYCA meets by appointing both Chairs *and* Deputy Chairs only from parties different to the party of the incumbent Mayor (and previously, the Combined Authority Chair) – which since 2014 has been the Labour Party.
- WYCA is also the only MCA whose parliamentary Order includes three seats (including three substitutes, for a total of six) on its main Combined Authority board allocated to opposition “Balance Members” – currently two Conservatives and one Liberal Democrat.
- The Scrutiny Chairs are currently ‘informally’ chosen by these opposition “Balance Members” and mirror the same political proportions.
- This ensures that the Mayor and council leaders do not have a say in who Scrutiny Chairs are supporting their independence, but it is less clear what process or criteria is considered when Chairs and Deputies are selected by that group.
- The primary criteria for selecting the Scrutiny Chair should be their experience, knowledge and ability to perform their role in an independent and productive way.
- The Scrutiny Chair position should essentially be a ‘fuller time’ position exercised for multiple days a week to ensure that the Chair is able to dedicate the necessary amount of time to:
 - maintaining an effective parity with the Mayor
 - interfacing with officers more regularly and fully
 - maintaining an overview of all WYCA activity
 - directing scrutiny activity accordingly
- Other MCAs have different methods of appointing Scrutiny Chairs including allowing opposition members to elect one of their own and having an Independent Person as Chair and Vice Chair.
- WYCA’s (non-scrutiny) Transport Committee currently has two ‘fuller-time’ Deputy Chairs, each responsible for a strategic area (active travel and buses), to support the Transport Chair, who is a council leader, in their role.

Recommendation 5:

The Combined Authority should:

- a) Consider the Chair’s role profile and how much time a Chair is required to dedicate to the role and how they are selected in terms of that role profile.**
- b) Ensure and protect the independence – and access to information and resources – of the Scrutiny Chair so that they are able to properly perform their duty to hold the Mayor, portfolio holders and MCA to account as a “check and balance”.**
- c) Consider, if a single committee model is adopted, appointing two enhanced Scrutiny Vice Chair positions to cover the strategic portfolios currently covered by the multiple scrutiny committees and lead panels and reviews in those areas.**

Key Principle 5 – Sustained appointments made on interest and skills

Assessment and conclusions

- The basis on which members are appointed by the constituent councils differs from authority to authority, political group to political group and member to member.
- No formal role profiles are currently used to aid political groups and members in determining the time demands of the role, ahead of selection.
- As a result, many members don't have enough time to dedicate to the role as needed on top of ward and council duties – and their full-time jobs.
- Remuneration is not enough to compensate them for a loss of income elsewhere to attend. This leads major quorum, availability and engagement challenges.
- It would be difficult for Councils to appoint members for more than one year at a time as they work to annual governance horizons set by elections.
- Some councils and groups struggle to appoint members at all, with a few persistent vacancies.
- Around half of scrutiny members appointed each year to WYCA scrutiny committees are new to both the Combine Authority as a whole and to Scrutiny.
- Even those with experience in local scrutiny do not have experience in the different form of scrutiny required in a regional context.
- Chairs have remained more consistent and so far, since 2021, only changed due to retirement or election loss rather than being replaced.
- This has allowed some sense of continuity, but committees are collectives that progress at the pace of the membership as a whole.

Recommendation 6:

The Combined Authority should:

- a) Design and establish role profiles for all the membership roles serving on Scrutiny (i.e. “Chair”, “Vice Chair”, “Member” and “Deputy/Substitute”) to ensure that Members are clear on their duties and to encourage members to pursue scrutiny positions.**
- b) Consider appointing an “Independent Person” for a 4-year term to act as a long term, sustained link between different municipal years where membership may change too frequently.**
- c) Establish a formal and comprehensive “onboarding” programme for newly appointed members, alongside the Scrutiny Chair, to assess their level of experience / knowledge and expertise / interests, to determine the level of briefing and training they would need to fulfil the new enhanced role profiles.**
- d) Encourage constituent authorities to aim to, wherever possible, retain as many members as possible over multiple years, if there is no major change in political balance requiring a wholesale change in nominations.**
- e) Support constituent authorities in their appointments by maintaining attendance and engagement data to ensure that appointed members are either well supported to perform the duties required in the role profiles or can be replaced by a more suitable member in a timely manner if their circumstances change.**

Key Principle 6 – Well-resourced training

Assessment and conclusions

- WYCA currently supports over 150 members (including councillors, independent persons and private sector representatives) across its committee structure, not including ex officio sectoral representatives – which is larger than any single authority within the WY area.
- There is currently no specific dedicated budget, or internal officer capacity, for member training beyond the current, limited induction processes for new and returning members.
- Scrutiny, in the past, has attempted to issue new members with a “proforma” to audit their experience/knowledge level but the return rate was low.
- Relatively regular offline briefings are provided to Scrutiny Chairs – including ahead of the main CA meetings – but not members as a whole, with some exceptions for information provided during workshops (e.g. Budgets) and working groups.
- This means that scrutiny committee meetings themselves are often the place that members are briefed and informed on WYCA activity – and there are no pre-meetings due to limited member availability.

Recommendation 7:

The Combined Authority should:

- a) Provide resource for training scrutiny members and chairs, according to the needs identified in their onboarding process and as new duties may require, and/or procure bespoke training materials to be later delivered by officers – including specific training needed to conduct reviews into specific topics, if required.**
- b) Draw upon the experience and expertise of existing members identified in the onboarding process to peer-train and mentor fellow members, as their time allows.**
- c) Maintain relationships with the “Local Government Association” (LGA) and the “Centre for Governance and Scrutiny” (CfGS) and draw upon any training or peer mentoring/review services they can provide, when available.**
- d) Consider expanding the reports briefings currently provided to Combined Authority board members before and after publication of Combined Authority meeting agendas, to all scrutiny members – divided, as now, by party or alternatively by council area.**

Scrutiny should:

- e) Make use of pre and/or post meeting briefings for scrutiny members to ask clarifying questions to officers on key issues and reports to avoid committee meeting time being used as de-facto briefings and to allow members to pursue more advanced lines of questioning in committee time.**

Key Principle 7 – Inviting technical expertise

Assessment and conclusions

- The Protocol highlighted WYCA’s Scrutiny as a case study under this Principle for inviting a local academic who had conducted some personal research into the Real Time

Information system, along with the internal operational manager at WYCA, to answer technical questions.

- On another occasion, the professional expertise of councillors was utilised to lead a member-member discussion on behavior change in transport.
- This represents an example of good scrutiny practice – the triangulation of evidence, beyond the usual officer-member interface.
- It is vital for good scrutiny and accountability that Scrutiny seek multiple points of view and sources of evidence beyond the political and corporate leadership that usually attend committee meetings.
- Sometimes it is more appropriate and valuable to speak to operational managers and internal expert analysts directly, or sense check assumptions and facts through external non-MCA expertise.
- However, despite the Protocol highlighting this as a case study, this was in fact a relative exception to 'business as usual' scrutiny.
- The other occurrence of Scrutiny using external experts to feed into the scrutiny process was in 2019/20 in when two different working groups conducted views into:
 - business grants programmes – speaking to consultants and businesses directly on their experience – and;
 - WYCA's response to the climate emergency – speaking to local academics, pressure groups, and green sector businesses.
- This also reinforces the value that working groups have in the scrutiny process, in that it is easier to engage with experts through them than at committee meetings.
- Scrutiny does not currently have, or have access to, a budget to hire consultants to provide evidence or advice – although, as during the business grants review, Scrutiny independently engaged with consultants already hired by WYCA to evaluate the business grants programmes.

Recommendation 8:

The Combined Authority should:

- a) Make available to Scrutiny its own network of external experts and stakeholders used during consultation exercises, in other policy and strategy development, and any consultants contracted to review or evaluate any MCA activity.**
- b) Ensure that Scrutiny continues to have equal access to internal officer experts, who have specific expertise in key policy areas and functions.**
- c) Provide, or share existing, resources to deliver bespoke briefings from experts to members related to topics or reviews they are looking at, as and when required.**

Scrutiny should:

- d) Consider, during work programming, what information and data they need and from what source, in order to identify external sources to triangulate internally sourced testimony with.**
- e) Build its own network of expert contacts, either independently or in coordination with other officers and committees' private sector, independent and/or ex-officio sector representatives.**
- f) Engage in greater use of evidence gathering sessions, working groups and offline workshops, to allow experts to be more 'candid' and provide sensitive but vital background information which can be taken into account in the rest of the public scrutiny process.**

Key Principle 8 – Remuneration and status

Assessment and conclusions

- WYCA pays allowances to scrutiny members through the general powers function provided in the WYCA Order, including additional allowances to chairs and deputies, on the advice of an IRP. However, allowances were significantly reduced in 2021 due to the increase in committees and members.
- Councillors are not full-time positions but part-time roles, which must be fulfilled in addition to full-time ‘day jobs’, wherein members often must take time off from work to fulfil council duties. Adding MCA duties on top of council duties means WYCA ultimately receives members ‘part-time of part-time’.
- Scrutiny work is demanding and does not only consist of attending committee meetings but building knowledge and skills through briefings and training, maintaining a constant overview of a large base of complicated cross-cutting activity across a large geography and multiple partners, and then having enough data and information to properly scrutinise, review and recommend, and challenge high profile programmes and leaders.
- Scrutiny will always need to draw upon the time and expertise of officers for most of the scrutiny process including reports and meeting attendance, especially senior officers – which poses a major capacity conflict as officers must balance commitments to scrutiny against commitments to other committees, the Mayor and portfolio holders and actually delivering in their ‘day jobs’.
- Due to the reality that, without London Assembly style full-time elected members and substantial assembly resources and the lack of wider member / political support that members have access to at their authorities, scrutiny members will always struggle for availability and rely disproportionately more on scrutiny support officers.
- In particular, members need a greater amount of direct scrutiny advice, which has not been as forthcoming as needed. MCA scrutiny officers must necessarily take on the brunt of the ‘overview’ role and be able to read, summarise and analyse a large number of papers produced by other officers and then draw out the key areas for closer scrutiny, based on parameters and focuses set by scrutiny members during work programming.
- It may be necessary sometimes for scrutiny officers to act as proxies for scrutiny members and pursue lines of questioning and answers on their behalf, especially in preliminary or follow up stages.
- Scrutiny currently has two support officers, out of the three theorised as needed during the 2021 review, who are the sole support to all scrutiny chairs and members including all administrative, committee secretariat, and general member support.

Recommendation 9:

The Combined Authority should:

- a) Convene an IRP to review scrutiny allowances against role profiles and duties expected of Scrutiny, taking into account vital non-committee meeting work (such as working groups, evidence gathering, and drafting reports) to ensure members are able to give up work and council commitments to dedicate more time to WYCA Scrutiny.**
- b) Ensure that Scrutiny Members are not treated, however unintentionally, differently to ‘executive members’ such as the Mayor and CA Members or seen as ‘externals’; they must be given equal access to organisational personnel and resources, including genuinely impartial advice from all officers on all matters.**

- c) **Ensure scrutiny activity is taken into account more widely in the business plans of the service areas which will engage with Scrutiny most often, including but not limited to: policy and strategy, member and committee support, research and intelligence, project appraisal and delivery, communications and marketing, and senior management.**
- d) **Consider appointing additional scrutiny officers and/or reprofiling job descriptions, as suggested during the previous review period in 2020/21, to ensure that Scrutiny Members are thoroughly supported in all overview, scrutiny and corporate duties as necessary – in particular, direct scrutiny advice.**

Key Principle 9 – Holding the mayor or directly elected leader and the institution to account

Assessment and conclusions

- Public scrutiny should focus on public accountability and the accountable leadership should appear at Scrutiny more often.
- While it is appropriate to question operational-level officers on details in working group format or in briefings, public questioning should be directed at political (Mayor, Leader) and corporate (Head of Service upwards) decision-makers on the decisions they are making and why – and hold them to account for the performance of their areas of responsibility.
- The Mayor has always attended scrutiny committee meetings – or meetings with Scrutiny Chairs and other Members – when asked and has made sure to rearrange when a diary clash emerged.
- Portfolio Holders do not attend Scrutiny as a matter of course to present on areas of responsibility, but the Transport Chair does meet relatively regularly with the Transport Scrutiny Chair.
- Currently, each scrutiny committee dedicates one of their four meetings per year to a “Mayors Questions” session where the Mayor attends to answer the committee’s questions for the whole duration – based on a very open format which allows members to ‘control’ the agenda and ask any question related to their committee’s remits. The sessions are received well by members but there has been some debate as to the exact format.
- Scrutiny Chairs do not have a standing invitation to the main Combined Authority board meetings – or any other relevant committee, such as Transport.

Recommendation 10:

The Combined Authority should:

- a) **Revisit the format of Mayor’s Questions including, but not limited to: the length of the sessions, how frequently the Mayor should attend, whether they should submit a formal “Mayor’s Report”, whether “Mayors Questions” should be arranged outside of committee meetings as a separate public session, and whether Portfolio Holders could also participate.**
- b) **Consider how the Portfolio Holders can better engage with the Scrutiny process on areas within their portfolio’s area of responsibility including attending meetings and engaging with any Scrutiny Member selected to shadow their portfolio.**

- c) **Extend a standing invite to the Scrutiny Chair(s) to attend the main Combined Authority board meetings – including exempt items – to represent Scrutiny’s view during decision-making.**
- d) **Consider extending standing invitations to relevant Scrutiny Members to attend other committees relevant to their scrutiny duties e.g. any scrutiny portfolio or working group leads, which have been appointed, attending the relevant committee (i.e. Transport Committee).**

Key Principle 10 – Participation in pre-policy and pre-decision scrutiny

Assessment and conclusions

- The level of pre-decision Scrutiny at WYCA consists of a mixed picture – but Scrutiny does not contribute to ALL major policy and strategy development as the Protocol suggests.
- In some cases, it does happen, and officers look to bring some strategies to Scrutiny early in the process to inform ‘high level’ thinking and discuss the overall narrative and approach, as has happened this municipal year (2023-24) e.g. Economy Strategy, Assurance Framework and Local Transport Plan 4 – at Economy, Corporate and Transport Scrutiny respectively.
- It is not entirely clear if Scrutiny’s input is highlighted to the decision-makers or simply incorporated into the final document. In any case, it has been difficult to track the impact of scrutiny as a result.
- In other cases, some major decisions and strategies are not taken to Scrutiny at all pre-decision due to either unfortunate oversight by both the scrutiny and officer side, or scheduling issues e.g. bus reform and mass transit decisions in late 2023.
- There is some conflict that arises due to the thematic committees, which are chaired by the Council Leaders who each hold a portfolio and have many independent or private sector members on them, performing the policy and strategy development role and engaging in ‘*lower case s*’ scrutiny type role.
- Scrutiny is often told it cannot see a strategy, review or decision if it has not been to another committee or political leadership first – but often if it has gone to another committee, it may be too late to make an impact; there are limited meetings of both scrutiny and non-scrutiny committees.
- There is a view that policy development should remain a duty of the thematic/portfolio committees, and scrutiny should provide ‘devil’s advocate’ challenge and monitor achievement on overall strategic goals, instead of straying into making ‘policy by proxy’.
- A Forward Plan of Key decisions is published as legally required but where decisions are withdrawn or there is a change in decision date or decision-maker, Members are either not informed, or the number of changes invites confusion.
- Forward plans of non-key decisions e.g. policy/strategy discussions, updates, reviews for the other committees are not published as a matter of course, and there is no ‘central forward plan’.
- Scrutiny has not to date focused formally on Value for Money assessments – with the type of scrutiny done more ‘high level’ and qualitative than methodical or quantitative.

Recommendation 11:

The Combined Authority should:

- a) Identify certain decisions as being ‘major strategic decisions’ (MSDs) – separate from the statutory ‘Key Decision’ system – that Scrutiny should scrutinise and challenge before final decision; and the final report of which should include a section outlining scrutiny’s comments and recommendations.
- b) Be flexible in allowing Scrutiny to feed into reviews, policy / strategy development and service reform early in the development cycle in the most appropriate method, if an early draft is approved by the relevant Portfolio Holder for scrutiny – and/or by allowing Scrutiny members to attend other committees if they occur before the nearest scrutiny committees.
- c) Maintain and make available to Scrutiny up-to-date forward agenda plans for all committees so that Scrutiny is aware of upcoming decisions, discussions, reviews and other pertinent items – and not just ‘Key Decisions’.
- d) Reconsider the terms of reference, or operating practice, of the thematic committees to ensure that, just as Scrutiny should not make policy, thematic policy committees should not ‘mark their own homework’ through self-scrutiny.

Scrutiny should:

- e) Avoid a formal role in policy making and instead focus on challenging, as ‘Devil’s Advocates’, the assumptions and logic behind policy directions and strategic visions to ensure that process has been followed and all viewpoints and data points have been taken into account.
- f) Consider “Value for Money” (VfM) methodology and assessments more often during overview and scrutiny.

Key Principle 11 – Provision to call in

Assessment and conclusions

- This is a legal requirement which WYCA fulfills through the “call-in” process as outlined in the Scrutiny Standing Orders, but the law allows a lot of leeway in how this process is administered and fulfilled.
- Only Scrutiny members, formally co-opted onto WYCA scrutiny committees may call-in decisions; at least 5 members (out of 48), including at least one from two different WY councils.
- CA members and Transport Committee members may not call-in decisions they are able to vote in at their committees. Councillors not co-opted onto WYCA scrutiny committees may not participate in the call-in process, except to lobby scrutiny members.
- To date, no decision of the Mayor, an officer or decision-making committee has been called in during the mayoral era (2021 onwards) but attempts to do so did reveal some issues around the current process e.g. the definition of day for the deadlines, whether it is the scrutiny officer or Chair that directs the delay of a decision, and what to do when either the scrutiny, or subsequent decision-making, committee is inquorate. These issues should be ironed out.
- Call-in represents a ‘nuclear option’ when all other options have been exhausted and a failure of scrutiny or decision-making has taken place. If Scrutiny is suitably briefed, kept

in the loop and given opportunity to input into key decisions or sensitive projects at earlier stages, then call-in becomes less likely and unnecessary.

- Processes around Key Decision management could be improved so that it is clearer to Scrutiny Members what KDs are going or not. E.g. some KDs decision dates and decision makers are constantly changed without clarification, making it more difficult for Members to track their progress.
- There is currently a gap with regards to Key Decisions that are exempt items and decided in private. The Scrutiny Chairs are permitted to see exempt items and reports, but the wider membership cannot – making it impossible to scrutinise.

Recommendation 12:

The Combined Authority should:

- a) Consider what best practice of the call-in processes of the constituent authorities and other MCAs could be adopted to strengthen WYCA's call-in process.**
- b) Ensure that Key Decision definitions, information and processes are clearer between officers and Members, so that it is clear what decision is being taken, the general level of spending that will take place, who is making the decision and when, and why there are any changes – including a provision for scrutiny of exempt items in an appropriate way.**

Key Principle 12 – Regular performance monitoring including agreed outcomes

Assessment and conclusions

- It is vital that KPI and other relevant data is monitored consistently, closely and long-term so that proper context can be established, and patterns noticed.
- Early warning and intervention is often vital to avoiding bigger problems down the line and this can only be done with long-term, close monitoring.
- Scrutiny does not currently regularly monitor overall KPIs as a matter of course – partly due to the split of remits between three committees.
- When KPIs have been to committee, they are usually only the ones linked to the item being discussed.
- When committees have looked at general KPIs, they tended to stray towards another committee's remit due to the inherent cross-cutting nature of an MCA's activity.
- KPI data is not considered by Scrutiny at the beginning of the year, nor is it adjusted mid-year based on KPI data.

Recommendation 13:

The Combined Authority should:

- a) Provide Scrutiny with the latest performance data at the beginning of the municipal year, alongside committee forward plans and the usual corporate / strategic plans, so that Scrutiny can identify topics for the work programme.**
- b) Provide Scrutiny with monthly and quarterly KPI data, in a format suitable to Scrutiny's needs (i.e. emphasising narrative of RAG ratings and comparing historic data and future projections), for regular monitoring.**

Key Principle 13 – Robust work programming

Assessment and conclusions

- There is usually a process-driven approach to work programming, which is done informally at the beginning of the municipal year and involves multiple discussions with senior officers – but this differs in depth, year to year.
- The process is focused on allowing all members to raise issues of interest and concern for them, and then amalgamating the different suggestions into topic areas and lines of enquiry that make sense – so that all members feel ownership of the work programme.
- The Mayor, CA members and the public are not usually involved in the work programming stage.
- The work programme is reviewed and amended at every meeting and Chairs usually have leeway to amend it in between meetings as needed.
- Communication about upcoming issues and decisions is not always timely to allow scrutiny to amend the work programme as needed.
- Due to the sheer amount of activity, and the ‘multiplication factor’ in that WYCA activity covers the entire WY geography and all constituent councils, it is arguably impossible for Scrutiny to cover all activity if it takes a reactive approach i.e. trying to comment on and scrutinise all decisions, projects, and items.
- It is more prudent for Scrutiny to determine a criteria and priority system to filter WYCA activity through during the overview stage to be more selective in what is escalated to direct scrutiny.
- The type of scrutiny that takes place at MCA level is necessarily different from that which takes place at local authority level due to the different nature of MCAs as fundamentally strategic, partnership bodies created to consider cross-cutting issues across larger geographies.
- The type of scrutiny by WYCA’s Scrutiny must mirror the type of organisation that WYCA is – that is, strategic scrutiny of a strategic organisation.

Recommendation 14:

The Combined Authority should:

- a) Ensure that political and corporate leadership keep Scrutiny in the loop on the topics selected for the work programme so that timely scrutiny can take place and notify Scrutiny when issues not considered at work programming stage emerge.**
- b) Include reports from the Mayor, portfolio holders and directors outlining the major issues and decisions expected that year and suggesting possible areas of challenge or interest that would benefit from scrutiny during the work programme stage.**
- c) Provide communications resource (i.e. advice, YourVoice, social media etc) to allow Scrutiny to consider views and suggestions from the public, community groups, businesses, and non-WYCA members for the work programme – as part of a consultation-style approach.**
- d) Include an end-of-year “wrap up report” where officers summarise the MCA’s response to the various actions, suggestions and recommendations made throughout the year – to be a key part of the following year’s work programming.**

Scrutiny should:

- e) **Ensure that the work programme topics and approach to overview are suitably strategic to properly mirror the Combined Authority's nature and type of activity.**
- f) **Review the work programme at the mid-year point to ensure that any new issues are considered, and the work programme is as live as possible.**

Key Principle 14 – Focused task and finish exercises

Assessment and conclusions

- Smaller working groups of members, working on a directive from the main committee with a time limit and without the bureaucratic formalities of committee, have proven to be the most effective way of scrutinising and reviewing fast moving and complicated issues.
- WYCA is inexperienced in utilising Scrutiny to lead reviews. Scrutiny has not engaged in many task and finish reviews in the mayoral era, largely due to lack of resource and member availability, with the first two such reviews taking place this year;
 - this two-session review of the Scrutiny Protocol and
 - a single-session spotlight review of the cancelled FlexiBus scheme.
- Other working groups established have been informal 'overview' groups without end dates.
- There is a 'Catch-22' in that there is little value in pursuing a review of a topic that is already being looked at by another committee or body, and would therefore duplicate efforts and use up officer resource, and at the same time, pursuing a topic that WYCA is not currently working on, would require a large amount of officer resource which, if available, would likely have already been deployed in tackling that same issue.

Recommendation 15:

The Combined Authority should:

- a) **Ensure Scrutiny has the resource to conduct a much greater number of in-depth reviews per year on cross-cutting, strategic topics that will add genuine value to WYCA's objectives and/or resolve persistent strategic challenges WYCA, or the region, faces.**
- b) **Involve scrutiny more closely in other reviews – internal or external – to seek their input, seek some needed challenge, or as part of a triangulation of evidence.**

Key Principle 15 – Strong relationships with stakeholders

Assessment and conclusions

- There are currently no formal links between WYCA Scrutiny and constituent authority scrutiny committees, beyond the inevitable overlap in membership.
- There have been no instances of formal joint scrutiny by WYCA and local scrutiny of joint services, stakeholders or areas of interest.

- There is also little knowledge of or uptake of WYCA's constitutional provisions that allow any elected Member in West Yorkshire to formally refer matters to WYCA Scrutiny and receive a response.
- There is a large degree of duplication when local scrutiny committees scrutinise WYCA activity and officers directly, including the Mayor who regularly attends full council meetings across the region.
- This creates a large demand on WYCA officers' time and resources that then cannot be made available to WYCA Scrutiny, limiting its ability to fulfil its duties.
- Discussions on 'scrutiny taking place in the right place' have been debated throughout the years by members.
- On the one hand, WYCA activity affects local authority areas and activity and is a legitimate object of scrutiny by councillors – especially those not on WYCA scrutiny committees.
- The opposing view is that scrutiny of WYCA activity should be conducted by WYCA Scrutiny, and that local scrutiny members should direct their scrutiny of what their area receives from WYCA to their authorities' political and corporate leadership.
- Most of WYCA's projects and schemes are local council schemes promoted and delivered by local councils but only funded and assessed by WYCA. There is a discussion to be had about whether scrutiny of certain WYCA projects is most effective by WYCA Scrutiny or by members in that council.
- Attempts to establish a WY-wide scrutiny officers and WY scrutiny chairs network groups have been attempted a few times but are not sustained due to resourcing issues.
- Scrutiny does not currently have communications and marketing resources or activity, beyond webcasting meetings and a relatively buried section on the WYCA website.
- There is little promotion of Scrutiny activity and no press releases of work programmes, meetings or post-meeting readouts with member statements; even Mayor's Questions does not yield much attention.
- Public engagement could be vastly improved. The public rarely attend scrutiny committee meetings, with the exception of a few environmental campaign groups throughout the years, and webcasting view count is very low as meetings take place during the working day.

Recommendation 16:

The Combined Authority should:

- a) Agree a formal 'WY-level scrutiny protocol' between partner authorities establishing 'rules of engagement' on who has responsibility for scrutinising which elements and how joint scrutiny and referrals would work on areas of mutual interest, to ensure that the most effective scrutiny is taking place and duplication is avoided.**
- b) Enable greater liaison between WY scrutiny officers and WY scrutiny chairs through an established WY scrutiny network to share work programmes, best practice, relevant updates as well as manage duplication, joint work and referrals.**
- c) Establish a committed communications plan and schedule to promote and publicise Scrutiny activity and build Scrutiny's profile including promotion of work programming, meetings, evidence sessions, reviews, recommendations, and Mayor's Questions – so there is greater parity between Scrutiny and CA Members and so that the public is more aware of, and engaged in, the Scrutiny process (i.e. to submit evidence in writing or verbally).**

Key Principle 16 – Regular self-evaluation and reflection

Assessment and conclusions

- Members are able to discuss and amend the work programme at every meeting but the standing item is at the end of the agenda when time is tighter and often does not invite comment.
- A factual, minutes-focused annual report is published every year by officers in the ‘inter-election’ period between May-June.
- It is vital that Scrutiny is not, and is not perceived as, a ‘talking shop’ but makes a genuine impact and helps drive improvements and outcomes across WYCA and the region.
- Members and officers time is valuable and neither want to participate in a process that is not productive and has clear, observable and actionable outcomes they can clearly point to as a product of the hard work they will put it.
- Scrutiny, as a function, has only been evaluated once in 2020/21 ahead of the first mayoral election and Scrutiny’s recommendations (to retain a single committee and move to working group focused work) were not adopted by the Combined Authority board at the time.

Recommendation 17:

The Combined Authority should:

- a) **Commit to more regular mini-reviews of Scrutiny (and wider governance) to ensure the system is productive, contributing to outcomes and working most efficiently – including with independent, external reviewers at appropriate times.**

Scrutiny should:

- b) **Re-orientate the annual report to focus on outcomes and impact of Scrutiny and be discussed by members in draft form at the end of the year and approved at the beginning of each municipal year.**
- c) **Hold post-committee ‘wrap ups’ so members can review the meeting and its conclusions more honestly and amend the work programme accordingly.**
- d) **Hold bi-annual ‘wrap up’ meetings to review and discuss the direction of the work programme.**

Key Principle 17 – Access to data, research, and analysis

Assessment and conclusions

- The proposed “Oflog” (Office for Local Government) has not yet been established, and there hasn’t been as much external public analysis of MCAs as there is of local authorities.
- Scrutiny could make greater use of existing LGA data on authorities within the WYCA area and pay more attention to reviews conducted by external consultants on WYCA,

including internal corporate matters such as the analysis of the leadership structure conducted in 2021/22 as part of the mayoral readiness agenda – amongst others.

Recommendation 18:

The Combined Authority should:

- a) Use Oflog’s data frequently in its work programming and overview duties, as part of a triangulation of data, when OfLog is established.
- b) Notify Scrutiny when external analysis of WYCA is taking place and of any data that is generated as a result.

Key Principle 18 – Strong relationship with audit committees

Assessment and conclusions

- There are many ways Scrutiny and Audit can work in a complimentary way while not treading on each other’s remit, through agreed ‘rules of engagement’ and frequent contact between Chairs.
- The current Audit Chair and Corporate Scrutiny Chair have met more frequently than their counterparts have met in the past, leading to the planning of joint workshops on areas of mutual interest, such as risk management, and the Audit Chair participating in this review of the Scrutiny Protocol.
- This Principle also includes recommendations for audit committees to have more ‘Scrutiny-style’ dedicated officer resource to produce annual reports on their work, amongst other things.

Recommendation 19:

The Combined Authority should:

- a) Conduct an Audit-led review of the audit committee to ensure that it fulfills the requirements outlined in the Scrutiny Protocol including consideration of:
 - i. providing a dedicated resource to support the Audit Chair in producing annual reports on their work.
 - ii. reviewing membership of the audit committee to explore participation of non-executive councillors, similarly to other MCAs.

Scrutiny should:

- b) Arrange regular meetings between the Scrutiny and Audit Chairs so that they can agree ways of working to allow them to refer matters of concern, including reports and recommendations, to each other’s committees according to their defined duties.

Additional Principle – [Public] Mayor’s Question Time

Assessment and conclusions

- WYCA has now begun public Mayors Question Time sessions which are ‘town hall’ style events, moderated by local journalists and/or businesspeople, where the public can ask the Mayor any question.
- The first three sessions were 25 January in Wakefield), 5 February in Halifax and 22 February in Leeds – with more planned in the near future.
- This required Scrutiny to ‘rebrand’ its own mayoral question sessions, previously also known as Mayors Question Time – and now known as Mayors Questions.

Recommendation 20:

The Combined Authority should continue to host regular public Mayors Question Times and ensure they are as accessible as possible to the public – including live casting if resources allow – and are suitably challenging and independently moderated.

Background documents

Scrutiny Protocol for English Institutions with Devolved Powers

<https://www.gov.uk/government/publications/scrutiny-protocol-for-english-institutions-with-devolved-powers>

English Devolution Accountability Framework

<https://www.gov.uk/government/publications/english-devolution-accountability-framework>

Technical Paper on Level 4 Devolution

<https://www.gov.uk/government/publications/technical-paper-on-level-4-devolution-framework>

Combined Authority's Letter to the government formally applying for devolution – “The Asks”

<https://westyorkshire.moderngov.co.uk/documents/b3998/Supplementary%20Appendix%203%20to%20item%207%2001st-Feb-2024%2011.00%20West%20Yorkshire%20Combined%20Authority.pdf?T=9>

Review of WYCA Scrutiny Arrangements 2020/21

<https://westyorkshire.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=945&Ver=4>

Outcome of the review of WYCA scrutiny arrangements 2020/21 (Minutes of 9 March 2021 WYCA meeting)

<https://westyorkshire.moderngov.co.uk/ieListDocuments.aspx?CId=133&MId=1070&Ver=4>

Independent Review of Greater Manchester Scrutiny arrangements 2022

<https://democracy.greatermanchester-ca.gov.uk/documents/s21088/4%20Final%20GMCA%20scrutiny%20report%202022.pdf>

CfGS Evaluation of Greater Manchester Scrutiny arrangements 2023

<https://democracy.greatermanchester-ca.gov.uk/documents/s27974/Appendix%20A%20-%20Scrutiny%20evaluation%20report.pdf>

West Midlands IRP's review of scrutiny allowances June 2023

<https://governance.wmca.org.uk/documents/s10527/Report%20of%20the%20Independent%20Remuneration%20Panel.pdf>

<https://governance.wmca.org.uk/documents/s10528/Enc.%201%20for%20Report%20of%20the%20Independent%20Remuneration%20Panel.pdf>

West Midlands review of Transport Committee governance June 2023

<https://governance.wmca.org.uk/documents/s10525/Transport%20Governance%20Review%20Report.pdf>

<https://governance.wmca.org.uk/documents/s10526/Enc.%201%20for%20Transport%20Governance%20Review.pdf>



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All information correct at time of writing