



Report to:	Combined Authority
Date:	14 March 2024
Subject:	Scrutiny Protocol Review
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Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, state paragraph number of Schedule 12A, Local Government Act 1972, Part 1:	
Are there implications for equality and diversity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

1. Purpose of this Report

- 1.1 To present a Scrutiny Members' report which reviews the government's new Scrutiny Protocol and makes recommendations to the Combined Authority as to its implementation.
- 1.2 To seek agreement to a proposed scrutiny committee structure to be implemented from the 2024/25 municipal year onwards and to seek early comments on a draft Scrutiny Vision to be developed before subsequent adoption by the Authority.

2. Information

Background

- 2.1 In 2020/21, a review of scrutiny arrangements was undertaken to ensure it was ready for the mayoral era. At the time, the Authority decided to implement a structure of three parallel scrutiny committees, divided by theme and function namely Corporate, Economy and Transport.
- 2.2 A commitment was made to further review the effectiveness these new scrutiny arrangements, including structure and resource, within the first mayoral term (before the 2024 election) – which this review fulfils.

The Scrutiny Protocol

- 2.3 Since then, in November 2023, the government published a new Scrutiny Protocol – alongside the Autumn Statement and Level 4 Devolution technical document – setting out best practice for accountability and scrutiny within mayoral combined authorities.
- 2.4 The Protocol was developed in consultation with scrutiny officers, chairs and members nationwide as well as academic and sectoral experts from the ‘Centre for Governance and Scrutiny’, the House of Commons Library, ‘Onward’ and ‘The Bennett Institute’ at the University of Cambridge.
- 2.5 The Scrutiny Protocol identifies 18 Key Principles and 2 additional principles, which the scrutiny member report responds to. The Key Principles are summarised on the **contents page (p2)** of the full Scrutiny Members’ report attached as **Appendix 1**
- 2.6 The government has advised that compliance with the Protocol is a necessary step in future deeper devolution deals which include ‘single pot’ funding settlements. Most recently, in a letter to the Mayor, dated 1 March 2024, outlining the government’s Level 4 Devolution offer to the Combined Authority, the Secretary of State has confirmed that the Authority must “report to the Department for Levelling Up, Housing and Communities on its progress in implementing the scrutiny protocol by **1 March 2025**”.

The Scrutiny Review and Recommendations

- 2.7 In December 2023, the Corporate Scrutiny Committee, with remit for governance and assurance, established a cross-party, cross-district working group of members from all three scrutiny committees to review the Protocol’s key principles and make any recommendations.
- 2.8 The working group met in January and February 2024 to review the Protocol and produce a report with its own recommendations, which was circulated to all scrutiny members and political and corporate leadership for feedback prior to publication on 29 February 2024 in the papers for Corporate Scrutiny Committee on 8 March 2024.
- 2.9 The working group’s goal was to review the Scrutiny Protocol’s requirements and recommend ways that the Combined Authority can implement it. There are over 60 recommendations in total, addressing all 20 principles within the Scrutiny Protocol, outlined in the executive summary on **pages 7-8** and expressed as a suggested Vision (**pages 9-13**) and phased implementation plan (**page 14**), with the primary recommendation being that:
- “The Scrutiny Protocol should be implemented in full and expressed as a clear, long-term vision with supporting annual plans focusing on implementation”.*
- 2.10 The recommendations comprise a mixture of broad strategic focussed proposals together with a range of detailed process-based proposals. However, one of the key conclusions throughout is that the quality of scrutiny is dependent on scrutiny members having the



right amount of support and availability – and commensurate remuneration – to perform their role properly. Most scrutiny work takes place outside of formal committee meetings, through officer briefings, overview / monitoring, working groups and reviews – all of which require time and resource, which are limited under the current arrangements. Changes in processes, focus, practice and investment are required to significantly improve scrutiny.

2.11 Subject to Members' views, officers can progress the more detailed aspects of changes to scrutiny arrangements to reflect the recommendations and compliance with the Protocol and bring forward a subsequent report to the Combined Authority identifying proposed activity to be introduced over the next 12 months in the first instance. However, there are some key strategic issues that require a decision now if structural changes are to be made to the committee arrangements and roles and responsibilities of scrutiny members to be implemented from the new municipal year. These are set out below for Members' consideration and relate to:

- Committee structure
- Membership and role profiles

2.12 To note, the Corporate Scrutiny Committee is considering the Scrutiny Members' report at its 8 March 2024 meeting, which is after the publication of these papers. A verbal update will be provided to Combined Authority Members following the conclusion to that meeting.

Committee Structure

2.13 The scrutiny working group considered several options in terms of committee structure (**outlined on page 17**) but ultimately did not make a recommendation to the Combined Authority on a preferred model, recommending only that whichever structure is selected is 'properly resourced to operate as intended'.

2.14 The working group did note that the Scrutiny Protocol recommends a single committee model, citing the key necessity that all scrutiny members operate as a 'single pool' ("Key Principle 1") and have oversight of all a mayoral combined authority's fundamentally cross-cutting activity – as combined authorities do not have an equivalent overarching body to full council or political groups, which all scrutiny members belong to in a local authority.

*"[Scrutiny Protocol 2.2] In combined authorities and combined county authorities, a **single committee model should be considered to provide a shared platform from which all committee members can develop a strategic overview across all portfolio areas and an understanding of the interconnection of key policies to effectively scrutinise cross cutting issues. If another model is used it should be clear how this model is able to meet the key principles identified in this Protocol.**"*

Challenges with the Current System

2.15 The Scrutiny Members' report also noted the challenges with the current scrutiny arrangements, some of which relate to the parallel committee structure (**from pages 15-16**) including:

- **Resourcing challenges** – scrutiny, governance, and the wider officer core which Scrutiny relies on for reports, information and analysis is spread across a number of 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 1) 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. A few 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 combination of thematic and function based remits and lack of central oversight, along with officer resourcing pressures, the committees end up reacting to the thematic committees chaired by the Authority's portfolio holders and responding late to issues that have already emerged or progressed, engaging in little pre-decision scrutiny, and not maintaining a pro-active strategic work programme.
- **Outcomes and impact** – Due to the pressures and challenges referenced above, 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 1 – Proportion of meetings with quoracy issues (June 2021-February 2024)

Scrutiny Committee	Inquorate (Less than required)	Nearly inquorate (Minimum required)	TOTAL w/ quoracy issues
Corporate	20%	10%	30%
Economy	60%	10%	70%
Transport	10%	40%	50%
ALL	30%	20%	50%

Single Committee Model

- 2.16 The recommendation is that the single committee structure best meets the requirements of the Scrutiny Protocol. It is considered that this would allow for the most efficient use of resources, more intensive 1-1 scrutiny member support and briefing, which would enable a more flexible working model, with closer overview and monitoring, and reviews being conducted through working groups/panels without the statutory and administrative limits of committee meetings.
- 2.17 Scrutiny can do “more with less” and produce a greater output of deeper, higher level reviews providing answers and solutions to the most persistent strategic problems the CA faces with the right “quality over quantity” approach; a focused single committee, an accountable chair able to dedicate more time to the role, supportive enhanced vice-chair positions, slightly fewer but much better supported, trained and resourced members (with dedicated named substitutes), and a strategic approach to work programming.
- 2.18 This would need to be reviewed over time, recognising that it may be appropriate in future to expand upon the single committee and add permanent (non-statutory) panels – or (formal statutory) subcommittees – as the CA grows and expands, for example: a “transport service panel” to oversee the growing and complex bus reform and mass transit projects and future service delivery in the future.
- 2.19 Reassessment and adoption of role profiles for the scrutiny chair, vice chair(s), members and substitutes is required by the Scrutiny Protocol and is good practice – so that both members and constituent authorities are clear on what the duties, expectations and time requirements are, which can be taken into account in member appointment. The Independent Remuneration Panel also needs these to properly assess allowances.

Draft Long Term Scrutiny Vision

- 2.20 A long term draft Scrutiny Vision has been prepared for Members’ consideration, which takes into account the Scrutiny Protocol and the Scrutiny Members’ report, modelled around the proposal for a single overarching ‘select-committee style’ structure which is supported by panels and working groups. This is attached as **Appendix 2**.
- 2.21 The draft Vision is intended to provide an easily accessible overview and early draft of the Authority’s response to the Scrutiny Protocol – recognising that this may need revision and refinement to reflect Members views on the strategic issues raised in this report for consideration. It is shared at this point to seek Members’ views on the approach taken and can subsequently be developed and brought back to Members for adoption.



2.22 It sets out a proposed comprehensive and ambitious approach to regional, strategic level scrutiny – and in summary, it consists of:

- **Committee and working groups:** One single overarching ‘select committee style’ committee with a wide terms of reference and remit, which splits into flexibly operated panels and working groups to perform tasks and maintain overview.
- **Chair role:** One single, accountable ‘fuller-time’ Scrutiny Chair who is expected to be able to dedicate enough time every week to properly maintaining an overview of the organisation, interface regularly with officers, and direct scrutiny work accordingly.
- **Vice Chairs:** Two enhanced vice-chair positions modelled on the Transport Committee’s dual-deputy-chair arrangement, who will each oversee a strategic portfolio, and constitute a visible senior scrutiny leadership to support the chair with the volume of work.
- **Membership and roles:** A politically and geographically balanced membership – each with a named substitute – with more defined member roles, supported with regular 1-1s, training/development, research and briefings, and their own portfolio area to lead overview and scrutiny on.
- **Officer support:** A professional dedicated team of scrutiny officers to provide independent advice and greater interface with existing expertise already employed at the CA including the high-class research and intelligence, portfolio management, comms and marketing, policy and strategy, and performance management teams.
- **Profile and stakeholders:** A higher profile and greater communications and marketing resource in order to build its own network of stakeholders, engage more directly with the public, manage both verbal and written evidence gathering directly from those affected, and promote its work and conclusions as widely as possible.
- **Work programme:** A more strategic and outcomes-focused approach to its work programme which focuses on demonstrating the value and impact of good scrutiny on the CA’s decisions, policies, services and outputs.
- **Reviews and evidence sessions:** Greater use of public verbal evidence sessions and written evidence to engage in “outward” facing interface with the political leadership, experts and the public and those impacted by CA activity in order to conduct in-depth reviews and publish reports.

Future Review and Evolution

- 2.23 The Protocol requires, and the Scrutiny Members' report recommends, that 'mini-reviews' of scrutiny's effectiveness take place regularly. The draft Scrutiny Plan appended to the draft Vision at **Appendix 2** suggests this takes place in Phase 4 (Evaluation, Impact) in the 2026/27 municipal year, two years after establishment, to ensure that the Scrutiny Vision is still sound and fit for purpose and the level of CA activity and scrutiny operation are still balanced.

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 could 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 requirement to secure deeper devolution deals which provide greater financial autonomy in administering previously ringfenced departmental funding streams as single pots, which will allow for funds to be redeployed more flexibly than they are the moment, including on administrative efficiencies – and ultimately, possibly, complete departmental-style single settlement funding.
- 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. Legally, the Combined Authority can approve allowances lower than the IRP sets, but not more.

- 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 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.
- 7.3 Scrutiny committees are not decision-making committees and may only make recommendations to decision-makers. The Combined Authority decides all governance matters including scrutiny arrangements and procedures, within statutory limits.
- 7.4 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 meetings in May 2024.
- 7.5 It is expected that from late March 2024, there will be 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.
- 7.6 In accordance with the voting arrangements of the Combined Authority, all Combined Authority members may vote on this item with the exception of the Non-Constituent Council Combined Authority Member.

8. Staffing Implications

- 8.1 There are no staffing implications directly arising from this report, but greater scrutiny activity in both quantitative and qualitative terms is likely to require greater direct and indirect staff resource to facilitate the establishment of changes in practice and operation together with a level of cultural change to embed new ways of working.

8.2 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 meetings, 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.

8.3 The Scrutiny Protocol and the Scrutiny Members' 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 Combined Authority considers and provides initial feedback on the Scrutiny Members' recommendations as set out in the report at Appendix 1 and requests officers to progress the more detailed recommended changes to scrutiny arrangements and bring forward a subsequent report to the Combined Authority identifying proposed activity to be introduced over the next 12 months in the first instance.

10.2 That the Combined Authority agrees to adopt a Scrutiny Protocol compliant single committee scrutiny structure as the proposed model for Scrutiny from the 2024/25 municipal year to be confirmed at the June 2024 annual meeting following assessment by the Independent Remuneration Panel.

10.3 That the Independent Remuneration Panel established by the Combined Authority at its 1 February 2024 meeting be convened to assess member allowances according to the role profiles and committee structure outlined in the draft Scrutiny Vision or as alternatively advised by Members.

11. Background Documents

Background documents are listed within the Scrutiny Members' report at Appendix 1.

12. Appendices

Appendix 1 [Scrutiny Protocol Review Members' Report](#)

Appendix 2 [Draft Proposed Scrutiny Vision 2028 and Scrutiny Plan 2024-2028](#)