

**Report to:** Overview and Scrutiny Committee

**Date:** 18 January 2019

**Subject:** **Scrutiny work programme**

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**Director(s):** Angela Taylor, Director of Resources

**Author(s):** Khaled Berroum, Scrutiny Officer

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## **1. Purpose of this report**

- 1.1 To consider the Scrutiny work programme including future agenda items, formal referrals to scrutiny, reviews, call in, matters to raise at the next Combined Authority meeting and any other tasks, issues or matters the Committee resolves to undertake or consider further.

## **2. Information**

- 2.1 The Scrutiny work programme details the planned work the Overview and Scrutiny Committee has resolved to undertake, investigate further and focus on in the current municipal year (July 2018 – June 2019) within the resources, remit and powers available to it. The work programme is considered at each meeting and can be amended and changed as the year progresses.

### **Referrals**

- 2.2 Under Scrutiny Standing Order 9, any Member of the Overview and Scrutiny Committee, the Combined Authority or an elected Member of a West Yorkshire council or the City of York Council may formally refer a matter to the Committee for consideration. The referral must be in writing to the Scrutiny Officer. The Committee must then consider and discuss the referral and respond to the referrer explaining whether or not it will consider the matter further and why.
- 2.3 No formal referrals have been made in writing under Scrutiny Standing Order 9 for the Overview and Scrutiny Committee to consider at this meeting.

### **Reviews**

- 2.4 On 13 July 2018, the Overview and Scrutiny Committee directed the Scrutiny Officer to begin a **review of current scrutiny arrangements**. The review was

deferred until new statutory scrutiny guidance was published by the government. Further information on developments on the publication of new guidance is outlined below.

- 2.5 There are no other reviews ongoing at this time.

### **Publication of statutory scrutiny guidance delayed**

- 2.6 Although the government informed the Communities and Local Government Select Committee that new national statutory scrutiny guidance would be published by the end of 2018, as of the production and publication of this report, the guidance has not yet been made public.
- 2.7 The Centre for Public Scrutiny, which was tasked by the government to produce parts of the guidance, understands that the text has been finalised, but there still remains the process of cross-Government review and signoff. It is unknown if that process has commenced and it is also understood that large numbers of civil servants have been reassigned from usual duties to support planning for the exit from the European Union<sup>1</sup>.
- 2.8 The Scrutiny Officer shall inform Members when the guidance has been published.

### **Agenda forward plan 2018/19**

- 2.9 At the last meeting (16 November 2018), the Committee noted the agreed agenda forward plan for the rest of the meetings in the 2018/19 municipal year. A summary of the current work programme is outlined in **Appendix 1**, with any proposed changes highlighted in yellow.
- 2.10 It is recommended that after the government publishes new scrutiny guidance, the Committee receive and discuss a report at the **22 March 2019** meeting proposing a series of changes to current scrutiny arrangements to improve the robustness of Combined Authority and LEP scrutiny and to ensure the Combined Authority is compliant with the statutory government guidance and good practice nationally.
- 2.11 It is also proposed that a series of workshop sessions involving all members be arranged between January and March 2019 to allow Members to discuss the guidance and shape the final proposals regarding new scrutiny arrangements. The Committee previously expressed support for arranging informal workshops on reforming scrutiny arrangements at its 14 September 2018 meeting<sup>2</sup>.
- 2.12 At its last meeting, the Committee also agreed to receive reports on a number of issues which are listed in the shortlist table in **Appendix 1**.

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<sup>1</sup> <https://www.cfps.org.uk/scrutiny-guidance-update/>

<sup>2</sup> Minutes, Overview and Scrutiny Committee (14 September 2018) : <https://westyorkshire.moderngov.co.uk/ieListDocuments.aspx?CId=135&MIId=723&Ver=4>

- 2.13 The Committee is recommended to specify any particular focuses or information that reports from officers should contain for the items due for consideration at the **22 March 2019** meeting and any future meetings.

### **Working groups**

- 2.14 Under Scrutiny Standing Order 7, the Overview and Scrutiny Committee may appoint working groups to consider matters more closely or fulfil 'tasks'.
- 2.15 At its last meeting, during the work programme item, the Committee resolved to allow working groups to revise scope as developments arise.
- 2.16 The report for the Assurance Framework (Item 8) agenda item of this meeting contains the LEP scrutiny working group's conclusions to the main Committee from its meetings in November and December 2018.
- 2.17 At its last meeting, the Committee also agreed in principle to explore the possibility of establishing a new working group or sub-committee to more closely scrutinise projects within the framework of the Combined Authority / LEP's assurance process. This will be considered as part of the wider report proposing changes to scrutiny arrangements to be presented to a future meeting.
- 2.18 The Transport scrutiny working group is currently preparing a summary of conclusions arising from its meetings in late 2018 to be presented to the next Committee meeting on **22 March 2019** within the transport item.

### **Key decisions and call in**

- 2.19 Members of the Overview and Scrutiny Committee may call in any decision of the Combined Authority or Transport Committee and any key decisions taken by an officer (with the exception of urgent decisions). Key decisions are defined as any decision incurring a financial cost or saving of £1 million or more, or a decision likely to have a significant effect on two or more wards.
- 2.20 Decision makers have two days to publish notice of a decision, at which point scrutiny members have five working days to call in the decision, delaying its implementation, and formally requiring the decision maker to reconsider.
- 2.21 Five members of the Overview and Scrutiny Committee – including at least one member from two different constituent councils (West Yorkshire) – may call-in a decision by notifying the Scrutiny Officer in writing by 4.00 pm on the fifth working day following publication. The Committee then has 14 days to scrutinise the decision and make recommendations. Further information is set out in Scrutiny Standing Order 13.
- 2.22 As outlined in the report for Item 5 of this meeting's agenda ("Governance changes"), key decision and call-in provisions have been extended to the Combined Authority's Investment Committee, as of 13 December 2018.

- 2.23 The latest key decisions and forward plans of key decisions are published on the [key decisions section of the Combined Authority's website](#).

### **Matters to raise at the Combined Authority budget meeting on 14 February 2019**

- 2.24 The Chair of the Overview and Scrutiny Committee has a standing invite to meetings of the Combined Authority as a (non-voting) observer in order to raise any scrutiny matters and convey any feedback from scrutiny members to the Combined Authority.
- 2.25 The Combined Authority's agenda forward plan is summarised in **Appendix 1**.
- 2.26 [Minutes and agendas from past meetings](#) of the Combined Authority can be accessed on the Combined Authority's website.

### **Actions for the Scrutiny Officer**

- 2.27 As outlined in Scrutiny Standing Order 15, the statutory scrutiny officer provides support to the Overview and Scrutiny Committee's work programme and all of its members in exercising their duties and fulfilling their objectives.
- 2.28 A list of outstanding actions is included in the work programme summary attached at **Appendix 1**.

## **3. Financial Implications**

- 3.1 There are no financial implications directly arising from this report.

## **4. Legal Implications**

- 4.1 There are no legal implications directly arising from this report.

## **5. Staffing Implications**

- 5.1 There are no staffing implications directly arising from this report.

## **6. External Consultees**

- 6.1 No external consultations have been undertaken.

## **7. Recommendations**

- 7.1 That the agenda forward plan and scrutiny work programme for the 2018/19 municipal year as outlined in **Appendix 1** be noted or amended.
- 7.2 That any areas of focus or information in reports being submitted to future committee meetings be considered and requested.

- 7.3 That, following the publication of statutory scrutiny guidance by the government, a report detailing proposals for improving current scrutiny arrangements and ensuring the Combined Authority is compliant is submitted to the 22 March 2019 meeting.
- 7.4 That, following the publication of statutory scrutiny guidance by the government, a series of workshops involving all interested members be arranged between January and March 2019 to consider and discuss changes to scrutiny arrangements and ensuring compliance with new statutory scrutiny guidance.
- 7.5 That any other actions and decisions relating to the work programme be agreed.

## **8. Background Documents**

[Scrutiny Standing Orders](#) (amended on 3 January 2019) – West Yorkshire Combined Authority.

[Past Combined Authority meeting agendas and minutes.](#)

Key decision forward plans for the Combined Authority [can be found here.](#)

## **9. Appendices**

Appendix 1 – Scrutiny Work Programme Summary (18 January 2019)