

**Report to:** Overview and Scrutiny Committee

**Date:** 24 May 2019

**Subject:** **Scrutiny Work Programme 2018/19**

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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 (June 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 any 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.

## Scrutiny Reviews

### Statutory Scrutiny Guidance

- 2.4 On 13 July 2018, the Overview and Scrutiny Committee expressed an intention to begin a review of current scrutiny arrangements. The Committee suggested a particular focus on the following areas:
- Resources and capacity
  - Governance and working group arrangements
  - Strategic work planning
  - Public involvement in scrutiny
  - Methods of scrutiny (Eg 'scrutiny in the community' site visits)
  - Involvement of external experts and stakeholders
- 2.5 This review was deferred until such a time that new statutory scrutiny guidance was issued by the government. The publication of the new scrutiny guidance was delayed by national political developments in late 2018 / early 2019 but has now been published as outlined in 2.8 below.
- 2.6 On 18 January 2019, the Committee agreed that, following the publication of the statutory scrutiny guidance by the government, a series of workshops involving all interested Members be arranged to consider and discuss the changes to scrutiny arrangements and ensuring compliance with new statutory scrutiny guidance.
- 2.7 On 25 April 2019, the Combined Authority noted and expressed its support for the Committee's intention to review current scrutiny arrangements to ensure scrutiny arrangements are in line with best practice nationally and to ensure compliance with the guidance.
- 2.8 The government's '[Overview and scrutiny: statutory guidance for councils and combined authorities](#)'<sup>1</sup> was published on 7 May 2019 and is attached as **Appendix 3** for information. The guidance was a response to the recommendations made by the House of Commons' Communities and Local Government Committee in a 2017 report entitled '[Effectiveness of local authority overview and scrutiny committees](#)'.
- 2.9 The guidance covers the following principal areas, which largely correspond with the Committee's suggested focuses for reviewing scrutiny earlier this municipal year:
- Culture and mind-set
  - Resourcing for scrutiny
  - Selecting committee members
  - Power to access information
  - Work planning and engaging with the public
  - Evidence sessions

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<sup>1</sup> <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

- 2.10 The new scrutiny guidance explicitly applies to combined authorities for the first time and was issued under relevant legislation. Combined authorities are obligated to have regard to guidance in the way that they work and the decisions they make and any combined authority subject to the guidance must have a clear justifiable reason for departing from it.
- 2.11 The Centre for Public Scrutiny (CfPS) also intends to publish a longer and revised version of their 'Good Scrutiny Guide'<sup>2</sup> to take into account the new guidance and reflect changes in best practice since the last set of good practice guides were released – particularly for combined authorities.
- 2.12 The CfPS has also pledged to liaise closely with combined authorities through the existing Combined Authorities Governance Network (CAGN) and Local Government Association (LGA) to understand what changes combined authorities might make as a result of the new guidance.
- 2.13 There are no other reviews ongoing at this time.

### **Scrutiny agenda forward plan 2018/19**

- 2.14 A summary of the current work programme is outlined in **Appendix 1**. Changes are outlined below.
- 2.15 Provisional committee meeting dates for the 2019/20 municipal year are as follows. The meeting dates will be confirmed at the Combined Authority Annual Meeting on 27 June 2019.
- 12 July 2019
  - 13 September 2019
  - 15 November 2019
  - 17 January 2020
  - 20 March 2020
  - 22 May 2020
- 2.16 At the previous meeting (22 March 2019), members suggested that work programming for 2019/20 take place in a workshop format to give members more time and information to consider the Combined Authority's forward plan of work and other supporting documentation. Possible options for this include:
- 1) Holding a workshop on 28 June 2019 at 11.00 am (or 2.00 pm).  
  
(This would allow for the resultant work programme to be discussed and formally approved at the first formal committee meeting of the new municipal year on 12 July 2019.)
  - 2) Cancelling the scheduled committee meeting at 11.00 am on 12 July 2019 and replacing it with a workshop.

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<sup>2</sup> <https://www.cfps.org.uk/scrutiny-statutory-guidance-published-today/>

- 3) Holding the workshop at 11.00 am, followed by a formal committee meeting in the afternoon.
- 4) Holding the formal committee meeting at 11.00 am, followed by a workshop in the afternoon.

### **Scrutiny working groups**

- 2.17 Under Scrutiny Standing Order 7, the Overview and Scrutiny Committee may appoint working groups to consider matters more closely, fulfil 'tasks' and otherwise inform the scrutiny process.
- 2.18 The Annual Scrutiny Report 2018/19 (Item 7 on this meeting's agenda) includes the conclusions and work undertaken by the LEP and Transport scrutiny working groups this year.

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

- 2.19 Members of the Overview and Scrutiny Committee may call in any decision of the Combined Authority, a decision-making 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 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 meeting on 25 April 2019**

- 2.23 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.
- 2.24 A summary of the Combined Authority's draft agenda forward plan is outlined in **Appendix 1**.
- 2.25 The next Combined Authority meeting will take place on 27 June 2019 and is the Annual Meeting of the 2019/20 municipal year which will appoint all the

members of all committees, as nominated by constituent councils, and approve the Combined Authority's constitutional governance documents.

- 2.26 [Minutes and agendas from past meetings](#)<sup>3</sup> of the Combined Authority can be accessed on the Combined Authority's website. Agendas and reports for future meetings will also be published there.

### **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 scrutiny duties and fulfilling their objectives.

### **Scrutiny membership arrangements**

- 2.28 Scrutiny Standing Order 2.1 states that any changes in the membership, or substitution arrangements for any existing member, of the Overview and Scrutiny Committee must be formally ratified at a meeting of the Combined Authority – and only after a formal nomination from a local authority is received by the Monitoring Officer of the Combined Authority.
- 2.29 Scrutiny Standing Order 2.4 states that a substitute may only act in the absence of a member for whom they are the designated substitute and where that member will be absent for the whole of the meeting.
- 2.30 Following the local elections on 2 May 2019 since the last committee meeting, the following are no longer members of the Overview and Scrutiny Committee, leaving vacancies:
- Cllr Glen Burton, Wakefield
  - Cllr Helen Douglas, York
  - Cllr Tina Funnell, York
  - Cllr Sam Lisle, York (substitute)
  - Cllr Marielle O'Neill, Kirklees
  - Cllr Ann Reid, York (substitute)
- 2.31 A current list of members, their designated substitutes and current vacancies is attached at **Appendix 2**.
- 2.32 Local authorities will nominate Overview and Scrutiny Committee members for the coming 2019/20 municipal year at their own annual councils throughout May 2019. These nominations will be ratified at the Combined Authority's annual meeting on 27 June 2019.

## **3. Financial Implications**

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

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<sup>3</sup> <https://westyorkshire.moderngov.co.uk/ieListMeetings.aspx?CommitteeId=133>

#### **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 one of the options regarding the workshop for 2019/20 work programming outlined in **2.16** be chosen or an alternative option be identified and agreed.

7.3 That the provisional 2019/20 municipal year committee dates outlined in **2.15** be noted.

7.4 That the changes in membership and substitute arrangements following the local elections outlined in **2.30** and appended to this report be noted.

7.5 That the 'Overview and scrutiny: statutory guidance for councils and combined authorities' issued by the government appended to this report be noted.

7.6 That any other actions and decisions relating to the work programme be agreed.

#### **8. Background Documents**

[Scrutiny Standing Orders](#) – West Yorkshire Combined Authority.

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

Forward Plan of Key Decisions for the Combined Authority [can be found here](#).

['Effectiveness of local authority overview and scrutiny committees' – first report of the Communities and Local Government Committee in the Session 2017-19 \(15 December 2017\)](#).

[Government Response to the Committee's First Report of 2017-19 \(6 March 2018\)](#).

[‘Overview and scrutiny: statutory guidance for councils and combined authorities’](#) (7 May 2019, Ministry of Housing, Communities and Local Government)

## **9. Appendices**

Appendix 1 – Scrutiny Work Programme Summary (24 May 2019)

Appendix 2 – Membership following 2019 local elections (as of 16 May 2018)

Appendix 3 – ‘Overview and scrutiny: statutory guidance for councils and combined authorities’