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**Report to:** Leeds City Region Enterprise Partnership Board (LEP Board)

**Date:** 6 June 2019

**Subject:** **Scrutiny Annual Report 2018/19 and Statutory Guidance**

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## 1. Purpose of this report

- 1.1 To present the LEP Board with the scrutiny annual report which provides a summary and highlights of the work undertaken by the Overview and Scrutiny Committee during the 2018/19 municipal year.
- 1.2 To inform the LEP Board of new statutory scrutiny guidance issued by the government in May 2019 and the Combined Authority's intention to review current scrutiny arrangements to ensure they are compliant with the new statutory guidance and in line with best practice in scrutiny nationally.

## 2. Information

### Scrutiny Annual Report 2018/19

- 2.1 Earlier this year the Overview and Scrutiny Committee agreed to produce an annual report summarising the work it undertook this year. The scrutiny annual report will also be tabled for discussion at the Combined Authority's annual meeting on 27 June 2019.
- 2.2 The Scrutiny Annual Report 2018/19 is appended as **Appendix 1**. The final annual report will also be designed and published on the Combined Authority website.

### Statutory scrutiny guidance and review of scrutiny arrangements

- 2.3 On 15 December 2017 the House of Commons' Communities and Local Government Committee published a report entitled '[Effectiveness of local authority overview and scrutiny committees](#)'<sup>1</sup> concluding an investigation into scrutiny nationwide and making recommendations to the government.

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<sup>1</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/369/369.pdf>

- 2.4 The [government responded in March 2018<sup>2</sup>](#) accepting most of the recommendations and pledging to issue new, updated scrutiny guidance to local authorities (last issued in 2006) by the end of 2018.
- 2.5 Consequently, the Overview and Scrutiny Committee agreed<sup>3</sup> that as the Combined Authority and LEP have changed noticeably in the last four years, and now that a dedicated statutory scrutiny officer was appointed, the time was right to revisit and conduct a review of scrutiny arrangements and their effectiveness – with 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
- 2.6 The publication of the new scrutiny guidance was delayed by national political developments in late 2018 but was ultimately issued as '[Overview and scrutiny: statutory guidance for councils and combined authorities<sup>4</sup>](#)' on 7 May 2019 by the Ministry of Housing, Communities and Local Government (MHCLG).
- 2.7 The guidance covers the following principal areas, which largely correspond with the areas the Overview and Scrutiny Committee identified as focuses for reviewing scrutiny earlier this year:
- Culture and mind-set
  - Resourcing for scrutiny
  - Selecting committee members
  - Power to access information
  - Work planning and engaging with the public
  - Evidence sessions
- 2.8 The new 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. Scrutiny Standing Order 14 also obligates the Overview and Scrutiny Committee and the Combined Authority to have regard to any guidance issued by the Secretary of State.
- 2.9 The Centre for Public Scrutiny (CfPS) also intends to publish a longer and revised version of their 'Good Scrutiny Guide'<sup>5</sup> to take into account the new

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<sup>2</sup> <https://www.parliament.uk/documents/commons-committees/communities-and-local-government/2017-19-Correspondence/Government-Response-to-the-Communities-and-Local-Government-Committee-First-Report-on-the-effectiveness-of-local-authority-overview-and-scrutiny-committees.pdf>

<sup>3</sup> Minute 5, 13 July 2018 – Overview and Scrutiny Committee

<sup>4</sup> <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

<sup>5</sup> <https://www.cfps.org.uk/scrutiny-statutory-guidance-published-today/>

guidance and reflect changes in best practice since the last set of good practice guides were released – particularly for combined authorities.

- 2.10 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.
- 2.11 Following the publication of guidance, a series of workshops with scrutiny members will be arranged to discuss the contents of the guidance and the CfPS's planned refreshed 'good scrutiny guide' and make recommendations to the Overview and Scrutiny Committee, Combined Authority, the LEP and partner authorities as appropriate.
- 2.12 The Overview and Scrutiny Committee has already progressed some reforms to scrutiny arrangements this year as outlined in the annual report (**Appendix 1**) and intends to build upon them in the coming year and the LEP Board will be kept updated as the review progresses.

### **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 LEP Board notes the appended annual report summarising the work undertaken by the Overview and Scrutiny Committee in 2018/19 and provides any comments.
- 7.2 That the LEP Board notes and supports the intention to review the Combined Authority's current scrutiny arrangements to ensure scrutiny arrangements are compliant with new statutory guidance and are in line with best practice in scrutiny nationally.

## **8. Background Documents**

['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 Annual Report 2018/19