

Report to: Transport Committee

Date: 5 July 2019

Subject: **Scrutiny Annual Report 2018/19 and statutory guidance**

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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:	N/A

1. Purpose of this report

- 1.1 To present the Transport Committee 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 update the Transport Committee on new statutory scrutiny guidance issued by the government in May 2019 since the last meeting.

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.
- 2.2 The Scrutiny Annual Report 2018/19 is appended as **Appendix 1** and will be published on the Combined Authority website.

Statutory scrutiny guidance and review of scrutiny arrangements

- 2.3 At its 25 April 2019 meeting the Combined Authority expressed support for the intention to review the scrutiny arrangements to ensure they are in line with best practice nationally and to ensure compliance with expected new statutory scrutiny guidance.
- 2.4 That guidance has now been published as '[Overview and scrutiny: statutory guidance for councils and combined authorities](#)'¹ on 7 May 2019 and is attached as **Appendix 2**. The guidance was the government's 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](#)'.
- 2.5 The guidance covers the following principal areas, which largely correspond with the areas the Overview and Scrutiny Committee identified as focuses for reviewing scrutiny in the last 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
- 2.6 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.
- 2.7 The Centre for Public Scrutiny (CfPS) also intends to publish a longer and revised version of their 'Good Scrutiny Guide'² 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.
- 2.8 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.
- 2.9 A series of workshops with scrutiny members will now 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.

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

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

- 2.10 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. The Transport Committee 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 Transport Committee notes the appended annual report summarising the work undertaken by the Overview and Scrutiny Committee in 2018/19 and provide any comments.
- 7.2 That the Transport Committee notes the new statutory scrutiny guidance issued by the government and the next steps.

8. Background Documents

Report: [Item 10 Corporate Matters](#) – West Yorkshire Combined Authority. 25 April 2019.

[‘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