



Overview & Scrutiny Committee

Date: Monday 15 July 2019

Time: 10.00 am **Public meeting** Yes

Venue: Room 116, 16 Summer Lane, Birmingham, B19 3SD

Membership

Councillor Cathy Bayton
Councillor Ahmad Bostan
Councillor Richard Brown
Paul Brown
Councillor Dean Carroll
Councillor Mike Chalk

Councillor Brian Douglas-Maul
Councillor Peter Fowler
Councillor Lynnette Kelly
Councillor Angus Lees
Mike Lyons

Councillor Dr. Simon People
Councillor Lucy Seymour-Smith
Councillor Stephen Simkins
Councillor Paul Sweet
Councillor Lisa Trickett
Councillor Kate Wild
Sarah Windrum

Dudley Metropolitan Borough Council
Sandwell Metropolitan Borough Council
Coventry City Council
Black Country Local Enterprise Partnership
Shropshire Non-Constituent Local Authorities
Worcestershire Non-Constituent Local Authorities
Walsall Metropolitan Borough Council
Birmingham City Council
Coventry and Solihull Local Authorities
Association of Black Country Authorities
Greater Birmingham & Solihull Local Enterprise Partnership
Staffordshire Non-Constituent Local Authorities
Birmingham City Council
Association of Black Country Authorities
City of Wolverhampton Council
Birmingham City Council
Solihull Metropolitan Borough Council
Coventry & Warwickshire Local Enterprise Partnership

Quorum for this meeting shall be 13 members

If you have any queries about this meeting, please contact:

Contact Tanya Patel, Governance Services Officer
Telephone 0121 214 7689
Email Tanya.Patel@wmca.org.uk

AGENDA

| No. | Item | Presenting | Pages |
|-------------------------------|---|------------|---------------|
| Meeting Business Items | | | |
| 1. | Election of Chair for the Meeting To appoint a Chair of the committee for this meeting. The appointment of the Chair for the remainder of 2019/20 will be made at the WMCA Board on 26 July. | Tim Martin | None |
| 2. | Apologies for Absence | Chair | None |
| 3. | Declarations of Interests Members are reminded of the need to declare any disclosable pecuniary interests they have in an item being discussed during the course of the meeting. In addition, the receipt of any gift or hospitality should be declared where the value of it was thought to have exceeded £25 (gifts) or £40 (hospitality). | Chair | None |
| 4. | Appointment of Vice-Chairs | Chair | None |
| 5. | Minutes - 12 April 2019 | Chair | 1 - 6 |
| 6. | Schedule of Meetings 2019/20 <ul style="list-style-type: none"> • 2 September 2019 (to be held at the City of Wolverhampton Council) • 22 October 2019 • 17 December 2019 • 21 January 2020 • 9 March 2020 | Chair | None |
| 7. | Developing Overview & Scrutiny within the WMCA <ul style="list-style-type: none"> a. Ministry of Housing, Communities & Local Government - New Statutory Guidance on Overview & Scrutiny in Local and Combined Authorities b. Centre for Public Scrutiny Review (presentation from Ian Parry, Centre for Public Scrutiny) c. Overview & Scrutiny Annual Report 2018/19 d. Scrutiny Protocol | Tim Martin | 7 - 66 |
| 8. | Potential Areas of Interest for Scrutiny | Chair | Verbal Report |

| | | | |
|-----------------------------|--|-----------------------|---------|
| 9. | Developing Service User and Citizen Engagement within the WMCA Thrive Programmes | Fiona Bottrill | 67 - 72 |
| 10. | Conclusions of the Mayor's Bus Franchising Task & Finish Group | Councillor Angus Lees | 73 - 78 |
| 11. | Forward Plan <ul style="list-style-type: none"> • WMCA Board • Overview & Scrutiny Committee | Chair | 79 - 88 |
| Date of Next Meeting | | | |
| 12. | Monday 2 September 2019 at 10.00am | Chair | None |

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West Midlands Combined Authority

Overview & Scrutiny Committee

Friday 12 April 2019 at 10.00 am

Minutes

Present

| | |
|---------------------------------------|---|
| Councillor Peter Hughes (Chair) | Sandwell Metropolitan Borough Council |
| Councillor Cathy Bayton | Dudley Metropolitan Borough Council |
| Councillor Tariq Khan | Coventry City Council |
| Councillor Angus Lees | Dudley, Sandwell, Walsall and Wolverhampton Councils |
| Councillor Ian Shires (Vice-Chair) | Dudley, Sandwell, Walsall and Wolverhampton Councils |
| Councillor Joe Tildesley | Solihull Metropolitan Borough Council |
| Councillor Lisa Trickett (Vice-Chair) | Birmingham City Council |
| Sarah Windrum | Coventry & Warwickshire Local Enterprise Partnership |

In Attendance

| | |
|--------------------------|--|
| Councillor Daniel Barker | Dudley, Sandwell, Walsall and Wolverhampton Councils |
| Councillor Tony Johnson | Cannock, Tamworth Councils |
| Councillor Kath Hartley | Chair of Transport Delivery Committee |
| Parveen Rai | Coventry & Warwickshire Local Enterprise Partnership |
| Ian Parry | Centre for Public Scrutiny |
| Councillor Lisa Smart | Stockport Metropolitan Borough Council |
| Sean Russell | Implementation Director Mental Health, Wellbeing and Radical Prevention |
| Councillor Izzi Seccombe | Chair of Health & Wellbeing Board |

Item Title No.

56. Apologies for Absence

Apologies for absence were received from Councillor Dean Carroll (Shropshire Non-Constituent authorities), Councillor Stuart Davis (joint Coventry/Solihull representative), Councillor Peter Fowler (Birmingham City Council), Councillor Josh Jones (Birmingham City Council), Councillor Stephen Simkins (City of Wolverhampton Council) and Councillor Vera Waters (Walsall Metropolitan Borough Council).

57. Inquorate Meeting

In accordance with the WMCA's constitution, the meeting was inquorate. The recommendations contained within the minutes would be submitted to the WMCA Board on 24 May 2019 for formal approval and adoption.

58. Minutes of the meeting held on 25 February 2019

The Chair raised the following points:

- The 2019/20 budget included additional resources for scrutiny and the Monitoring Officer informed the committee that work was being undertaken on the recruitment process and that he would keep both the Chair and committee updated in due course.
- It was agreed at the WMCA Board on 22 March 2019 that the proposed transfer of West Midlands Police & Crime Commissioner function would not now continue.
- The Interim Director of Finance and Monitoring Officer were to ensure that Overview & Scrutiny Committee was included in the 2020/21 budget process in a timely manner.
- A response had been received from the Managing Director of Transport for West Midlands in relation to the conclusions/recommendations of the Bilston Road Task & Finish Group.

Resolved:

The minutes of the meeting held on the 25 February 2019 were confirmed as a correct record.

59. Health & Wellbeing - Progress Update

The committee received an update from Councillor Izzi Secombe, Portfolio Lead for Health & Wellbeing, and the Director of Implementation. The update included work to implement the recommendations of the Mental Health Commission, funding and resources obtained, and the 2018/19 health & wellbeing priorities. The activity focus for the health & wellbeing portfolio area included employment and skills, housing first, criminal justice, developing the wider care agenda and community capacity building.

The Director of Implementation highlighted the links between the commitment of key organisations from across the West Midlands to improving the mental health and wellbeing of people with the region and the need to adopt those principles to deliver a good approach for the region's cities and localities.

Councillor Ian Shires highlighted the need to ensure that the limited resources against this portfolio area were targeted towards the areas of need, as well as cascading the work being undertaken by the WMCA to local authorities to be able to influence and engage with them. Councillor Cathy Bayton suggested that a similar process was mirrored by WMCA that was used in Dudley, where health & wellbeing was embedded into every decision making process. Sarah Windrum requested that work be undertaken with the Federation of Small Businesses and the region's Chambers of Commerce to ensure the work programme was more business friendly. Councillor Peter Hughes requested that an update was provided to committee on the Housing First Programme.

Councillor Peter Hughes thanked both the Portfolio Lead and Director of Implementation for attending and presenting an update, and felt that good work had been made in this area.

It was recommended to the WMCA Board that:

- (1) The comments of the committee be noted.

[NB: Councillor Cathy Bayton declared a personal interest in this item.]

60. Scrutiny Working Group Review - Adult Education Budget

The committee considered a report on the conclusions of the Adult Education Budget scrutiny review. The review was led by Councillor Lisa Trickett, Chair of the Productivity & Skills and Inclusive Growth Working Group, and Councillor Joe Tildesley. Various meetings were held with Overview & Scrutiny Committee members from each of the seven constituent local authorities, joined by their Cabinet Member for Education & Skills.

The scrutiny review presented the following recommendations:

Recommendation 1

Through the commissioning process, WMCA should ensure that:

- (a) all providers in receipt of Adult Education Budget funding demonstrate an understanding of the communities that they were delivering to;
- (b) all providers in receipt of Adult Education Budget funding demonstrate a commitment to collaborate with other providers and the local authority to deliver the best service for communities;
- (c) the potential for duplication of activity was limited;
- (d) there was a reduction in the number of providers operating in the region; and
- (e) providers funded through Adult Education Budget funding should demonstrate links with local communities and local employers wherever possible.

Recommendation 2

- (a) WMCA to develop a method of tracking learner destinations in relation to Adult Education Budget funding in order to demonstrate the impact of devolution, and that this methodology should include the voice of the learner; and
- (b) WMCA to set clear, measurable targets to demonstrate the impact of Adult Education Budget funding.

Recommendation 3

- (a) Adult Education Budget funding should be deployed as part of a pathway into employment, with its role in relation to other funding streams and programmes clearly identified.
- (b) Further work be undertaken to identify measures to be put in place that demonstrated how the Adult Education Budget was used to support pathways into employment and further learning.

Recommendation 4

- (a) WMCA should increase the amount of provision delivered in priority skills sectors, as identified within the Regional Skills Plans; and
- (b) WMCA should ensure that all Adult Education Budget-funded employability courses added value to an individual's journey into employment.

Recommendation 5

WMCA to work with local authorities to understand the potential role of the Adult Education Budget in supporting learners with additional needs and in shaping provision to respond to this.

Recommendation 6

WMCA to consider how the distribution of Adult Education Budget funding could be adjusted over time to better align with patterns of need across the region.

Recommendation 7

- (a) WMCA to consider how the Adult Education Budget could be used to address these barriers, particularly through the innovation strand of its commissioning approach; and
- (b) WMCA to explore how other sources of funding (e.g. travel subsidies) could be connected with Adult Education Budget funded provision to support learners to access courses.

Recommendation 8

Adult Education Budget-funded 'English for Speakers of Other Languages' provision to develop a contextual element, so that residents were supported to develop the vocabulary required to enter employment in priority skills areas.

It was recommended to the WMCA Board that:

- (1) The recommendations of the Adult Education Budget scrutiny review be approved for considered by the Skills Advisory Board.

- (2) That all participants in the review be given an opportunity to comment and feed in any additional thoughts prior to consideration by the Skills Advisory Board, subject to agreement of the Chair.

61. Black Country Place Based Fund - Briefing

The committee received a presentation on the Black Country Place Based Pilot from the Physical Activity Policy & Delivery Lead. It was noted that the Black Country Consortium had received £150,000 to develop an in-depth understanding within the Black Country of barriers and challenges to take part in physical activity, and that a collaborative approach would be taken alongside local authorities to use this insight to inform delivery.

62. Constitution and Governance Review Progress and Update on PCC and Fire Governance Proposals

The committee received an update from the Head of Governance on the progress made in the review of the constitution and review of governance within the WMCA. A position statement on the stage reached in regards to proposals for the transfer of Police & Crime Commissioner and Fire Authority governance following the WMCA Board on 22 March 2019 was also provided.

It was recommended to the WMCA Board that:

- (1) The information contained in the report and the position regarding Police & Crime Commissioner and fire governance proposals be noted.

63. Draft Overview & Scrutiny Committee Annual Report 2018/19

The committee considered a tabled draft of the Overview & Scrutiny Committee Annual Report 2018/19.

Councillor Cathy Bayton highlighted that the Annual Report needed to reflect the need for adequate resourcing to allow scrutiny to function effectively, and suggested that local authorities should also take in to account diversity considerations when determining their representative on the committee. Sarah Windrum requested that the role of the LEP representation on committee be clearly defined. Councillor Joe Tildesley suggested that meetings of this committee in the forthcoming year be held around the constituent authorities and not at the same location.

Members were to provide the Scrutiny Officer with another suggested comments or feedback, and it was agreed that final sign-off would be sought from the Chair and Vice-Chairs, with a view of being presented at WMCA Board on 28 June 2019.

64. Review of 2018/19 Scrutiny Review Work - Working Groups, Scrutiny Champions, Task & Finish Groups

The committee considered a report on the developments and progress in relation to the work of the five working groups, the Scrutiny Champions and the task & finish groups.

It was noted that the progression of the 'Leaders Like You' task & finish group would commence in the new municipal year.

It was recommended to the WMCA Board that:

- (1) The progress made during 2018/19 in respect of the working groups, task & finish groups and Scrutiny Champions be noted.

65. Forward Plans

The committee considered and noted the items to be considered by the following committees / boards:

- WMCA Board
- Audit, Risk & Assurance Committee
- Environment Board
- Investment Board
- Overview & Scrutiny Committee
- Public Service Reform Board
- Transport Delivery Committee

The committee requested timescales to be provided regarding the implementation of the Housing & Land Delivery Board and Health & Wellbeing Board forward plans.

It was also requested at future meetings an update on the Adult Education Budget 'English for Speakers of Other Languages' review and the constitution was provided to committee.

It was recommended to the WMCA Board that:

- (1) Items on the Overview & Scrutiny Committee forward plan be noted.

66. Date of Next Meeting

To be advised following the WMCA Board AGM on 28 June 2019.

The meeting ended at 1.00 pm.



Overview & Scrutiny Committee

| | |
|------------------------------------|---|
| Date | 15 July 2019 |
| Report title | Developing Overview & Scrutiny within the Combined Authority |
| Accountable Chief Executive | Deborah Cadman, West Midlands Combined Authority Email: deborah.cadman@wmca.org.uk Tel: 0121 214 7200 |
| Accountable Employee | Tim Martin, Head of Governance email: Tim.Martin@wmca.org.uk tel: (0121) 214 7435 |

Recommendation(s) for decision:

Overview & Scrutiny Committee is recommended to:

- (1) Note the Statutory Guidance on Overview & Scrutiny in Local and Combined Authorities published by the Ministry of Housing Communities & Local Government. Attached as appendix A.
- (2) Review the summary of findings and recommendations presented by the Centre for Public Scrutiny on the West Midlands Combined Authority's scrutiny function, and consider the action to be taken to further improve and develop scrutiny within the West Midlands Combined Authority.
- (3) Note the Overview & Scrutiny Annual Report 2018/19, which is intended to set out clearly and succinctly the work of the committee over the last 12 months. Attached as appendix B.
- (4) Agree the West Midlands Combined Authority Scrutiny protocol that has been developed, prior to its submission to the WMCA Board for adoption. Attached as appendix C.
- (5) Note the progress being made in the development of an Overview & Scrutiny Guidebook.

Purpose

1. To inform members on the new statutory guidance on Overview and Scrutiny in Local and Combined Authorities that was published by the Ministry of Housing & Communities Local Government in May 2019, and to provide an update on the work being undertaken to further develop the scrutiny function within the West Midlands Combined Authority, including the findings of a review undertaken by the Centre for Public Scrutiny on the scrutiny function within the WMCA.

Background

2. The Communities & Local Government Select Committee published its report on the Effectiveness of Local Authority Overview & Scrutiny Committees in December 2017.
3. The House of Commons Select Committee report made seven recommendations that were developed through the consideration of issues set out in eight distinct headings:
 1. The role of scrutiny
 2. Party politics and organisational culture
 3. Accessing information
 4. Resources
 5. Member training and skills
 6. The role of the public
 7. Scrutinising public services provided by external bodies
 8. Scrutiny in combined authorities
4. The Government responded to the Select Committee's report in March 2018, giving details on the recommendations it had accepted and those it did not.
5. The Select Committee had recommended some proposed revisions to the Government guidance on scrutiny committees. In response the Government acknowledged that the current guidance was issued in 2006 and undertook to ensure that it was updated, and new guidance was published.
6. The Ministry of Housing, Communities & Local Government published the new statutory guidance on overview & scrutiny in local and combined authorities in May 2019. The report attached as appendix A.
7. The guidance is aimed at local authorities and combined authorities to help them carry out their overview and scrutiny functions effectively. Authorities must have regard to the statutory guidance when exercising their functions.
8. Officers and members involved in the WMCA's scrutiny function have reviewed the guidance and commissioned the Centre for Public Scrutiny through the Local Government Association to undertake a review of its scrutiny function and to agree, with members and officers, appropriate actions to further improve and develop the scrutiny function within the Combined Authority.

CfPS Report: A Focussed Scrutiny Review for the West Midlands Combined Authority

9. The West Midlands Combined Authority is continuing to improve and develop its overview & scrutiny function. The authority places high importance to the role and purpose of effective scrutiny and has commissioned the Centre for Public Scrutiny to help it to develop its overview & scrutiny committee. It is proposed that the CfPS present their review findings at the meeting and members will be able to hear from the report authors and ask further questions.
10. The review recognised that the scrutiny function can often lack support and recognition within the authority because there is a lack of awareness among both members and officers about the specific role it plays, and its relevance to the wider authority's work. The review also makes a number of suggestions about developing the role of the committee within the Combined Authority and how it can undertake its work efficiently to ensure the greatest benefit and impact.
11. Further work will therefore be undertaken to ensure that all members and officers are made aware of the core role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and to identify those providing officer support. In addition to a number of activities that have or will be held during the year, the WMCA has also developed a suite of information to help communicate scrutiny's role and purpose.

Overview & Scrutiny Committee Annual Report

12. For the first time, the Overview & Scrutiny Committee has produced an annual report, which is intended to set out clearly and succinctly the work of the committee over the last 12 months. This is attached as appendix B.
13. The chair of Overview & Scrutiny Committee is a regular participant in the WMCA Board meetings and had an opportunity to present the committee's annual report to the Board on 28 June. The report has also been shared with Constituent and Non-Constituent Authorities.

WMCA Members' Induction Session

14. The West Midlands Combined Authority has introduced a members' induction session that was held on 17 June, to welcome those new members that have been appointed onto the WMCA Board and or one of its committees. The purpose of the session was to help members to better understand the role and remit of the West Midlands Combined Authority, and to meet the Chief Executive, the Mayor and Deputy Mayor and key senior officers. Members returning to the West Midlands Combined Authority were also welcome to attend the event.
15. The introduction included information on the establishment of the WMCA and its principles, and how these have helped the region, the WMCA's vision and priority portfolio areas, the Annual Plan, WMCA Governance and decision making, Audit and Overview & Scrutiny within the Combined Authority, including the role of scrutiny and examples of the activities undertaken during 2018/19, WMCA Board powers and the powers of the Mayor. Feedback received from members and officers that attended the event has been very positive and it is envisaged that a further session will be held during the year for those members that could not attend.

New Scrutiny Protocol

16. The West Midlands Combined Authority has developed a scrutiny protocol that is intended to be a guide for the Mayor, members and officers of the West Midlands Combined Authority setting out the core role and purpose of overview & scrutiny within the context of the WMCA. This is attached as appendix C.
17. The Protocol sets out the key roles and responsibilities of all participants in the process and explains clearly what the expectations are to ensure that the Committee's work can be focussed, effective and beneficial to the proper functioning of the Combined Authority. There is a clear public interest in having an effective scrutiny function and the protocol will be an important delivery tool for this.
18. The Committee is asked to consider the draft document and, subject to any comments or amendments, to recommend its adoption to Board.

Overview & Scrutiny Guidebook

19. The West Midlands Combined Authority is currently developing an Overview & Scrutiny Guidebook which will aim to provide scrutiny members and others with easy to use guidance, advice and direction to support the operation of the overview & scrutiny function. The guidebook will draw on the experiences of scrutineers as well as national guidance and advice from the Centre for Public Scrutiny. The purpose of the guide will be to assist members with practical advice in their role, or an officer when they are involved in the Overview & Scrutiny function.

Next Steps

20. The West Midlands Combined Authority continues to develop its scrutiny function and welcomes the guidance and the findings and recommendations arising from the Centre for Public Scrutiny report. The Authority has started to put improvements in place and will continue to work with the Centre for Public Scrutiny, the Mayor, Portfolio Lead Members and scrutiny members to develop the function further and implement the recommendations and actions arising out of the review.

Financial Implications

21. There are no direct financial implications arising out of the recommendations contained within this report.

Legal Implications

22. The legal position regarding Overview and Scrutiny in Combined Authorities is essentially the same as in Local Authorities. The Local Democracy Economic Development and Construction Act 2009 and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 requires each Combined Authority to have at least one Overview and Scrutiny Committee. The statutory functions of the Committee are set out in the Act as follows:

The arrangements must ensure that the combined authority's overview and scrutiny committee has power (or its overview and scrutiny committees have power between them)-

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the authority;

(b) to make reports or recommendations to the authority with respect to the discharge of any functions that are the responsibility of the authority;

(c) to make reports or recommendations to the authority on matters that affect the authority's area or the inhabitants of the area.

The WMCA Constitution ensures that Overview and Scrutiny can exercise these powers and also the power to “call-in” decisions that have been made but not implemented. Notices of decisions are circulated following Board and other decision-making forums and a period of 5 days is given for call in. To activate a call-in at least 5 members of the Committee must request it and within the number of members requesting a call-in there must be at least one from each of five of the Constituent Authorities.

Equalities Implications

23. There are no direct equality implications arising out of the recommendations contained within this report.

Inclusive Growth Implications

24. Under the Sharing Power inclusive growth test, any work which seeks to strengthen and share the Overview & Scrutiny ecosystem in the region has positive implications for inclusive growth. This test is particularly concerned with how citizens are involved, and further work to raise the profile of and opportunities associated with O&S, and how this might link to active citizenship, would be a valuable contribution.

Geographical Area of Report's Implications

25. The Overview & Scrutiny Committee comprises 12 members appointed by constituent authorities and seven members appointed by non-constituent authorities.

Other Implications

26. There are no further specific implications arising out of the recommendations contained within the report.

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Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

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Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



A handwritten signature in blue ink, appearing to read 'Rishi Sunak'.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
- ii. the development of those findings, which will set out some areas on which recommendations might be made; and
- iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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West Midlands Combined Authority Overview & Scrutiny Committee

Annual Report 2018/19



West Midlands
Combined Authority



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Foreword

Chair - Councillor Peter Hughes



Welcome to the 2018/19 Annual Report of the Overview & Scrutiny Committee. I hope this report is able to capture a number of the highlights of the work carried out by the committee over the last year.

The committee has made good progress in developing and refining its work programme so as to provide a constructive challenge to the decision makers within the WMCA. This is work in progress and there is still much more to be done. I believe strongly that councillors have risen to the challenge of providing oversight of the expanding remit of the WMCA, with the committee focusing its attention on a number of key workstreams. This has enabled us to challenge preconceptions, test ideas and add rigour to the development and implementation of public policy as this fledgling Combined Authority starts to spread its wings.

Our committee has met seven times this year, in addition to a further two Q&A sessions focused on scrutinising the Mayor's policies and budget proposals. As Chair, I have been grateful for the support of the two Vice-Chairs, Councillor Ian Shires and Councillor Lisa Trickett, as well as those members who have taken champion roles in carrying out the committee's work. I very much appreciate the hard work and commitment shown by those elected members who have participated actively in the committee, made possible by the professional and dedicated input of the small team of officers supporting the scrutiny function

Putting aside our political differences for the common good, the committee has worked

together to look closely at areas of concern. I very much appreciate the willingness shown by members of the committee in balancing the significant commitment required of them, while also continuing with their own special responsibilities and other public duties within their own local authorities. I therefore wish to place on record my gratitude for the public service shown by the region's councillors in supporting this vital scrutiny process by holding the WMCA to account and questioning it. I also extend my thanks to all the officers of the Combined Authority who have contributed to, and helped us to deliver, our successful work programme.

It is as important as it has ever been that civic leadership within the region closely resembles the people who call the West Midlands home, which applies equally to those of us holding decision makers to account. Going forward, I am calling upon participating councils to better reflect the diversity of their areas in the appointments they make to the Overview & Scrutiny Committee, to ensure that talented and capable people from all backgrounds feel that they have a stake in the Combined Authority and the region's future. I look forward to the further evolution of overview and scrutiny within the WMCA in the coming years.

Committee Members 2018/19



**Councillor
Peter Hughes**

Sandwell
Metropolitan
Borough Council
Committee Chair
and Chair of Budget
Working Group



**Councillor
Cathy Bayton**

Dudley Metropolitan
Borough Council
Chair of Health
and Wellbeing
Working Group



**Councillor
Stephen Simkins**

City of
Wolverhampton
Council
Scrutiny Champion -
Environment



**Councillor
Lisa Trickett**

Birmingham City
Council
Vice-Chair and Chair
of Productivity, Skills
and Inclusive Growth
Working Group



Councillor Ian Shires

Walsall Metropolitan
Borough Council
Committee Vice-
Chair and Chair of
Housing and Land
Working Group



**Councillor
Mike Chalk**

Redditch Borough
Council
Scrutiny Champion -
Transport



Mike Lyons

Greater Birmingham
& Solihull Local
Enterprise Partnership



**Councillor
Angus Lees**

Dudley Metropolitan
Borough Council
Scrutiny Champion -
Transport



**Councillor
Vera Waters**

Walsall Metropolitan
Borough Council



Sarah Windrum

Coventry &
Warwickshire
Local Enterprise
Partnership



**Councillor
Stuart Davies**

Solihull Metropolitan
Borough Council



**Councillor
Peter Fowler**

Birmingham
City Council



**Councillor
Josh Jones**

Birmingham
City Council



**Councillor
Tariq Khan**

Coventry
City Council



**Councillor
Joe Tildesley**

Solihull Metropolitan
Borough Council



Paul Brown

Black Country Local
Enterprise Partnership



**Councillor
Dean Carroll**

Shropshire Council

A year of Overview & Scrutiny in Numbers

1 19 3

Overview & Scrutiny Committee

Members

Scrutiny Champions

5 3 2

Working Groups

Task & Finish Groups

Mayoral Q&A Sessions with Scrutiny

1 9 7

Call-In

Pre-Decision Scrutiny Sessions

Committee

Introduction

Overview & Scrutiny is a statutory requirement within the West Midlands Combined Authority. The committee has the responsibility to review the work of the Mayor and the WMCA and hold decision makers to account. It may make recommendations to the WMCA Board and its committees and call in decisions that have already been made for further scrutiny. The committee can act as an advocate for residents of the West Midlands by investigating issues that are important to them and by looking further into matters brought to its attention by the public. From improving the economy to tackling mental health inequality, from delivering new modes of public transport to enabling the construction of new housing, the Overview & Scrutiny Committee, comprising the region's local councillors, is the body that oversees how all this is done.

While the committee's membership includes local councillors nominated by the WMCA's 18 member councils, it also has three representatives from the region's local enterprise partnerships. This brings a private sector perspective to discussions and ensures that the views of the region's local industries are heard at the highest levels of decision making.

Overview & Scrutiny Committee

The committee has continued to build on the work of the previous year in developing a programme that gives a broad oversight to the policies of the WMCA and reviews the effectiveness of its key decisions.

Significantly, it has enhanced the breadth of the pre-decision scrutiny it has undertaken, thereby adding value at the developmental stage of key policies before they are considered by the WMCA Board.

In the last year the committee has considered a number of reports and has undertaken key pre-decision scrutiny work in respect of:

- Governance proposals relating to the Fire and Rescue Service and Police and Crime Commissioner
- The WMCA's 2019/20 budget
- The Local Industrial Strategy
- A common approach to cycling and walking in the region
- Park & Ride policies
- The establishment of a Youth Combined Authority
- Wednesbury to Brierley Hill Metro extension
- The principles and key features of the WMCA's Annual Plan 2019/20
- Measures aimed at targeting childhood obesity

Other reports that the committee have considered include a progress report on the West Midlands Low Emissions Strategy and Action Plan and the 'Leaders Like You' report published by the WMCA's Mayoral Leadership Commission.



Overview & Scrutiny Holding Decision Makers to Account

Andy Street, Mayor of the West Midlands

The committee has undertaken a number of public Mayoral Q&A sessions, where Andy Street has been questioned on the delivery and impact of WMCA policies in areas as varied as public transport, air quality, housing and Brexit. In December, the committee held its second Q&A with the Mayor and questioned him on issues relating to performance against the budget 2018/19; proposals for the 2019/20 budget; other strategic finance issues; and the decision not to set a Mayoral precept for 2019/20. The Mayor was also joined at the session by the Deputy Mayor, Councillor Bob Sleigh. We feel this is an important part of providing public accountability and transparency of decision making for the WMCA's only directly elected politician.

Scrutiny members have also established a number of working groups that have been able to give more focused attention into specific policy areas, holding to account portfolio lead members and lead directors/officers in workstreams such as health and wellbeing; finance; governance; inclusive growth, productivity and skills; and housing and land.

WMCA Portfolio Leads 2018/19

It is equally important that the WMCA programme areas that are led by the portfolio leads receive appropriate scrutiny. At each of the committee's meetings this year, it has received an update from a different portfolio lead member as follows:

- Andy Street [Mayor] - September and December
- Councillor Mike Bird [Housing and Land] - November and February
- Councillor Steve Eling [Cohesion and Integration and Public Service Reform] - September
- Councillor Izzi Seccombe [Wellbeing] - April
- Councillor Bob Sleigh [Finance and Investments] - December

At each meeting, committee members questioned the portfolio lead on the progress being made in their respective area.



Overview & Scrutiny Helping to Shape Policy

The committee has made a total of 37 recommendations to the WMCA Board and its committees, all of which were accepted without further amendment, in relation to:

- West Midlands Combined Authority policies
- West Midlands Combined Authority budget for 2019/20
- Bilston Road Metro track replacement work
- Measures aimed at tackling childhood obesity
- Town Centres programme
- WMCA Leaders Like You

The West Midlands Combined Authority will become responsible for the Adult Education Budget (AEB) within the region from 1 August 2019. The Overview & Scrutiny Committee therefore carried out a review of the devolution of this funding from the Department for Education. As a result of this review, the committee submitted eight recommendations to the WMCA Skills Advisory Board for its consideration.

The Chair of the Overview & Scrutiny Committee is a regular participant in the WMCA Board meetings and has the opportunity to present the findings and recommendations of the committee at those meetings.

Overview & Scrutiny

Adding Value

Case Study: Proposed Transfer of Police and Crime Commissioner Functions

The WMCA undertook a public consultation exercise regarding a proposal to transfer the powers of the West Midlands Police and Crime Commissioner to the Mayor of the West Midlands.

The proposal was part of the second devolution deal, which included a commitment from the WMCA and the Police and Crime Commissioner to work together to look at a detailed governance model and timetable for transferring the role and powers of the Police and Crime Commissioner to the elected Mayor.

The committee scrutinised the consultation process and invited the Police and Crime Commissioner and the Mayor to share their views and any input into the consultation.

The committee exerted influence in the wording of the final consultation documents used in the stage 1 consultation, resulting in sections being removed from both the introduction and one of the questions, to ensure the removal of any potential bias within the document. There was a wider recognition of the role the committee could play in scrutinising the Police and Crime Commissioner if the role was to be undertaken by the Mayor of the West Midlands.

Case Study: Forward Plans for the WMCA Board Committees and Boards

Overview & Scrutiny has strengthened the governance process by championing the need for each of the WMCA's committees to have introduced a forward plan that helps to give public awareness to its forthcoming decisions.

Case Study: Bilston Road - Metro Track Replacement Works

When approving the Midland Metro Construction: Proposed Business Support Package, the WMCA Board had asked the committee to investigate a number of specific issues that had arisen.

A task and finish group was established to undertake an investigation into the impact of the Bilston Road Metro track replacement works on nearby businesses and to evaluate the support received to mitigate this. The findings of the group were considered and its 12 recommendations adopted by the committee and WMCA Board.

Case Study: Women's Concessionary Travel Scheme Pass

During the Mayoral Q&A event on the proposed budget 2019/20, the committee challenged the Mayor to extend travel concessions to include women unfairly discriminated against in recent changes to pension eligibility ('WASPI women'), and ex-service personnel.

Following engagement with the constituent authority leader and the Overview & Scrutiny Committee, the WMCA Board agreed to establish a Women's Concessionary Travel Scheme from July 2019.

Case Study: WMCA Reports

The importance of committee decisions aligning with WMCA policies was recognised at an early stage, and all reports now contain specific implications for inclusive growth. The committee has also recommended that environmental, sustainability, social value, and health and wellbeing implications be included in all future Board reports.

Overview & Scrutiny Working Groups

During the year, the committee established five working groups to provide closer oversight of the following workstreams: budget; governance; health; inclusive growth, productivity and skills; and housing and land. The groups have examined policies and programmes and undertaken site visits and investigations.

Budget Working Group

2018/19 work programme:

- Budget proposals for 2019/20
- Brexit implications
- Regular monitoring of the Financial Monitoring Report
- Investigation into a major transport project

Case Study: Wednesbury to Brierley Hill Metro Extension

At the initial setting up of the Overview & Scrutiny Committee's Budget Working Group, members decided that, as part of its work, it would maintain overview of, and scrutinise, a major transport investment project from start to finish, using key milestones as the prompts for scrutiny.

As a key investment project for the WMCA, the Wednesbury to Brierley Hill Metro extension was selected. The findings of the working group were reported to the Investment Board, who factored them into their subsequent decisions regarding the project.

As a result of this involvement, our committee has now established an understanding that there will continue to be ongoing scrutiny of the project throughout its lifecycle.

Housing and Land Working Group

2018/19 work programme:

- Land Delivery Action Plan
- Methods of construction
- Partnership working with Sustainable Housing Action Partnership (SHAP)

Inclusive Growth, Productivity and Skills Working Group

2018/19 work programme:

- Local Industrial Strategy
- Devolution of the Adult Education Budget

Case Study: Devolution of the Adult Education Budget

The West Midlands Combined Authority will become responsible for the Adult Education Budget (AEB) for its residents from 1 August 2019. The devolved AEB will provide funding for adult skills delivery for residents aged 19 and over of the West Midlands' seven constituent areas (Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton). The Department for Education has confirmed the allocation to the WMCA for the 2019/20 academic year will be just under £126m.

We see the AEB as a significant enabler of inclusive growth through the improvement of the qualification levels and skills of our residents.

Scrutiny members held a meeting with each of the seven constituent local authorities' cabinet members for Education and Skills and undertook a deep dive into the work for each local authority area, the priorities and how the budget could be shaped going forward.

Health and Wellbeing Working Group

2018/19 work programme:

- Thrive into Work programme
- Tackling childhood obesity in the West Midlands
- Challenged the budget allocation for the Wellbeing workstream

Case Study: Reducing Childhood Obesity

The WMCA Wellbeing Board agreed to develop an approach to supporting system change to achieve healthy weight for more residents across the West Midlands.

Along with health and wellbeing partners across the region, the WMCA will work with partners to support the reduction in obesity across the West Midlands.

During 2018/19 the Health and Wellbeing Working Group contributed to the development of the Action Plan and made a number of recommendations for the endorsement by the Wellbeing Board. These were in relation to:

- Redistribution of surplus food
- Fast food outlets and planning rules
- Working with local schools and academies
- Membership of the Obesity Task Force reflecting the ethnicity and diversity of the region
- Links between obesity and mental health

Governance Working Group

2018/19 work programme:

- Contributions from the Centre for Public Scrutiny in relation to the work undertaken with combined authority scrutiny across the region
- Review of the statutory requirements of the governance model at the WMCA and delegated powers
- Established the principle that the Overview & Scrutiny Committee would have primary responsibility for scrutinising any future Mayoral powers relating to fire and rescue services
- Championed the representation of the Fire Brigades Union on the proposed Mayoral Fire Committee

Call-in

The committee has the power to call in decisions of the Mayor and the WMCA Board which have been made but not implemented.

A stop is placed on the implementation of the decision once it is under scrutiny.

There has been one call-in during the course of the year in relation to the Housing and Land Delivery Board - Town Centres programme.

Call-in: Town Centres Programme

The Town Centres programme will support local councils to accelerate their plans to regenerate and renew their town and district centres.

There was cross-party support for the call-in, based on the process in which the town centres were selected. The portfolio lead member for Housing and Land and the director of Housing and Regeneration attended the meeting to answer questions put to them by the committee.

Following its investigation, the committee agreed to take no further action, but made a number of recommendations which were agreed and have either been actioned or are in progress. These were in relation to:

- Clear and up-to-date forward plans for all boards and committees
- Pre-decision scrutiny to be embedded within the WMCA
- A review of the constitution and the call-in process
- Additional resources for the scrutiny function
- Future devolution deals and the engagement with the committee

Development of the WMCA Annual Plan 2019/20

The committee has engaged with the Chief Executive on the development of the Annual Plan for 2019/20 and has endorsed the principles and features used to develop the plan.

The working groups and scrutiny champions continue to work with the directors to help shape and develop the respective portfolio section of the Annual Plan prior to its consideration at the WMCA Board.

Embedded Pre-Decision Scrutiny into the WMCA

The committee has worked closely with the senior leadership team to develop a robust pre-decision scrutiny process. This continues to be developed, but significant progress has been made during 2018/19.



Looking Forward

As well as looking at its own in-house performance, the Overview & Scrutiny Committee has contributed to discussions aimed at developing the scrutiny role more widely within combined authorities across the country, which is recognised as still being in a developmental stage. The Committee has engaged the Local Government Association and the Centre for Public Scrutiny to provide an independent assessment of its scrutiny function and has also looked at how it may further develop its role, in the context of the evolving responsibilities of the WMCA.

For the forthcoming year, the committee would like to establish a closer working relationship with the portfolio lead members and the senior leadership team. Also, building on this, the committee would like to create and develop more effective links with the scrutiny boards at its constituent member authorities and the West Midlands Scrutiny Forum.

Public accessibility to meetings is an ongoing consideration, and it is intended to hold meetings across the region's towns and cities during 2019/20, rather than solely within Birmingham.



**West Midlands
Combined Authority**





OVERVIEW & SCRUTINY PROTOCOL

Introduction

1. The Overview & Scrutiny Protocol is intended to be a guide for the Mayor, members and officers of the West Midlands Combined Authority setting out the role of overview & scrutiny within the context of the WMCA. It can also help constituent and non-constituent member authorities and the wider public better understand the purpose of overview & scrutiny within combined authorities. This document should be read alongside the WMCA's constitution and Overview & Scrutiny Guidance documents, which also give context and detail on the Overview & Scrutiny Committee.

Constitutional Basis

2. The West Midlands Combined Authority is required by the West Midlands Combined Authority Order 2016 to constitute an overview & scrutiny committee in order to provide oversight to the decisions taken by the Mayor of the West Midlands, the WMCA Board and its committees. Further statutory guidance on the form that the committee should take was set out in the Combined Authorities (Overview & Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
3. The requirements placed upon the WMCA by these orders are provided for within its constitution.

Role of Overview & Scrutiny Committee

4. The Overview & Scrutiny Committee comprises members appointed by the WMCA's constituent and non-constituent member authorities and has the power and responsibility to:
 - Undertake pre-decision scrutiny of a matter yet to be determined when it has been invited to by the decision-maker, or where it considers that such pre-decision scrutiny would provide for a more considered and informed decision to be made than would otherwise be the case.
 - Make a report and recommendations on any issue affecting the WMCA's area or inhabitants and which falls significantly within the powers of the Mayor, the WMCA Board or one of its committees.
 - Contribute to the delivery of the WMCA's policies and strategies by undertaking work that is tailored to help support the WMCA Board in its own work programme. It might do this by undertaking research or scrutiny into a policy area, the outcomes of which will help in the delivery of a particular corporate workstream.

- Review and scrutinise any decision taken by the Mayor, the Portfolio Lead Members/WMCA Board or its committees and to make recommendations back to the decision-maker when it considers that there has been a significant flaw in the manner in which the decision was taken (Call-in).

Purpose of Overview & Scrutiny Committee

5. Overview & Scrutiny Committee performs a key role within the governance arrangements of the WMCA and is publicly accountable for the effective exercise of these responsibilities. Members appointed to sit on the committee undertake this role principally to ensure that the decisions of the Mayor, Portfolio Lead Members/WMCA Board and its committees effectively and efficiently deliver the strategic objectives of the WMCA set out in its Annual Plan and other corporate strategy documents. They will do this in a number of ways, including:

- Contributing to the development of the Annual Plan or other strategic priorities through scrutinising draft proposals, proposed delivery methodologies and intended outcomes.
- Reviewing decisions made by the Mayor, Portfolio Lead Members/WMCA Board and its committees that are intended to effect the objectives contained within the Annual Plan or other corporate strategies.
- Monitoring the implementation, performance and impact of corporate policies and decisions.
- Holding the Mayor, Portfolio Lead Members/WMCA Board or its committees to account for the delivery and impact of its policies.
- Ensuring that the Mayor, the Portfolio Lead Members/WMCA Board and its committees act in the best interests of the West Midlands region.

Behaviours

6. The Centre for Public Scrutiny has identified four key principles that should underpin the work of the Overview & Scrutiny Committee at all times. It should:

- Provide a culture of 'critical friend' challenge to decision makers.
- Enable the voice and concerns of the public and its communities to be heard.
- Conduct the scrutiny function by independent-minded members who will lead and own the process.
- Drive improvements on services.

7. All members of the Overview & Scrutiny Committee should seek to promote an atmosphere of openness and transparency at meetings and ensure that questioning and debate takes place within a climate of mutual respect and trust between the committee and other participants. Members should be prepared to ask questions and pursue lines of enquiry that will challenge decision-makers to explain and justify their

reasoning. They should not seek to be overtly political, recognising that they are undertaking their responsibilities on behalf of all residents within the region and should not therefore seek to deliberately use the role provided to them on the Overview & Scrutiny Committee simply for the purposes of obtain political advantage.

8. The Overview & Scrutiny Committee has a legal power to require the Mayor, Portfolio Lead Members and officers of the Authority to attend before it to answer questions and to share information. It is the duty of members and officers to comply with such requests.

When the committee requires the Mayor, Portfolio Lead Members and/or Officer(s) to attend, the WMCA's Governance Services Team shall inform them in writing giving at least 14 days' notice of the meeting. The notice will state:

- The date and location of the meeting that they are required to attend;
- The nature of the item; and
- Whether they must produce any briefing papers/reports for the committee

9. The Mayor, Portfolio Leads, chairs of committees and others invited to address the committee should, in so far as possible, prepare adequately and seek to provide full answers to questions relating to matters falling within their responsibilities. These officer holders should endeavour to support the WMCA's scrutiny function by:

- Accepting the right of Overview & Scrutiny Committee to challenge their decisions and performance.
- Being proactive in identifying policy areas that would benefit from pre-decision scrutiny, and timetabling sufficient time to allow this to happen.
- Ensuring their availability to attend meetings of the Overview & Scrutiny Committee when invited, and providing all necessary information requested to assist with the delivery of the scrutiny function.
- Supporting the delivery of the scrutiny function by recognising its need for appropriate resources.
- Ensuring that personal agendas or different political perspectives do not act as an impediment to an effective scrutiny process.

Officer Support

10. The WMCA has appointed a number of officers to directly support the Overview & Scrutiny Committee. The Scrutiny Officer has responsibility to support the Chair and members of the committee in developing a work programme, undertake research, and write policy reports, promote the role of the authority's scrutiny committee, and being the point of contact for all other WMCA officers in respect of their engagement with scrutiny. This post fulfils the requirements of the Statutory Scrutiny Officer. In addition, the Head of Governance/Monitoring Officer, Governance Services Manager and Governance Services Officer provide advice, expertise and support to ensure

the proper discharge of the scrutiny function and operation of the Overview & Scrutiny Committee.

11. All senior officers within the WMCA have a duty to provide advice to the Overview & Scrutiny Committee in the same way as they would for any decision maker within the WMCA's governance structures. This may include contributing to and/or to lead on a scrutiny review of workstreams within their area of service responsibility through the following means:

- Preparing information for the Overview & Scrutiny Committee and its members.
- Attending meetings of the Overview & Scrutiny Committee to answer questions or provide information.
- Being involved in a detailed scrutiny review.
- Explaining performance related issues and responding to any scrutiny recommendations.

Expectations

12. In order for members of the Overview & Scrutiny Committee to examine, develop key strategic projects and priorities, and to hold to account those charged with delivering them, there are a number of key expectations required of them. These include:

- Fully participating in the activities of the Overview & Scrutiny Committee, including the development and delivery of the committee's work programme, task review groups, Mayoral Q&A sessions and other planned activity.
- Taking an active role in helping to develop and embed the role of scrutiny within the WMCA, and in promoting the scrutiny function within their own local authority and with elected members not directly involved in the WMCA.
- Making adequate and appropriate preparation for meetings, including undertaking research and participating in briefings as required.
- Contributing towards developing key lines of enquiry concerning Mayoral Q&A sessions or when inviting Portfolio Leads to give evidence at Overview & Scrutiny Committee meetings.
- Developing the knowledge and skills required to fulfil the role of a member of the Overview & Scrutiny Committee, including attending relevant training and information events as required.
- Acting as a link between the WMCA's Overview & Scrutiny Committee and the member's own local authority scrutiny committee. This will include reporting back on the scrutiny work carried out within the WMCA and reporting any issues identified within their local authority that may warrant scrutiny at the regional level.

Ways of Working

13. Overview & Scrutiny Committee will discharge its responsibilities in a number of different ways that most appropriately align with the work it is seeking to undertake. This will include:
- Pre-decision scrutiny where it is seeking to strengthen policies and strategies before they have been formally adopted.
 - Mayoral Q&A sessions held in public, holding the Mayor/and or Portfolio Lead Members to account for the setting and delivery of policies.
 - Budget scrutiny to determine whether sufficient resources had been allocated to deliver the WMCA Annual Plan.
 - Task Group reviews where a lighter-touch investigation of matters is required. These meetings are less formal and are not held in public.
 - Call-in of formal decisions taken by the Mayor/Portfolio Leads/WMCA Board and its committees for further consideration and challenge.

Conclusion

14. Overview & Scrutiny is a statutory responsibility of the West Midlands Combined Authority that contributes to better decision making and therefore better outcomes for the residents and businesses of the West Midlands. This protocol helps to set out how the overview & scrutiny function will be undertaken, and the role that needs to be undertaken by those members who either sit on the committee or the individuals who will engage with the committee's work.

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Overview & Scrutiny Committee

| | |
|--------------------------------------|---|
| Date | 15 July 2019 |
| Report title | Developing Service User and Citizen Engagement within the WMCA Thrive Programmes |
| Portfolio Lead | Councillor Izzi Seccombe - Wellbeing |
| Accountable Chief Executive | Deborah Cadman, West Midlands Combined Authority email: deborah.cadman@wmca.org.uk tel: (0121) 214 7200 |
| Accountable Employee | Sean Russell, Director of Implementation email sean.russell@wmca.org.uk tel: (0121) 214 7945 |
| Report has been considered by | |

Recommendation(s) for action or decision:

The Overview & Scrutiny Committee is recommended to:

- (1) Consider the proposals to develop the citizen and service user engagement across the Thrive Programmes.
- (2) Recommend the proposal for citizen and service user engagement across the Thrive Programmes to the WMCA Wellbeing Board

1. Purpose

- 1.1 The Scrutiny Committee is asked to consider and proposals to develop the citizen and service user engagement started by the Mental Health Commission Citizens' Jury.

2. Background

- 2.1 The Citizens' Jury was established in 2016 and was a key part of the Mental Health Commission. The Citizens' Jury members were people with lived experience of mental health issues (as service users or carers). The recommendations made by the Citizen's Jury informed the work of the Mental Health Commission and the commitments made in the Thrive Action Plan.

- 2.2 Since the publication of the Thrive Action Plan in 2017 a number of programmes have been established to implement the commitments made. Within the WMCA PSR Directorate the Thrive Programmes are:

- Thrive into Work
- Thrive at Work
- Mental Health Awareness
- West Midlands on the Move including Include Me West Midlands (which extends to physical as well as mental health and include me, disability)
- Mental Health and Justice

- 2.3 The Housing First Programme has also been established working with Homelessness Task Force, seven local authorities, housing providers and homelessness charities in the region.

3. Proposals to Develop Citizen Engagement

- 3.1 At the beginning of May 2019 members of the Citizen's Jury were invited to a meeting to feedback on the progress in implementing these programmes and to consider how to develop the Citizen Engagement within the Thrive Programmes.

- 3.2 The feedback from the Citizen's Jury Members about the Thrive Programmes was very positive. However, it was recognised that during the start-up and implementation phase, while individual programmes have developed their engagement mechanisms, there had not been a wider engagement strategy across the Thrive Programmes.

- 3.3 During the meeting with the Citizen Jury Members it was agreed that:

- The people who have been involved in the Citizens' Jury have, individually and collectively, a unique understanding and perspective on the work of the Mental Health Commission and Thrive Programmes.
- The Citizens' Jury had completed it work, but the individual members who attended the meeting were keen to stay involved with the Thrive Programmes.
- The focus of this engagement should remain with the Thrive Programmes and mental health
- There could be opportunities for different levels of involvement with citizen's / service users

- 3.4 The proposal below to develop citizen and service user engagement across the Thrive Programmes has been co-produced with 7 Citizens' Jury Members and service users involved in the Thrive Programmes who have formed the Interim Independent Advisory Group.

4. Public Information about the Thrive Programmes

- 4.1 Information about the different Thrive programmes is currently available through programme website, the WMCA website and Board reports. It is proposed that a Thrive Programme page is developed on the WMCA website that provides a summary of the different programmes, the areas the programmes serve and the outcomes to date.

5. Thrive Champions / Ambassadors

- 5.1 Initially 34 - 40 volunteer Thrive Ambassadors will be sought from across the WMCA region including constituent and non-constituent local authority areas. In the first stage, the role of Thrive Ambassador will be open to the winners of the Thrive Mental Health Stars Awards. Where there are vacant roles the relevant Local Authorities will be invited to nominate Ambassadors. The process will also take into account the diversity of the Thrive Ambassadors.
- 5.2 The role of the Thrive Ambassador will be to raise awareness and encourage individuals and organisations to support the relevant Thrive Programmes. If a Thrive Ambassador does not have another way to claim expenses, she / he will be able to claim out of pocket expenses for attending meetings to or will be able to use a travel card provided by the WMCA for this purpose. There will be a maximum amount of expenses that can be claimed per quarter. If a member of staff wants to become a Thrive Ambassador as part of their employed role they will need approval from their line manager and will claim any expenses through their employer.
- 5.3 A role description will set out the purpose and responsibilities of the Thrive Ambassadors. This will include that Thrive Ambassador is a non-political role. To ensure that an accurate and consistent message about the programmes is promoted, Thrive Ambassadors will be asked to attend an induction meeting with the Thrive Programme Managers. Once their induction has been completed Thrive Ambassadors will be sent links to online briefing packs.
- 5.4 In addition to the volunteer role described above, Local Authority Mental Health Member Ambassadors will be invited attend the induction and incorporate the Thrive Programmes into their wider role as elected members.

6. Thrive Independent Advisory Panel

- 6.1 The members of the Citizens' Jury and service users involved in the Thrive Programmes will be invited to become members of the Thrive Independent Advisory Panel (IAP). As a group the members of the Citizens' Jury have a unique understanding of the values and aims of the Mental Health Commission and it is important that this knowledge and experience is retained.

- 6.2 Terms of reference and roles descriptions will be developed and there will be a maximum of 12 members. In the event there are vacant places additional members will be recruited. Members of the IAP will have lived experience of mental health services as a user or carer and be able to demonstrate their ability to engage at a strategic level. The membership of the IAP will aim to reflect the diversity across the WMCA region. (Constituent and Non-Constituent members) Members of the IAP will be asked to express an interest in becoming the Chair of the IAP. The Chair of the IAP will be appointed by the Implementation Director Mental Health, Wellbeing and Radical Prevention.
- 6.3 The IAP will have oversight of the citizen / service user engagement and contribute to the development of policy and practice across the Thrive Programmes. In recognition of the expertise that IAP members provide, in addition to out of pocket expense IAP members will be able to claim an involvement allowance for attending each full day meeting. This will be benchmarked across other involvement payments in other organisations. IAP members will have access to advice to make an informed decision regarding claiming the involvement allowance as this may have implications benefits and tax returns.
- 6.4 The IAP will meet quarterly and members may become involved in specific areas of work in addition to these meetings.

7. Include Me West Midlands Champions and Advisory Panel

- 7.1 Working to a similar process and format, [the Include Me West Midlands Report](#) sets out ambitions to establish a Citizens Network working on the co-design, co-production and co-evaluation as being advocates for a more inclusive approach to sport and physical activity provision.
- 7.2 The network aims to provide the co-design, production and evaluation route and bringing together the disability organisations and sport organisations and having an ambassadors group. The aim is to operate on a similar platform to Thrive and where possible connect representation, issues and best practice ensuring there is consistency in line with emerging policy.

8. Developing a WMCA Volunteering and Involvement Policy

- 8.1 There are a number of different engagement mechanisms being used across the WMCA and it is recognised that while different approaches are appropriate for different services it would be helpful to develop a WMCA policy.
- 8.2 The policy will be developed with colleagues finance, HR and legal to ensure that where relevant WMCA volunteering and engagement activity considers the following issues:
- Safeguarding
 - Personal data
 - Induction
 - Expenses / involvement allowance
 - Training and development
 - Risk of incurring employment rights

- Volunteering / involvement roles are non-party political

9. Financial Implications

- 9.1 There are no financial implications as a result of the proposals within this report. The Mental Health Commission has a budget of £10k to develop service user and citizen engagement across the Thrive Programmes.

10. Legal Implications

- 10.1 There are no immediate legal implications flowing from the contents of this report.

11. Equalities Implications

- 11.1 The Thrive Ambassadors and members of the Thrive IAP will come from across the WMCA region. Individuals will be identified based on their skills and experience and will also take into account the need to consider the protected characteristics.

12. Inclusive Growth Implications

- 12.1 The approach to citizen and service user engagement across the WMCA Thrive Programmes does not have any direct implications on the investment decisions made by the WMCA and partners. However, the establishment of the Thrive Ambassador role and the IAP supports the aims of the Inclusive Growth Priorities particularly regarding Power, Influence and Participation and Health and Wellbeing.

13. Geographical Area of Report's Implications

- 13.1 The citizen and service user engagement approach proposed in this report applies to the WMCA constituent and Non-constituent member local authority areas.

14. Other Implications

- 14.1 None

15. Schedule of Background Papers

- 15.1 Mental Health Commission Thrive Action Plan
Include Me West Midlands Report

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Overview & Scrutiny Committee

| | |
|-----------------------------|---|
| Date | 15 July 2019 |
| Report title | Conclusions of the Mayor's Bus Franchising Task & Finish Group |
| Accountable Leads | Councillor Angus Lees - Lead Member Councillor Mike Chalk Councillor Liz Clements Councillor Kath Hartley Councillor Ian Shires Councillor Stephen Simkins |
| Accountable Employee | Tim Martin, Head of Governance email: Tim.Martin@wmca.org.uk tel: (0121) 214 7435 Pete Bond, Director of Integrated Network Services email: Pete.Bond@tfwm.org.uk tel: (0121) 214 7388 |

Recommendation(s) for decision:

Overview & Scrutiny Committee is recommended to:

- (1) Review and consider the conclusions of the Bus Franchising Task & Finish Review Group.

Purpose

1. To report on the conclusions of the Mayor's Bus Franchising Task & Finish Group.

Background

2. A Mayoral Q&A session was held on 28 September 2018, where councillors from the Overview & Scrutiny Committee questioned the Mayor on a range of issues, including housing provision, air quality measures, transport infrastructure, Brexit preparations and the Leadership Commissions report on diversity in leadership roles. As part of this session, the Mayor was asked questions on the extent in which he was utilising all the powers provided within the Bus Services Act 2017.
3. At its meeting on 16 January 2019, the Overview & Scrutiny Committee received a formal response to these questions. In relation to bus franchising, the Mayor indicated:

“The Bus Services Act 2017 provides a series of powers for the Mayoral Combined Authority areas including greater powers on partnership schemes, new Enhanced Partnerships and also powers to franchise buses, as well as provision for additional data from bus operators. We currently work with the Bus Alliance and other partnerships to drive positive outcomes, including an increase in paid bus patronage.

The leaders of the WMCA asked TfWM to undertake a high level assessment of these powers and their potential use during 2018. As part of that process there was a clear need for greater clarity on the requirements for, and from, the bus network within the policy framework to support Movement for Growth by the WMCA. This has been developed in the form of a Vision for Bus which was supported and approved in November 2018 by the WMCA.

As outlined in that report, a delivery plan is being developed from the Vision for Bus that will include an assessment of the potential use of powers from the Bus Services Act 2017. This is proposed for Spring 2019 and will consider franchising powers, but will also consider use of the other powers available within the Act for the future operation of buses in the West Midlands region and the delivery of the Vision for Bus. The Bus Services Act is legislation that is untested to date and needs careful and due consideration”

4. Overview & Scrutiny Committee welcomed the response, but members considered that a task & finish group should be established to undertake a further review to establish whether the Mayor was utilising all of his powers.

Mayor's Bus Franchising Task & Finish Group

5. The task & finish group was led by Councillor Angus Lees, who was joined by Councillor Mike Chalk, Councillor Liz Clements, Councillor Ian Shires, Councillor Stephen Simkins and Councillor Kath Hartley (in her capacity as Chair of the Transport Delivery Committee).
6. On 21 March, the task & finish group met to review the Mayoral response further with TfWM's Director of Integrated Network Services and the Head of Network Delivery. The group noted the current arrangements for bus services in the West Midlands, the Bus Services Act 2017 and the opportunities to improve the bus network.

7. Transport for West Midlands had developed a Vision for Bus strategy in order to clearly articulate how it would create a world leading bus network as part of an integrated transport system, and this was approved in November 2018 by the WMCA Board. The vision formed part of a wider, emerging proposal for delivering an integrated transport system, the next steps of which were considered by the WMCA Board on 26 June 2019. This report sought to undertake an outline business case that would consider the three options outlined in the Bus Services Act including franchising, Bus Alliance (including Advanced Quality Partnership Schemes) and Enhanced Partnerships. The process, risks, opportunities and benefits for each of these options would be looked at as part of the outline business case.
8. The task & finish group requested a briefing note on the powers and opportunities within the Bus Services Act 2017, an explanation of the risks and opportunities in utilising these powers, and summary of the experience from other areas of the country including Greater Manchester, London and Nottingham.
9. A second meeting of the task & finish group was held on 4 June 2019, with the Director of Integrated Network Services to review the powers and opportunities within the Bus Services Act 2017, and associated risks in further detail. The task & finish group also received a comprehensive presentation on the detail of the Vision for Bus report that was to be submitted to the WMCA Board on 28 June.
10. The task & finish group discussed the proposed benefits and risks of a franchising scheme , as well as other options within the legislation, and the use of an Enhanced Partnership to deliver Sprint in readiness for the Commonwealth Games. Delivering the A34 and A45 Sprint routes was a priority for the 2022 Commonwealth Games.

Enhanced Partnership Scheme

11. An Enhanced Partnership Scheme is an agreement between a local transport authority and the local bus operators to work together to improve local bus services. It included a clear vision of the improvements that the scheme was aiming for and the actions to achieve them.

Bus Franchising Scheme

12. Franchising is an established model for providing bus services used in London and in many cities and regions across continental Europe. In a franchising scheme, local authorities would determine the details of the services to be provided including where they operated, when they operated and the standards of bus services. The franchising authority would also take the financial risk associated with the operation of the network, and would bear the costs of introducing franchising. Bus operators would provide their services on behalf of the franchising authority. A franchise decision would need to be undertaken by the Mayor, who would be the head of the service operation

Conclusions

13. Members welcomed the opportunity to review the detail of the Vision for Bus Next Steps report that was presented to the WMCA Board on 28 June.
14. It was recognised that whilst a franchising scheme would give local authorities a great deal of control over bus services and address the needs of the passenger and benefit the residents of the West Midlands, it also carried a significant amount of financial risk. After reviewing the

process for setting up a franchise, it was apparent that such a scheme could not be delivered in time for the Commonwealth Games.

15. It was considered that the Mayor was utilising the powers provided within the Bus Services Act 2017 appropriately, and that an Enhanced Partnership Scheme was currently the most viable option for the West Midlands to achieve positive change and deliver the two Sprint Schemes in readiness for the Commonwealth Games 2022. However, it was recognised that a franchising scheme could still be considered in the future. It was also recognised that undertaking an Outline Business Case (OBC) for the assessment of options within the Bus Services Act is the correct thing to do and will help to inform future decisions in the appropriate way.

Financial Implications

16. There are no direct financial implications arising out of the recommendations contained within this report.

Legal Implications

17. Part 7. 22(3) of The West Midlands Combined Authority Functions and Amendment Order 2017 confers on the Mayor powers under Section 113A (1)(a) of the Local Democracy, Economic Development and Construction Act 2009 providing the Mayor with a general power to support the carrying-out of any of the CA's functions. The provisions of the Bus Services Act 2017 shall be used to improve services for the West Midlands region and it is at the discretion of the Authority as to which part of those powers it chooses to rely upon to deliver its vision.

The Legal / Procurement Teams will support the future activities set out in this report in relation to any legal/ commercial/ procurement requirements and any legal agreements that may be required, together with any necessary Partner Agreements as the full Delivery Plan for Vision for Bus develops.

Equalities Implications

18. There are no direct equality implications arising out of the recommendations contained within this report.

Inclusive Growth Implications

19. This piece of work largely relates to Future Generations inclusive growth test, but also has some implications around Sharing Power. The report recognises the tight time timescales associated with delivering the supporting infrastructure for the Commonwealth Games, and has taken a pragmatic conclusion to continue with current arrangements, which are working well. However, there are several advantages for citizens associated with a regulated bus service, and as such, exploring this option via an OBC is the best way to assess whether those advantages can be realised in practice. To create a region that works for future generations, people must be enabled to move away from car ownership, and to use mass transit for as much social, economic, and environmental connectivity as possible. This should be at the heart of the OBC – exploring whether regulation makes this more likely.

Geographical Area of Report's Implications

20. The Overview & Scrutiny Committee comprises 12 members appointed by constituent authorities and seven members appointed by non-constituent authorities.

Other Implications

21. There are no further specific implications arising out of the recommendations contained within the report.

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WEST MIDLANDS COMBINED AUTHORITY FORWARD PLAN: JULY 2019 - MAY 2020

| Title of Report | Description of Purpose | Date of Meeting | Key Decision (Y/N) | Lead Portfolio Holder | Lead Officer | Confidential | Category |
|---|--|-----------------|--------------------|-----------------------|--------------|--------------|--|
| 5G Delivery Plan Update | To consider an update on 5G matters. | 26 July 2019 | No | Cllr Patrick Harley | Henry Kippin | No | Culture & Digital |
| Urban Growth Company Outline Business Case | To approve the Outline Business Case. | 26 July 2019 | No | Cllr Ian Brookfield | Ian Martin | No | Economy & Innovation |
| West Midlands Carbon Targets | To agree a regional target for carbon reduction. | 26 July 2019 | Yes | Cllr Ian Courts | Henry Kippin | No | Environment, Energy & HS2 |
| Financial Monitoring 2019/20 | To review the latest budget monitoring position. | 26 July 2019 | No | Cllr Bob Sleigh | Linda Horne | No | Finance |
| Social Economy Task Force | To provide an update on recent developments. | 26 July 2019 | Yes | Cllr Yvonne Davies | Henry Kippin | No | Public Service Reform & Social Economy |

| Title of Report | Description of Purpose | Date of Meeting | Key Decision (Y/N) | Lead Portfolio Holder | Lead Officer | Confidential | Category |
|--|--|-------------------|--------------------|-----------------------|-----------------------------------|--------------|--|
| Midland Metro Ltd Future Plan | To consider a report on matters related to Midland Metro Ltd. | 26 July 2019 | Yes | Cllr Ian Ward | Laura Shoaf | Yes | Transport |
| Childhood Obesity Strategy | To agree a strategy to tackle childhood obesity. | 26 July 2019 | Yes | Cllr Izzi Seccombe | Sean Russell | No | Wellbeing |
| Financial Monitoring 2019/20 | To review the latest budget monitoring position. | 13 September 2019 | No | Cllr Bob Sleigh | Linda Horne | No | Finance |
| Violence Prevention Strategy | To approve the strategy. | 13 September 2019 | Yes | TBC | Henry Kippin/ Jonathan Jardine | No | Policy |
| Public Service Reform White Paper | To consider a report on the latest Public Service Reform developments. | 13 September 2019 | No | Cllr Yvonne Davies | Henry Kippin | No | Public Service Reform & Social Economy |



| Title of Report | Description of Purpose | Date of Meeting | Key Decision (Y/N) | Lead Portfolio Holder | Lead Officer | Confidential | Category |
|---|---|-------------------|--------------------|-----------------------|--------------|--------------|---------------------------|
| Commonwealth Games Transport Plan | To approve the transport plan. | 13 September 2019 | Yes | Cllr Ian Ward | Laura Shoaf | No | Transport |
| Women's Concessionary Travel Scheme Pass | To provide an update on the implementation of changes to the scheme. | 13 September 2019 | No | Cllr Ian Ward | Laura Shoaf | No | Transport |
| Financial Monitoring 2019/20 | To review the latest budget monitoring position. | 8 November 2019 | No | Cllr Bob Sleigh | Linda Horne | No | Finance |
| Carbon Reduction Action Plan | To agree an action plan to achieve the WMCA's regional carbon reduction target. | 8 November 2019 | Yes | Cllr Ian Courts | Henry Kippin | No | Environment, Energy & HS2 |
| Low Emissions Strategy | To approve the strategy. | 8 November 2019 | Yes | Cllr Ian Courts | Simon Slater | No | Environment, Energy & HS2 |

| Title of Report | Description of Purpose | Date of Meeting | Key Decision (Y/N) | Lead Portfolio Holder | Lead Officer | Confidential | Category |
|--|---|-----------------|--------------------|-----------------------|-------------------|--------------|----------------------|
| Local Industrial Strategy Implementation | To consider a report on the implementation of the LIS following the outcome of the Spending Review. | 8 November 2019 | No | Cllr Ian Brookfield | Julia Goldsworthy | No | Economy & Innovation |
| Willenhall and Darlaston New Railway Stations | To approve compulsory purchase orders for these new railway stations. | 8 November 2019 | Yes | Cllr Ian Ward | Laura Shoaf | Yes | Transport |
| Moseley, Kings Heath and Hazelwell New Railway Stations | To approve compulsory purchase orders for these new railway stations. | 8 November 2019 | Yes | Cllr Ian Ward | Laura Shoaf | Yes | Transport |
| Financial Monitoring 2019/20 | To review the latest budget monitoring position. | 10 January 2020 | No | Cllr Bob Sleight | Linda Horne | No | Finance |



| Title of Report | Description of Purpose | Date of Meeting | Key Decision (Y/N) | Lead Portfolio Holder | Lead Officer | Confidential | Category |
|-------------------------------------|--|------------------|--------------------|-----------------------|--------------|--------------|----------|
| Draft Budget 2020/21 | To consider draft proposals for the WMCA's 2020/21 budget. | 10 January 2020 | No | Cllr Bob Sleigh | Linda Horne | No | Finance |
| Financial Monitoring 2019/20 | To review the latest budget monitoring position. | 14 February 2020 | No | Cllr Bob Sleigh | Linda Horne | No | Finance |
| Final Budget 2020/21 | To agree with WMCA's 2020/21 budget. | 14 February 2020 | Yes | Cllr Bob Sleigh | Linda Horne | No | Finance |
| Financial Monitoring 2019/20 | To review the latest budget monitoring position. | 20 March 2020 | No | Cllr Bob Sleigh | Linda Horne | No | Finance |

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WMCA Overview & Scrutiny Committee - Forward Plan

| Title of Report | Description of Purpose | Date of Meeting | Lead Officer/Member |
|---|--|------------------------|-----------------------------|
| Mayor's Question Time: Event 1: Policy (Mid-September) | | | |
| Arrangements - Mayor's Question Time: Policy | To discuss & agree the arrangements for the Mayor's Q&A event to be held in September. | 2 September 2019 | Chair Lyndsey Roberts |
| Draft Medium Term Financial Plan 2020 | To receive an update on the draft Medium Term Financial Plan. | 22 October 2019 | Linda Horne Louise Cowen |
| Arrangements – Mayor's Question Time: Budget | To discuss & agree the arrangements for the Mayor's Q&A event to be held in November. | 22 October 2019 | Chair Lyndsey Roberts |
| Mayor Question Time: Event 2: Medium Term Financial Plan (November 2019) | | | |
| Mayoral Question Time: Policy – Response to recommendations presented to the WMCA Board | To receive a formal response to the recommendations presented to the WMCA Board on 8 November. | 17 December 2019 | |

| Title of Report | Description of Purpose | Date of Meeting | Lead Officer/Member |
|---|---|-----------------------|--------------------------------|
| Draft Budget 2020/21 & Medium Term Financial Plan | To consider the draft budget 2020 and Medium Term Financial Plan 2020, prior to WMCA Board sign-off on 14 February. | 21 January 2020 | Linda Horne |
| Mayoral Question Time: Budget - Response to recommendations presented to the WMCA Board | To receive a formal response to the recommendations presented to the WMCA Board on 10 January. | 9 March 2020 | |
| Development of the WMCA Annual Plan 2020/21 | To consider and comment on the development of the Annual Plan 2020/21. | 9 March 2020 | Paul Clarke |
| Overview & Scrutiny Committee – Draft Annual Report 2019/20 | To review and comment on the Annual Report that will be presented to WMCA Board on 5 June (AGM) | 9 March 2020 | Lyndsey Roberts |
| Draft Inclusive Growth Toolkit | To review the draft inclusive growth toolkit. | Date to be determined | Henry Kippin Claire Spencer |
| A Gigabit Region | To receive an update on gigabit cities. | Date to be determined | Henry Kippin |
| Legacy of Commonwealth Games | To receive a report on the legacy of the Commonwealth Games in terms of health, skills, housing & development. | Date to be determined | |

| Title of Report | Description of Purpose | Date of Meeting | Lead Officer/Member |
|------------------------|---|------------------------|----------------------------|
| Ring & Ride Review | To review proposals/recommendations arising out of the Ring & Ride Review prior to consideration by the WMCA Board. | Date to be determined | Laura Shoaf |

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