



Overview & Scrutiny Committee

Date	15 July 2019
Report title	Developing Overview & Scrutiny within the Combined Authority
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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.