

A meeting of the
WECA Overview & Scrutiny Committee

will be held on

Date: Wednesday, 17 July 2019

Time: 10.45 am

**Place: The Space, Keynsham Civic Centre, Temple Street,
Keynsham BS31 1HF**

Notice of this meeting is given to members of the West of England Overview & Scrutiny Committee as follows:

Cllr Brian Allinson, South Gloucestershire Council
Cllr James Arrowsmith, South Gloucestershire Council
Cllr John Ashe, South Gloucestershire Council
Cllr Stephen Clarke, Bristol City Council
Cllr Winston Duguid, Bath and North East Somerset
Cllr Geoff Gollop, Bristol City Council
Cllr Gary Hopkins, Bristol City Council
Cllr Carole Johnson, Bristol City Council
Cllr Hal MacFie, Bath and North East Somerset Council
Cllr Brenda Massey, Bristol City Council
Cllr Mhairi Threlfall, Bristol City Council

Copies to North Somerset Council representatives:

Cllr Nigel Ashton
Cllr Mike Bird
Cllr Huw James

Enquiries to:

Ian Hird / Tim Milgate
West of England Combined Authority Office
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Temple Quay
Bristol, BS1 6EW
Email: democratic.services@westofengland-ca.gov.uk
Tel: 0117 332 1486

West of England Combined Authority

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- Inspect agendas and public reports five clear working days before the date of the meeting.
- Inspect agendas, reports and minutes of the WECA and all WECA Committees and Sub-Committees for up to six years following a meeting.
- Inspect background papers used to prepare public reports for a period of up to four years from the date of the meeting. A list of any background papers to a report is given at the end of each report.
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- Have access to a list setting out the decision making powers the WECA has delegated to their officers and the title of those officers.
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The Openness of Local Government Bodies Regulations 2014 mean that any member of the public or press attending this meeting may take photographs, film or audio record proceedings and may report on the meeting including by use of social media (oral commentary is not permitted during the meeting as it would be disruptive). This will apply to the whole of the meeting except where there are confidential or exempt items, which may need to be considered in the absence of the press or public.

If you intend to film or audio record this meeting please contact the Democratic Services Officer named on the front of the agenda papers beforehand, so that all necessary arrangements can be made.

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To comply with the Data Protection Act 2018, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator.

AGENDA

1. WELCOME & INTRODUCTIONS

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST UNDER THE LOCALISM ACT 2011

Members who consider that they have an interest to declare are asked to: a) State the item number in which they have an interest, b) The nature of the interest, c) Whether the interest is a disclosable pecuniary interest, non-disclosable pecuniary interest or non-pecuniary interest. Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

4. MINUTES OF PREVIOUS MEETING

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To confirm the minutes of the previous meeting of the committee as a correct record.

5. ITEMS FROM THE PUBLIC (PETITIONS; STATEMENTS; QUESTIONS)

If you wish to present a petition or make a statement at this meeting, you are required to submit this by 12 noon on the working day before the meeting by e-mail to democratic.services@westofengland-ca.gov.uk For this meeting, this means that your petition/statement must be received in this office by **12 noon on Tuesday 16 July 2019**.

If you wish to ask a question at the meeting, you are required to submit the question in writing to democratic.services@westofengland-ca.gov.uk by no later than 3 working days before the meeting. For this meeting, this means that your question(s) must be received in this office by the end of **Thursday 11 July 2019**.

In presenting any statements at the meeting, members of the public are generally permitted to speak for up to 3 minutes each. The total time available for this session is 30 minutes so at the discretion of the Chair, speaking time may sometimes be reduced depending on how many public items are received. Please note that all public items will be circulated in advance of the meeting to the committee members

6. CHAIR'S BUSINESS / ANNOUNCEMENTS

7. REVIEW OF 19 JULY WECA COMMITTEE & JOINT COMMITTEE REPORTS

11 - 12

Report enclosed.

8. OVERVIEW & SCRUTINY WORK PROGRAMME & AGENDA SETTING

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Report enclosed.

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Agenda Item 4

West of England Combined Authority WECA Overview & Scrutiny Committee

Wednesday, 12 June 2019, 10:30am
The Pavilion, 1 Hannover Quay, Harbourside, Bristol, BS1 5EJ
3 Rivergate, Bristol BS1 6ER

Present:

Cllr Brian Allinson, South Gloucestershire Council	Cllr Carole Johnson, Bristol City Council
Cllr James Arrowsmith, South Gloucestershire Council	Cllr Hal MacFie, Bath and North East Somerset Council
Cllr Stephen Clarke, Bristol City Council	Cllr Jo Sergeant, Bristol City Council (as substitute for Cllr Brenda Massey)
Cllr Winston Duguid, Bath and North East Somerset	Cllr Mhairi Threlfall, Bristol City Council
Cllr Gary Hopkins, Bristol City Council	Cllr Mark Weston, Bristol City Council (as substitute for Cllr Geoff Gollop)

Officers In Attendance:

Patricia Greer, Chief Executive	Ian Hird, Scrutiny Manager
Shahzia Daya, Director of Legal Services	Tim Milgate, Democratic Services Officer
Malcolm Coe, Director of Finance	Lynda Bird, Head of Performance, Planning and Projects

Apologies:

Cllr Geoff Gollop, Bristol City Council (Cllr Mark Weston attended as substitute)	Cllr Brenda Massey, Bristol City Council (Cllr Jo Sergeant attended as substitute)
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Minutes

This was the first meeting of the WECA Overview and Scrutiny Committee meeting in Municipal Year 2019/20 and the Scrutiny Officer, Ian Hird, introduced the items up to Item 3 (Election of Chair)

1	Evacuation Procedure The evacuation procedure was set out.
2	Membership of committee - to note Following the recent elections in Bath and North East Somerset and South Gloucestershire there had been several changes to the Committee's membership compared to 2018/19. In addition, there had also been recent elections in North Somerset and three new members had been appointed as observers. The new members were welcomed.
3	Election of Chair It was proposed by Cllr Weston, seconded by Cllr Allinson and resolved : <ul style="list-style-type: none">That Cllr Stephen Clarke be appointed as Chair of the WECA Overview and Scrutiny Committee for municipal year 2019/20. (Cllr Clarke was in the Chair for all subsequent items).
4	Election of Vice-Chair It was proposed by Cllr MacFie, seconded by Cllr Threlfall and resolved : <ul style="list-style-type: none">That Cllr Winston Duguid be appointed as Vice-Chair of the WECA Overview and

	Scrutiny Committee for municipal year 2019/20.
5	<p>Declarations of Interest under the Localism Act 2011</p> <p>There were no Declarations of Interest made under the Localism Act 2011.</p>
6	<p>Committee terms of reference - to note</p> <p>The Committee's Terms of Reference had been attached for information and were noted.</p>
7	<p>Dates, times and venues of meetings</p> <p>It was agreed that the Committee would meet on the following dates and at the following venues during 2019/20:</p> <p>Wednesday 17 July 2019, Kingswood Civic Centre Wednesday 2 October 2019, Bath Guildhall Wednesday 4 December 2019, Bristol City Hall Wednesday 29 January 2020, Kingswood Civic Centre Wednesday 18 March 2020, Bath Guildhall</p> <p>It was requested at the meeting that any pre-meetings commence no earlier than 10am with the main Committee meetings starting at 10:30am or 11:00am as appropriate.</p>
8	<p>Minutes of previous meeting - to confirm as a correct record</p> <p>The minutes of the meeting held on 27 February 2019 were agreed as a correct record and signed by the Chair.</p>
9	<p>Items from the Public (petitions; statements; questions)</p> <p>Two statements had been received from Members of the Public as follows:</p> <ol style="list-style-type: none"> 1. David Redgewell – bus and transport services 2. Christina Biggs – rail services <p>Mr Redgewell attended the meeting and addressed the Committee in person.</p>
10	<p>Business Plan annual report 2018/19 - overview of report being submitted to 14 June WECA Committee</p> <p>The Committee received a report providing the annual assessment of the delivery of the Combined Authority's Business Plan for 2018/19. The Committee were asked to note the report.</p> <p>The report stated that the business plan for 2019/20 was agreed by WECA and Joint Committee at its meeting on 1 February 2019. The report attached at Appendix One provided an annual assessment on progress in delivering the business plan for 2018/19, including:</p> <ul style="list-style-type: none"> • An overview of delivery in 2018/19, with a description of key projects and activities • A detailed commentary on each item in the 2018/19 business plan • Specific information requested for the LEP delivery plan <p>The Corporate Risk Register was attached at Appendix 2.</p>

During the discussion the following points were made:

- A question was raised as to how funds were allocated to different schemes, for example £60k was allocated specifically to women yet there was some underspend in the Adult Education Budget (AEB). In reply it was stated that the Combined Authority had to adopt a mixed approach between being reactive and proactive while allocating funds depending on the conditions attached to the funding being received;
- A query was raised regarding the AEB budget. It was stated that this had been nationally funded previously and the Combined Authority had to prove its readiness. Funding had been based on a formula that had taken previous years' spending into account and as a result there had been less money allocated than anticipated. The current year would be about keeping the status quo although in future years the Authority can be more proactive in its budget allocation;
- In response to a question about delivering a bus strategy, Patricia Greer reported that although there was a requirement to produce a bus strategy there was no extra allocation of funds to go with it and as the Authority could not have any ongoing revenue streams, any solutions would have to be sustainable. David Carter added that the process included Memorandum of Understandings (MoUs) being agreed with all local bus operators. He stated that the Authority anticipated being able to bring forward a report to its Committee in autumn 2019;
- Returning to the AEB budget a question was asked what mentoring was being provided for small and medium sized businesses to enable them to 'scale-up'. It was noted that there was already existing support freely available, but that the growth hub could take a lead in channelling this support more effectively;
- A comment was made that the success of Metrobus had had a negative effect on some areas which were now used for commuter parking and a suggestion was made that a solution could be to provide more small and medium sized park and ride sites;
- It was also noted that the Authority was aware of other issues regarding Metrobus such as cancelled routes, effect on existing services and the cost of providing new bus stops. However, it was reiterated that the operation of Metrobus was completely commercial. A move to a more simple fare structure was being looked at, such as the use of smart cards/oyster-style cards. It was also noted that Metrobus was not a Combined Authority function but the Authority was working with the three local authorities who were providing services;
- There were a number of comments made about the 'Climate Emergency' declaration that had been made by a number of the local authorities and the Committee asked that WECA make a similar declaration. This formed part of the comments made by the Committee to the WECA Committee and Joint Committee meetings. Patricia Greer stated that green growth was embedded in the work of the Combined Authority which included reduction of carbon emissions, the switch of private cars to walking, cycling, use of shared transport etc and the use of information systems to cut down journeys made. It was also noted that green growth was embedded in the obligations on the funding given to the Combined Authority. However, the Committee still wished to raise the lack of an implicit commitment to tackling climate change and asked that a future briefing be provided.

Resolved: That the report be noted.

11 **Investment Fund - overview of report being submitted to the 14 June WECA Committee**

The Committee received an update on the Investment Fund prior to its consideration by the WECA Committee on 14 June 2019.

The report stated that the Combined Authority received different funding streams, including

	<p>the Local Growth Fund, the Investment Fund and Transforming Cities Fund. Each fund came with different conditions attached. The investment fund was allocated at £30m a year for 30 years. The first £350m of this funding was currently being allocated. Some over-programming had been built in. The Authority was subject to a number of 'gateway reviews' where the allocation of funds would be reviewed in order for the next tranche of funding to be released.</p> <p>It was specifically noted that the business case for the research funding facility at Bristol University's Temple Quarter Enterprise Campus had been published. The scheme would however still be subject to due diligence and appropriate planning permissions.</p> <p>Agreed: That the report be noted.</p>
12	<p>Governance and constitution update - overview of report being submitted to 14 June WECA Committee</p> <p>The Committee received an update on Combined Authority governance arrangements and proposed changes to the Combined Authority's constitution.</p> <p>The governance structure had set out 12 meetings a year for the Overview and Scrutiny Committee with six formal and six informal meetings. The following comments were raised:</p> <ul style="list-style-type: none"> • It was requested that any exempt reports be shared with the Scrutiny Committee in an open manner in order that the Committee could carry out proper pre-scrutiny of the item; • The new Board structure was welcomed; • There was some concern of the continuation of the public question arrangements with no oral or supplementary questions being allowed and this comment was to be passed on to the WECA Committee; • It was confirmed that the pay ratio within the WECA organisation was within usual parameters; <p>Agreed: That the report be noted.</p>
13	<p>14 June WECA Committee and Joint Committee agenda papers</p> <p>The Committee considered the reports being submitted to the WECA Committee and Joint Committee on 14 June 2019 and considered whether to make any comments thereon on behalf of the Overview & Scrutiny Committee. The Chair, Cllr Stephen Clarke, indicated that he would not be able to attend the main Committee meetings on 14 June 2019. The Vice-Chair therefore indicated that he would attend on behalf of the Committee.</p> <p>The comments made were circulated to the WECA Committee and Joint Committee prior to their meetings and taken into consideration during their decision-making process.</p>
14	<p>WECA Committee and Joint Committee Forward Plan and Overview & Scrutiny Committee work programme</p> <p>The latest update of the WECA Committee and Joint Committee Forward Plan was noted. The Forward Plan covered the 2019/20 year ahead and would assist members in setting their own agendas and work programme.</p>
<p>Wednesday, 17 July 2019, 10.00 am, The Space, Keynsham Civic Centre</p>	

The meeting closed at 11:50am.

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WEST OF ENGLAND COMBINED AUTHORITY

OVERVIEW AND SCRUTINY COMMITTEE - 17 JULY 2019

REVIEW OF 19 JULY WECA COMMITTEE AND JOINT COMMITTEE REPORTS

DIRECTOR: SHAHZIA DAYA, DIRECTOR OF LEGAL

AUTHOR: IAN HIRD, DEMOCRATIC SERVICES & SCRUTINY MANAGER

Purpose

1. The Overview & Scrutiny Committee is asked to review the reports due to be considered at the 19 July WECA Committee and Joint Committee and formulate any comments they may wish to refer to the respective meetings.

Summary

2. In the previous municipal year, members agreed that to assist their scrutiny role, meetings of the committee should generally be scheduled in advance of but close to the date of WECA and Joint Committee meetings, to enable Overview and Scrutiny members to review finalised reports before decisions are taken and to enable members to formulate any comments on the reports.

3. The agenda and reports for the 19 July WECA Committee and Joint Committee were published on 9 July. Copies were sent on that date to Overview & Scrutiny Committee members to ensure they received these reports 5 clear working days in advance of this meeting. The agenda papers can also be accessed from these web links:

Web link to 19 July WECA Committee agenda papers:

<https://westofengland-ca.moderngov.co.uk/ieListDocuments.aspx?CId=141&MId=414>

Web link to 19 July Joint Committee agenda papers:

<https://westofengland-ca.moderngov.co.uk/ieListDocuments.aspx?CId=142&MId=415>

4. The committee is asked to consider whether it wishes to submit any specific comments to the 19 July meetings (a standard slot is included on these agendas to enable the Chair to present any comments on behalf of the committee).

5. In summary, the reports to be considered at the 19 July meetings cover the following subjects:

WECA COMMITTEE - 19 JULY 2019:

- Combined Authority governance & constitution
- Combined Authority & Mayoral budget outturn report – April - May 2019
- Treasury Management outturn report 2018/19
- Integrated ticketing – future work
- Bus infrastructure delivery update
- Investment Fund
- Employment and Skills Plan
- Business Plan 2019/20 – quarter 1 progress report

JOINT COMMITTEE REPORTS – 19 JULY 2019:

- Local Enterprise Partnership and Invest Bristol and Bath revenue budget outturn report
- Local Enterprise Partnership One Front Door funding programme
- Integrated ticketing – future work
- Employment and Skills Plan
- Business Plan 2019/20 – quarter 1 progress report

RECOMMENDATION:

That the committee identify any comments they wish to submit to the respective meetings of the WECA Committee and Joint Committee on 19 July 2019.

West of England Combined Authority Contact:

Any person seeking background information relating to this item should seek the assistance of the contact officer for the meeting who is Ian Hird / Tim Milgate on 0117 332 1486; or by writing to West of England Combined Authority, 3 Rivergate, Temple Way, Bristol BS1 6ER; email: democratic.services@westofengland-ca.gov.uk



WEST OF ENGLAND COMBINED AUTHORITY

OVERVIEW AND SCRUTINY COMMITTEE - 17 JULY 2019

OVERVIEW & SCRUTINY WORK PROGRAMME & AGENDA SETTING

DIRECTOR: SHAHZIA DAYA, DIRECTOR OF LEGAL

AUTHOR: IAN HIRD, DEMOCRATIC SERVICES & SCRUTINY MANAGER

Purpose

1. To discuss agenda setting for future meetings of the Overview & Scrutiny Committee.

Background

2. Meetings of the Overview & Scrutiny Committee are scheduled for the following dates:

* 2 October 2019

* 4 December 2019

* 29 January 2020

* 18 March 2020

3. In addition, it is suggested that informal meetings of the committee be held on the following dates:

* 11 September 2019 (1.00 – 2.30 pm)

* 6 November 2019 (1.00 – 2.30 pm)

* 8 January 2020 (10.00 – 11.30 am)

* 26 February 2020 (1.00 – 2.30 pm)

4. It is suggested, as per arrangements over the previous year, that these informal sessions are used to enable members to be updated/briefed on Combined Authority activity in-between formal, public meetings of the Overview & Scrutiny Committee, and also to allow an opportunity for members to refine/confirm agendas suitably ahead of each of their formal, public meetings.

5. As per the previously agreed practice, meetings of the Overview and Scrutiny Committee have been timed carefully ahead of the WECA Committee and Joint Committee meetings to enable Overview and Scrutiny members to review reports before decisions are taken and to formulate any comments they may wish to refer to the respective committee meetings (via the Chair's reporting slot at these meetings). The currently agreed practices reflect in part the level of resource available to support overview and scrutiny.

6. It is also anticipated that, from examining the WECA Committee and Joint Committee Forward Plan, members will wish to identify particular items or issues that they wish to be briefed or have input to at an early stage, i.e. well in advance of the formal decision taking meeting of the WECA Committee / Joint Committee.

7. The Forward Plan for the WECA Committee and Joint Committee is reviewed and published near the start of each meeting cycle.

8. The Forward Plan deliberately goes beyond the minimum legal requirement for notice of key decisions to be published at least 28 days in advance of a decision-taking meeting and aims to provide as much information as possible about the decisions that are anticipated to be brought forward for WECA Committee / Joint Committee decisions throughout the 2019/20 municipal year. It is hoped that this will assist Overview & Scrutiny members in setting their forward agendas.

9. The Forward Plan is the authority's best assessment, at the time of publication, of anticipated decision making. As the plan is reviewed and re-published near the start of each meeting cycle, Overview and Scrutiny members will be advised each time the Plan is re-published and sent a copy of each update at the point of each re-publication.

10. The 19 July WECA Committee and Joint Committee reports were considered under the previous agenda item. Appendix 1 sets out the items currently due to be considered for the remainder of 2019/20 as per the most recent published Forward Plan update.

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

11. As further background to assist members, attached as Appendix 2 is a copy of the latest, updated Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, as issued recently by the Ministry of Housing, Communities & Local Government in May 2019.

12. There are a number of themes identified/reinforced in the document that it is recommended members take into account in terms of setting future agendas and undertaking their work.

These include the following points:

- a. Effective overview and scrutiny should look to:
 - Provide constructive "critical friend" challenge.
 - Amplify the voices and concerns of the public.
 - Be led by independently minded people who take responsibility for their role.
 - Drive improvement in public services.
- b. It is important for authorities to recognise scrutiny's legal and democratic legitimacy.
- c. Effective scrutiny should 'add value' to an authority's decision-taking.

- d. Scrutiny members should be supported in having an independent mindset.
- e. A scrutiny committee needs access to relevant information held by the authority and should receive it in good time, if it is to do its job effectively.

RECOMMENDATION:

That the committee discuss agenda setting for future meetings, taking account of the WECA Committee and Joint Committee Forward Plan items as shown in Appendix 1.

On the basis of the discussion, a draft work programme will be drawn up, to include the substantive agenda items identified for the next and future meetings of the committee.

It is suggested that based on items currently listed in Appendix 1, the committee may wish to include the following items as part of their future agenda setting:

- **An update/briefing on the proposals for the delivery of transport integration.**
- **An update on the Joint Spatial Plan (which could be scheduled once the Examination in Public process has been concluded).**
- **An update on the Joint Local Transport Plan 4.**
- **A regular update on progress in taking forward the Investment Fund programme.**
- **Regular updates (6 monthly) on taking forward the Local Industrial Strategy and the Employment and Skills Plan.**
- **Quarterly progress reports on the Combined Authority's Business Plan.**

Appendices:

Appendix 1 - WECA Committee & Joint Committee Forward Plan items

Appendix 2 - Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

Background papers: None.

West of England Combined Authority Contact:

Any person seeking background information relating to this item should seek the assistance of the contact officer for the meeting who is Ian Hird / Tim Milgate on 0117 332 1486; or by writing to West of England Combined Authority, 3 Rivergate, Temple Way, Bristol BS1 6ER; email: democratic.services@westofengland-ca.gov.uk

Appendix 1

West of England Combined Authority Committee and West of England Joint Committee

Forward Plan items – remainder of 2019/20

4 OCTOBER 2019 - WEST OF ENGLAND COMBINED AUTHORITY COMMITTEE		
WECA and Mayoral Budget Outturn report To present the latest revenue and capital financial outturn budget monitoring report	Malcolm Coe, Director of Investment and Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
WECA Investment Programme – latest proposals To seek approval for feasibility, development or delivery funding, and for change requests for projects within the current approved programme	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
Transport Authority Integration To approve proposals for the delivery of transport authority integration	David Carter, Director of Infrastructure	David.Carter@westofengland-ca.gov.uk
2019/20 Business Plan progress report To provide the Quarter 2 assessment of the delivery of the Combined Authority's Business Plan for 2019/20	Lynda Bird, Head of Performance, Planning and Projects	Lynda.Bird@westofengland-ca.gov.uk

4 OCTOBER 2019 - JOINT COMMITTEE

Local Enterprise Partnership (LEP) revenue budget outturn To present the latest forecast revenue outturn budget monitoring information covering both the LEP and IBB revenue budgets	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
LEP One Front Door Funding Programme To consider the latest business cases seeking approval for funding through the Local Growth Fund / Economic Development Fund	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
2019/20 Business Plan progress report To provide the Quarter 2 assessment of the delivery of the Combined Authority's Business Plan for 2019/20	Lynda Bird, Head of Performance, Planning and Projects	Lynda.Bird@westofengland-ca.gov.uk

6 DECEMBER 2019 - WEST OF ENGLAND COMBINED AUTHORITY COMMITTEE

WECA and Mayoral Budget Outturn report To present the latest revenue and capital financial outturn budget monitoring report	Malcolm Coe, Director of Investment and Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
Treasury Management monitoring report – April-September 2019 To present the Treasury Management monitoring report for the period April-September 2019	Malcolm Coe, Director of Investment and Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
WECA Investment Programme – latest proposals To seek approval for feasibility, development or delivery funding, and for change requests for projects within the current approved programme	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk

6 DECEMBER 2019 - JOINT COMMITTEE		
<p>Local Enterprise Partnership (LEP) revenue budget outturn To present the latest forecast revenue outturn budget monitoring information covering both the LEP and IBB revenue budgets</p>	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>LEP One Front Door Funding Programme To consider the latest business cases seeking approval for funding through the Local Growth Fund / Economic Development Fund</p>	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>West of England Joint Spatial Plan To update the committee regarding the Joint Spatial Plan</p>	David Carter, Director of Infrastructure	David.Carter@westofengland-ca.gov.uk
<p>Joint Local Transport Plan 4 To approve the updated Joint Local Transport Plan following the public consultation that took place in February-March 2019</p>	David Carter, Director of Infrastructure	David.Carter@westofengland-ca.gov.uk

31 JANUARY 2020 - WEST OF ENGLAND COMBINED AUTHORITY COMMITTEE – BUDGET MEETING		
<p>WECA and Mayoral Budget Outturn report To present the latest revenue and capital financial outturn budget monitoring report</p>	Malcolm Coe, Director of Investment and Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>Mayoral budget setting report 2020/21 To approve the budget for the Combined Authority Mayoral functions for 2020/21</p>	Malcolm Coe, Director of Investment and Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>Combined Authority budget 2020/21 To approve the 2020/21 budget for the Combined Authority</p>	Malcolm Coe, Director of Investment and Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>Capital Strategy including Treasury Management and Investment Strategies To approve the updated Capital Strategy for the Combined Authority including the Treasury Management and Investment Strategies</p>	Malcolm Coe, Director of Investment and Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>WECA Investment Programme – latest proposals To seek approval for feasibility, development or delivery funding, and for change requests for projects within the current approved programme</p>	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>2019/20 Business Plan progress report To provide the Quarter 3 assessment of the delivery of the Combined Authority's Business Plan for 2019/20</p>	Lynda Bird, Head of Performance, Planning and Projects	Lynda.Bird@westofengland-ca.gov.uk

2020/21 Business Plan To agree the Combined Authority's Business Plan for 2020/21	Lynda Bird, Head of Performance, Planning and Projects	Lynda.Bird@westofengland-ca.gov.uk
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31 JANUARY 2020 - JOINT COMMITTEE – BUDGET MEETING		
<p>Local Enterprise Partnership (LEP) revenue budget outturn To present the latest forecast revenue outturn budget monitoring information covering both the LEP and IBB revenue budgets</p>	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>Revenue budget setting report 2020/21 – LEP and IBB To present the LEP and IBB budget proposals for 2020/21</p>	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>LEP One Front Door Funding Programme To consider the latest business cases seeking approval for funding through the Local Growth Fund / Economic Development Fund</p>	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
<p>2019/20 Business Plan progress report To provide the Quarter 3 assessment of the delivery of the Combined Authority's Business Plan for 2019/20</p>	Lynda Bird, Head of Performance, Planning and Projects	Lynda.Bird@westofengland-ca.gov.uk
<p>2020/21 Business Plan To agree the Combined Authority's Business Plan for 2020/21</p>	Lynda Bird, Head of Performance, Planning and Projects	Lynda.Bird@westofengland-ca.gov.uk

20 MARCH 2020 - WEST OF ENGLAND COMBINED AUTHORITY COMMITTEE

WECA and Mayoral Budget Outturn report To present the latest revenue and capital financial outturn budget monitoring report	Malcolm Coe, Director of Investment and Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
WECA Investment Programme – latest proposals To seek approval for feasibility, development or delivery funding, and for change requests for projects within the current approved programme	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk

20 MARCH 2020 - JOINT COMMITTEE

Local Enterprise Partnership (LEP) revenue budget outturn To present the latest forecast revenue outturn budget monitoring information covering both the LEP and IBB revenue budgets	Malcolm Coe, Director of Investment & Corporate Services	Malcolm.Coe@westofengland-ca.gov.uk
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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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May 2019

ISBN: 978-1-4098-5458-6

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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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