



Overview & Scrutiny Committee (OSC)		Agenda Item
24 July 2023		6
Title:	Implementing the Overview & Scrutiny Function	
Report of:	Anne Gardiner, Statutory Scrutiny Officer	
Lead Member:	Councillor Edna Murphy, Lead Member for Governance	
Public Report:	Yes	
Key Decision:	N/A	
Voting Arrangements:	Majority of members present	

Recommendations:

The Overview and Scrutiny Committee is:

A	requested to note the progress made in implementing the recommendations agreed on 19 June 2023 to deliver new Overview & Scrutiny arrangements
B	nominate and appoint members to rapporteur roles for Thematic Committees
C	consider and approve the draft work programme for 2023/24 attached at Appendix 2

Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):

<input checked="" type="checkbox"/>	Achieving ambitious skills and employment opportunities
<input checked="" type="checkbox"/>	Achieving good growth
<input checked="" type="checkbox"/>	Increased connectivity
<input checked="" type="checkbox"/>	Enabling resilient communities
<input checked="" type="checkbox"/>	Achieving Best Value and High Performance

Enhancing the Overview & Scrutiny function is a key ambition from the ongoing improvement framework of the Combined Authority. A healthy, capable and supported Overview & Scrutiny functionality will drive accountability and improve the effectiveness of decision-making within the Combined Authority, which in turn will contribute to driving enhanced delivery and performance.

The Combined Authority is committed to implementing a positive governance culture in all that it does, building upon significant improvements already delivered in response to previously identified governance shortcomings as it seeks to build the foundations for a healthy regional democracy. This involves improving awareness, opportunity and accountability to the public through the Overview & Scrutiny function.



1. Purpose

1.1	Following on from the Overview & Scrutiny Committee (OSC) decision to implement new scrutiny arrangements at its June 2023 meeting, this report provides an update on progress in delivering the outcomes unanimously agreed by the OSC.
1.2	The report provides the OSC with further details regarding the Rapporteur Lead Roles and requests that the OSC considers nominations to appoint as the Scrutiny Rapporteurs for each of the Combined Authority Committees.
1.3	The report further seeks to propose a work programme for consideration by the OSC which takes into account the agreed approach to Overview & Scrutiny in line with the Option A ways of working agreed by the Committee at the June 2023 meeting.
1.4	The proposed work programme provides the suggested informal meeting dates where the OSC will review the performance dashboard, major projects dashboard, improvement plan highlight report and the forward plan to help inform their work for the year.

2. Implementing the Overview & Scrutiny Function

2.1	The OSC agreed to adopt new ways of working and a new approach to implementing the Overview & Scrutiny function at the Combined Authority at its June 2023 meeting, this followed consideration of a number of options over the course of several meetings and supported through Member workshops.
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Delivering Combined Authority Overview & Scrutiny

2.2	The OSC selected Option A which seeks to deliver a strategic focused OSC which is supported by informal planning meetings, the commissioning of deep dive reviews and development of the existing Rapporteur roles to shadow the Combined Authority Committees.
2.3	<p>The new approach will involve Core Roles for the scrutiny function consisting of:</p> <ul style="list-style-type: none">○ Strategic Performance Review of Corporate Plan KPIs○ Holding Mayor and Portfolio Holders to account for the delivery of priority area objectives set out in the Corporate Plan and Directorate Plans○ Holding the Mayor to account for delivery of Mayoral Priorities○ Pre-Scrutiny of Board decision-making (utilising extended Forward Plan to identify upcoming decisions to examine in advance of decision being developed and taken)○ Utilising Call-In power if decisions have not been taken in accordance with the new principles of decision-making set out in the Constitution○ Policy review when approached to undertake or if gap/ issue identified through performance review and decision-making accountability○ Focused meetings on cross- cutting matters and/or issues of significant concern○ Focused budget scrutiny on MTFP alignment/ delivery and consultation (although this could be undertaken by commissioned deep dive review)
2.4	<p>The OSC agreed that it would seek to establish its own area of consideration (that should impact report/ project development at the CA) through the adoption of a regional OSC key principle. This principle will be used to drive the focus of how the OSC would consider performance information and decisions at the CA. That key principle is:</p> <p>“to examine all Combined Authority decision-making through the lens of integrated decision-making, to drive out silo approaches and ensure CPCA strategy is not</p>



	operating in isolation, considers wider impact across corporate plan priority areas, and considers future devolution opportunities and benefits.”
2.5	<p>The OSC agreed that it will seek to utilise the following ways of working to delivering the Core Roles set out above:</p> <ul style="list-style-type: none">○ Mayoral Question Time (focus on progress in delivering on the Mayoral Ambitions and challenge on Strategic Objectives in role as Chair of the CPCA Board)○ Portfolio Lead/ Thematic Committee Chair(s)/ Business Board Question & Answer sessions○ Deep Dive focused topic reviews undertaken by small group of Members (opportunity to engage relevant committees within Constituent Authorities in review)○ Rapporteur review of areas of focus identified by the Committee or shadowing of Thematic Committees. Leads could be appointed to keep watching brief on each Thematic Committee/Priority Area within the Corporate Plan○ Informal meetings process to identify Committee focus and Key Lines of Enquiry with the Statutory Scrutiny Officer
Implementing the agreed approach to Overview & Scrutiny	
2.6	<p>In unanimously supporting the new approach to deliver the scrutiny function the OSC agreed 7 recommendations at its June 2023 meeting, those recommendations and an update on implementing them are as follows:</p>
Recommendation 1: Option A be supported, noting the need to maximise the use of limited Member capacity and availability.	
2.7	<p>Option A is now the agreed approach to delivering Combined Authority Overview & Scrutiny in the region. The Corporate Management Team has been briefed on the agreed approach and the core roles that it will support delivery of, noting the need to provide the OSC with the tools that it requires to fulfil the core roles in the context of limited Member capacity.</p>
2.8	<p>This report seeks to set out some of the steps being taken to implement Option A.</p>
2.9	<p>The OSC will have an opportunity to identify areas for scrutiny attention when it holds its first informal meeting which will provide it with a first opportunity to informally review key dashboards. The OSC may want to consider whether there are any significant topics of regional importance/ concern that it may want to commission deep dives into at the first informal meeting.</p>
Recommendation 2: Officers develop an implementation plan and work programme proposals for the delivery of Option A to be considered at the July OSC meeting, with the intention that they be implemented following that meeting	
2.10	<p>The new approach to delivering the scrutiny function will be implemented throughout the course of the 2023/24 year, this report acts as an initial step in the implementation of new arrangements by seeking agreement on an evolving work programme and seeking nominations to the Rapporteur roles.</p>
2.11	<p>A proposed work programme is attached at Appendix 2, the OSC is asked to consider this proposal in the context of the new approach and agree a work programme for the remainder of the 2023/24 year, noting that the work programme is a live document that can be added to and amended as required by the OSC through regular review.</p>
2.12	<p>A co-production session took place on the 13 July with members of the OSC and the Audit & Governance Committee to help develop a key tool for future scrutiny activity and accountability at the Combined Authority. The session focused on the development of key performance indicators for the strategic objectives agreed by the CPCA Board.</p>
Recommendation 3: An Access to Information Protocol that reflects matters raised in the scrutiny workshop, as well as the review of governance, and best practice, be brought for consideration to the July OSC meeting and the Combined Authority Board meeting	



2.13	A draft Access to Information Protocol will be presented to the OSC at its meeting on 24 July for consideration. If a protocol is supported then it will be proposed for adoption into the Combined Authority Constitution at the next available Board meeting.
Recommendation 4: An analysis of required officer support for the delivery of Option A be undertaken and reported to the Independent Improvement Board, along with a proposal to strengthen officer support to the scrutiny function, noting future English Devolution Accountability Framework requirements.	
2.14	Officers are currently engaged with the Department for Levelling Up, Housing and Communities (DLUHC) on the development of the English Devolution Accountability Framework (EDAF), in particular the Scrutiny Protocol element which will apply to all Combined Authorities. The Centre for Governance & Scrutiny (CfGS) is advising DLUHC on the Scrutiny Protocol and have therefore also been engaged by Officers to get a better understanding of what EDAF will require.
2.15	As EDAF requirements become clearer and better understood a review of Scrutiny Officer support will be undertaken, including comparisons with other Mayoral Combined Authorities (MCAs) in order to prepare a report for consideration firstly by the Corporate Management Team and subsequently by the Independent Improvement Board.
2.16	The intention is for such a review to be undertaken in November 2023 in alignment with the intended release by DLUHC of further EDAF information.
Recommendation 5: OSC recommend to the Combined Authority Board that the Combined Authority commit to developing a 6–12 month Forward Plan	
2.17	Following the review of Governance and the first phase of the Improvement Framework, steps have already been taken to improve the Combined Authority Forward Plan. As a result efforts have already been undertaken to generate a 6-month forward plan. The intention is to create a 6-to-12-month Forward Plan, this recommendation from the OSC will be reported to Board on 26 July 2023.
2.18	It should be noted that the move to a 6-to-12 month Forward Plan will take time to deliver as it requires an element of cultural change from within the organisation. The Combined Authority is also currently developing Annual Business Plans in support of delivering the Corporate Plan, the creation of these annual plans will help identify future workstreams and required decisions which in turn will help better inform the Forward Plan.
Recommendation 6: Ways of working between Board and Thematic Committees and the Scrutiny function be developed to drive opportunities for early OSC involvement in key decision-making and strategy development	
2.19	This recommendation will be reported to the Governance workstream in the phase 2 Improvement Framework for further development in the context of the agreed approach to delivering the scrutiny function at the Combined Authority. This move recognises that training/ guidance may need to be provided to officers to help drive improvements in ways of working.
2.20	The appointment to Rapporteur roles for each of the Combined Authority Committees will play a key role in driving these new ways of working, once appointments have been made it is suggested that Rapporteurs meet with the Chairs of Committees to discuss how they can best support each other.
2.21	It is the intention to also pick up ways of working with the newly created informal governance bodies that support the Governance Framework of the Combined Authority. These bodies are led by key CPCA Officers and include key officer representation from across all Constituent Authorities.
Recommendation 7: The Improvement Plan Highlight Report be presented to each informal scheduled supporting scrutiny meeting for review to help direct focus and challenge at subsequent OSC meetings	
2.22	The Highlight Report will formally be presented to each formal OSC. The Improvement Plan Highlight Report will also be presented to the informal OSC with Officer support once those meetings begin, this



	will allow the OSC to identify areas of focus and key lines of enquiry for a deeper dive into particular improvement areas throughout the course of 2023/24.
Rapporteur Appointments	
2.23	In support of delivering the new approach to scrutiny the OSC is requested to nominate and appoint Rapporteurs to lead on engagement, ways of working, cooperation, test and challenge for each of the Combined Authority Thematic Committees.
2.24	In previous years the Committee have appointed members to Lead Member roles aligned to Thematic Committees. Their role involved reviewing the Thematic Committee Forward Plan together with the published agendas and reports with a view to identifying issues which might warrant further scrutiny. Additionally, the Lead Members would ask questions at Thematic Committees meetings on behalf of the O&S Committee and potentially identifying decisions which would warrant the exercise of call-in powers.
2.25	The above approach will continue but be strengthened with more formal recognition and support. To support these roles a draft role description for Rapporteurs is attached at Appendix 1.
2.26	OSC is asked to consider seeking nominations and appointing to Rapporteur roles as follows: <ul style="list-style-type: none"> ○ Transport & Infrastructure Thematic Committee ○ Environment & Sustainable Communities Thematic Committee ○ Skills & Employment Thematic Committee
Work Programme 2023/24	
2.27	In line with recommendation 2 agreed at the June 2023 OSC and set out in 2.11 above, a draft work programme has been developed for consideration by the OSC in alignment with the agreed approach to delivering the scrutiny function.
2.28	The OSC are requested to consider and approve the draft work programme at Appendix 2 and agree the informal meeting dates for the year. It should be noted that the regularity with which these informal meetings take place will be reviewed to ensure member capacity and availability is taken into account going forward.
Further Considerations	
2.29	In 2.4 the key principle to apply to OSC activity is set out. The OSC may want to consider how this principle should be applied moving forward and may wish to direct Officers to develop an approach for consideration at the 18 September 2023 meeting.
3. Background Information	
3.1	The Combined Authority Board agreed an Improvement Plan following the Interim Chief Executive's diagnosis report at its meeting in October 2022. The improvement plan set out 6 key workstreams that would drive improvement outcomes across the Combined Authority to ensure appropriate foundations and fundamentals were in place to address concerns raised in the Interim Chief Executive diagnosis and concerns raised by the external auditors.
3.2	The improvement plan also built on the conclusions and recommendations set out in the Review of Governance which was endorsed by Board in July 2022. That review set out conclusions and a number of recommendations that were specific to the Overview and Scrutiny function.
3.3	The Overview and Scrutiny function is an integral part of the governance arrangements at the Combined Authority. The Combined Authority wants to ensure that its scrutiny arrangements are effective, impactful and able to support democratic accountability for the region.



3.4	At the June Overview and Scrutiny meeting the members agreed to support the implementation of Option A which would create a new strategic focus for the Committee supported by informal planning meetings and the commissioning of deep dive reviews.
4. Appendices	
4.1	Appendix 1: Rapporteur Role Description (Draft)
4.2	Appendix 2: Work Programme 2023/24 proposal (Draft)
5. Implications	
Financial Implications	
5.1	Option A for delivery of the scrutiny function is unlikely to impact significantly on the Combined Authority's finances.
Legal Implications	
6.1	The importance and legitimacy that scrutiny is afforded by the law should be recognised. Overview and Scrutiny was created to act as a check and balance on the executive and is a statutory requirement for all combined authorities.
6.2	Although the existence of the function is set out in legislation, how it operates and how it is structured is left to individual Local Authorities. This provides for a high degree of flexibility and the ability to consider different topics and issues in the most appropriate way.
Public Health Implications	
7.1	There are no public health implications set out within the content of this report, although it should be noted that the new approach to delivering the scrutiny function is intended to contribute to effective decision-making and drive accountability, performance and delivery across all of the Combined Authority remit.
Environmental & Climate Change Implications	
8.1	There are no environmental and climate change implications set out within the content of this report, although it should be noted that the new approach to delivering the scrutiny function is intended to contribute to effective decision-making and drive accountability, performance and delivery across all of the Combined Authority remit.
Other Significant Implications	
9.1	There are no other significant implications set out in the content of this report.
Background Papers	
10.1	March 2023 Overview & Scrutiny Committee: O&S Meeting – March 2023
10.2	June 2023 Overview & Scrutiny Committee: O&S Meeting – June 2023