

ROLE OF THE OVERVIEW AND SCRUTINY COMMITTEE IN COMBINED AUTHORITY:

What is the role of Overview and Scrutiny?

PURPOSE

The purpose of the Overview and Scrutiny Committee can be summarised as follows:

To review and scrutinise actions taken, or decisions made by the Combined Authority

To draft reports or make recommendations on those actions or decisions taken.

To report or make recommendations on issues affecting the Authority's area or residents.

To provide a 'critical friend' challenge to the Mayor, Board and decision makers. It should aim to be:

- Constructive, robust and purposeful in challenging decisions
- Non-aggressive to create optimum conditions for investigative evidence-based process.
- Carried out by independent minded councillors in an a-political atmosphere to actively engage in the scrutiny function to drive improvement
- Strategically review corporate policies, plans, performance and budgets

Examples:

- i) Looking at the local community impact of a major investment plan (CAM)
- ii) Highlighting issues or areas identified by the CA as high risk and studying them further to monitor the risk

CURRENT PRACTICES OF OVERVIEW AND SCRUTINY COMMITTEE

The Combined Authority Overview and Scrutiny Committee currently focus on the following areas:

- a) shadowing the Mayoral and Combined Authority decision making process
- b) Focus on pre-decision scrutiny
- c) Monthly meeting cycle

d) Few Task and Finish Groups

KEY DECISION

Key Decisions must be publicised 28 days prior to date when they are anticipated to be taken. This allows the Overview and Scrutiny Committee to observe/understand and question when important or significant decisions are to be made and plan to influence them beforehand.

The role of scrutiny is not just 'to hold the Mayor to account' – there is a general assumption that this is likely to be ineffective.

Key power of Overview and Scrutiny Committee is to prevent any decision that have not had relevant publicity being considered. This mechanism allows the Overview and Scrutiny Committee to understand when particularly important decisions may be coming to be made and influence them beforehand.

***Urgency provision exist for when this is not practicable, usually with the agreement of the Chair of the Overview and Scrutiny Committee.

ACCESS TO INFORMATION (EXEMPT/RESTRICTED INFORMATION)

The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 Members states that members of the Overview and Scrutiny Committee have enhanced rights to access information held by the Authority; any information (including exempt or confidential information, excluding advice) must be provided on request)

Where a member of an Overview and Scrutiny Committee [or a sub-committee of such a committee] requests a document the combined authority or the mayor must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear days after the combined authority receives the request.

“No member of an overview and scrutiny committee is entitled to a copy—

of any such document or part of a document as contains exempt or confidential information unless that information is relevant to—

(i) an action or decision that that member is reviewing or scrutinising; or

(ii) any review contained in any programme of work of such a committee or sub-committee of such a committee”;

CALL IN

Members of the Overview and Scrutiny Committee may call-in a key decision of the Mayor, the Combined Authority Board, an executive committee or an Officer for scrutiny by notifying the Monitoring Officer. The legislation does not specify the circumstances in which a call-in can be triggered

The power of call -in can halt a decision from being implemented once it is under scrutiny

The Committee must scrutinise the decision within 10 clear working days of the Monitoring Officer receiving the request for call-in. If it does not meet within this time or does not conclude its scrutiny of the decision, the decision will automatically take effect at the end of the period.

ISSUES RELATING TO CALL-IN

The Centre for Public Scrutiny states that – *“Call in is a blunt instrument and can be useful in extremis, when all other methods to influence a decision have failed and they the Overview and Scrutiny Committee consider the decision needs to be delayed”*.

Careful consideration needs to be given prior to deciding to call in a decision. If a Committee meeting is convened specifically for the call-in items and is not quorate, the credibility of the Committee may be questioned.

Reputational damage to the Combined Authority – could give perception of poor working relationship between the Board, Mayor and Overview and Scrutiny Committee.

Whilst the decision cannot be implemented whilst under scrutiny, the decision - maker does not need to change their mind; therefore, any potential consequences of the delay should be given careful consideration.

WAYS FORWARD

Scrutiny at the Combined Authority needs to be light touch and streamlined

A robust process of work programming needs to be in place– prioritising the work of the Overview and Scrutiny Committee which may have to make difficult decision

about what will (and will not) be considered. It may be very difficult for scrutiny functions to engage productively both in policy development work, and scrutiny of Mayoral decision making

Work programmes should involve a rigorous approach and members should only place items on the programme where they clearly add value and relate to the role of Scrutiny. Members should seek evidence to justify plans for consideration of items.

Information sharing with members of the Overview and Scrutiny Committee could be carried out informally to remove the need to escalate all decisions to Committee

WHAT CAN BE DONE TO ASSIST MEMBERS?

For a specific area on the website with clear information and links to signpost members to significant issues and key decision in their papers. This would allow members to freely access information that may assist them in obtaining an understanding of the full extent of the work carried out to date.

Directory of core policies and strategies accessible to members (on website) for members to read and to satisfy themselves that they have all the information needed prior to decisions making or presenting a view.

Additional induction training for new members who may be appointed to the roles on the Committee to minimise the impact in the change in the Committee's key people.

TASK AND FINISH GROUPS

Task and finish groups may be commissioned to meet a few times to look at a specific issue or project.

Having been given an indication of what the scope should be the task and finish group should consider the specific issues it will cover and agree a plan for the task. This should include:

- 1 A clear statement of the scrutiny topic.
- 2 The purpose of the project.
- 3 The benefits of undertaking the review.

4 Key lines of enquiry

5 Timescale for completion of the task (A realistic target date by which the review is to be completed and findings and recommendations reported back to the main committee)

The benefits of this allow for the Overview and Scrutiny Committee to have a direct input and influence into the board by asking them to agree and support recommendations made to them from the Overview and Scrutiny Committee Task and Finish Group.

Task and Finish groups can also promote the involvement and engagement of Members who have specialist knowledge or interest.

GOVERNANCE REVIEW PROPOSALS

The Interim Chief Executive is undertaking a Governance Review of the Combined Authority. Proposals that may affect the Overview and Scrutiny Committee are:

- A reduction in the frequency of meetings, which will include the Board and Committee meetings
- Delegated authority be given to the Committees to allow them to make decision at meetings, without having to refer them back to the Board for approval

The benefits of the proposals could include:

- Less shadowing of the Mayoral and Combined Authority decision making process; allowing for Overview and Scrutiny to be more pro-active than reactive
- Overview and Scrutiny Committee to be more complimentary in their role than antagonistic, whilst maintaining their role as 'critical friend'.
- Fewer meetings decrease likelihood of non-engagement of Members and meetings being inquorate.

POSITIVE ASPECT OF THE CURRENT ARRANGEMENTS & NEXT STEPS

- ✓ The working relationship between members and officers is considered good
- ✓ There is a general level of awareness that scrutiny is being undertaken

- ✓ The provision of information has improved
- ✓ The reporting back of issues to constituent councils works well.
- ✓ The Mayor responds to the Committee and attends when requested.
- ✓ There is potential for the Committee to measure their success by recording the number of recommendations made by the Overview and Scrutiny Committee that have been accepted and implemented
- ✓ Review the work of the Overview and Scrutiny Committee in past 6 months and ask the members of the Committee what they consider their achievements.