
Overview and Scrutiny Management Board – 4th September, 2019

Joint Report of the Lead for Law and Governance (Monitoring Officer) and the Statutory Scrutiny Officer

West Midlands Combined Authority – Overview and Scrutiny Arrangements

Purpose

1. To consider the Overview and Scrutiny arrangements operated by West Midlands Combined Authority.

Recommendation

2. That the Board consider the ongoing development of the Overview and Scrutiny arrangements operated by West Midlands Combined Authority together with the associated working arrangements and protocols.

Background

3. Dudley Council's Annual Scrutiny Programme for 2019/20 includes consideration of the ongoing working relationships in relation to West Midlands Combined Authority (WMCA), in particular the activities of the WMCA Overview and Scrutiny Committee.
4. In recent years, the Corporate Scrutiny Committee has received periodic reports on topical issues arising from the WMCA. For example, in July, 2018 the Corporate Scrutiny Committee considered the Second Devolution Deal and Action Plan. In January, 2019 a report was submitted concerning the consultation on the transfer of the Police and Crime Commissioner Functions to the Mayoral WMCA. Items requiring a formal decision are also referred to Cabinet and/or Full Council as necessary.
5. In May, 2019, the Leader of the Council established a new Cabinet portfolio with lead responsibility for matters relating to WMCA. The portfolio of the Cabinet Member for WMCA (Councillor A Lees) is set out in Appendix 1.
6. Following the Annual Meeting of the Council in May, 2019, Members of Dudley MBC were appointed to serve on various Committees/Boards of the WMCA. A list of the appointments made is set out in Appendix 2.

7. Information about all West Midlands Combined Authority meetings, including agenda, reports and minutes are available on the [WMCA website](#).

Overview and Scrutiny within the West Midlands Combined Authority

8. The WMCA Overview and Scrutiny Annual Report for 2018/19 is set out in Appendix 3. This gives an overview of the work carried out during the previous municipal year.
9. The new Statutory Guidance applies to scrutiny in combined authorities as well as local authorities. However, there is an issue in recognising the different way that scrutiny needs to be carried out at local level compared to the strategic task of scrutiny at Combined Authorities.
10. The Centre for Public Scrutiny has recently undertaken a review of the role of scrutiny within a Combined Authority context. Key findings are:
- That good progress has been made, but there are structural challenges that the WMCA has to overcome, including the fact that members bring a wide range of different scrutiny knowledge, practices, cultures and behaviours to the table and these need to be meshed together to achieve successful outcomes.
 - The wide remit of the WMCA means that scrutiny is large, complex and sometimes remote from the public. This can make public engagement difficult, and members should seek to be the voice of the WMCA within their own councils just as they are their council's advocate within the WMCA. Councils need to better understand what the WMCA is doing.
 - Because of the complexity and scope of the WMCA, scrutiny should focus on doing less but better. In the past its work programme had been too broad to be effective. More work is needed in work programme development in order to allocate finite resources where they are most effective.

An action plan is being developed for the WMCA Overview and Scrutiny Committee to take forward the findings of the review.

11. To help communicate the role and purpose of scrutiny, the WMCA has developed a new scrutiny protocol (see Appendix 4). This is intended to be a guide setting out the core role and purpose of overview and scrutiny within the WMCA. The protocol sets out the key roles and responsibilities of all participants in the process and clearly sets out what the expectations are to ensure that the Scrutiny Committee's work can be focussed, effective and beneficial to the proper functioning of the WMCA. This will be supplemented by a guidebook to support the operation of the overview and scrutiny function.
12. The Board is invited to comment on the developing working arrangements to raise awareness and improve communication in respect of key scrutiny issues being considered by West Midlands Combined Authority.

Finance

13. The costs of operating overview and scrutiny arrangements are contained within existing budgetary allocations.

Law

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

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the authority;
- to make reports or recommendations to the authority with respect to the discharge of any functions that are the responsibility of the authority;
- to make reports or recommendations to the authority on matters that affect the authority's area or the inhabitants of the area.

The WMCA Constitution ensures that Overview and Scrutiny can exercise these powers and also the power to “call-in” decisions that have been made but not implemented.

Equality Impact

15. Provision exists within the scrutiny arrangements for overview and scrutiny to be undertaken of the Council’s policies on equality and diversity.

Organisational Development/Transformation

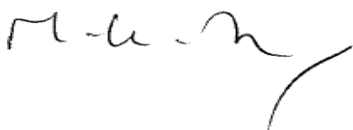
16. Overview and Scrutiny work is administered within existing resources. Any proposals to develop overview and scrutiny functions have to be set in the context of the resources available and the capacity to support scrutiny work.

Commercial/Procurement

17. This report has no impact on the Council’s potential to commercially trade or a positive / negative impact on our customer base.

Health, Wellbeing and Safety

18. It is a corporate requirement that future reports on individual projects/schemes will consider the impact on the health, wellbeing and safety of the Borough's citizens. This is consistent with building stronger, safer and more resilient communities in line with the Dudley Vision and to protect our residents' physical, and emotional health for the future.



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Background Documents

Appendix 1 – Portfolio of Cabinet Member for WMCA
Appendix 2 – Dudley MBC Representation on WMCA Boards and Committees 2019/20
Appendix 3 - WMCA Overview and Scrutiny Annual Report for 2018/19
Appendix 4 - WMCA Scrutiny Protocol

[Report and minutes of the Overview and Scrutiny Management Board – 12th June, 2019](#)

[Statutory guidance on Overview and Scrutiny in Local and Combined Authorities – May 2019](#)

Cabinet Member for West Midlands Combined Authority

- (1) Lead responsibility within the Cabinet for matters relating to West Midlands Combined Authority, including developing close working relationships between the Council and the Combined Authority for the benefit of the Borough.
- (2) Lead responsibility for key schemes and projects funded by West Midlands Combined Authority to drive forward changes and improvements for the Borough and local residents.
- (3) Powers and duties for the implementation of the Policy Framework relating to Projects and Delivery, including the following:
 - Metro
 - Very Light Rail
 - Portersfield Scheme
 - Castle Hill Development
 - St Thomas's Quarter
 - Enterprise Zone (DY5)
 - Resonance
 - Innovation in Democracy
- (4) Preparation and implementation of the Black Country Plan (Black Country Core Strategy).
- (5) Inward Investment – including working in partnership with the West Midlands Combined Authority and other agencies.

Dudley MBC Representation on West Midlands Combined Authority Boards and Committees 2019/20

West Midlands Combined Authority Board

Councillor P Harley (substitute: Councillor D Vickers)
Councillor Q Zada (substitute: Councillor J Foster)

Audit, Risk and Assurance Committee

Councillor A Taylor (substitute: Councillor J Roberts)

Environment Board

Councillor I Kettle

Housing & Land Delivery Board

Councillor A Lees

Investment Board

Councillor S Clark (substitute: Councillor J Roberts)

Overview and Scrutiny Committee

Councillor A Lees (substitute: Councillor S Clark)
Association of Black Country Authorities Nomination:
Councillor C Bayton (substitute: Councillor D Tyler)

Public Service Reform Board

Councillor I Kettle

Strategic Economic Development Board

Councillor A Lees

Transport Delivery Committee

Councillors L Jones and A Taylor

Wellbeing Board

Councillor N Barlow