

# Meeting of the Overview and Scrutiny Management Board

Wednesday, 4<sup>th</sup> September, 2019 at 6.00pm

In Committee Room 2 at the Council House, Priory Road, Dudley

## Agenda - Public Session

(Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute members serving for this meeting of the Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. [To confirm and sign the minutes of the meeting held on 12<sup>th</sup> June, 2019 as a correct record.](#)
5. Public Forum
6. [Statutory Guidance on Overview and Scrutiny](#) (Pages 1 - 23)
7. [West Midlands Combined Authority – Overview and Scrutiny Arrangements](#) (Pages 24 - 50)
8. [Feedback from Scrutiny Committees](#) (Pages 51 - 52)
9. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



**Chief Executive**

**Dated: 13<sup>th</sup> August, 2019**

**Distribution:**

Councillor N Richards (Chair)

Councillor C Barnett (Vice-Chair)

Councillors R Burston, T Crumpton, A Finch, J Foster, L Jones, A Millward, J Roberts, M Rogers, P Sahota, D Tyler and S Waltho

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- Members can submit apologies by contacting Democratic Services. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts.
- You can contact Democratic Services by Telephone 01384 815238 or E-mail **[Democratic.Services@dudley.gov.uk](mailto:Democratic.Services@dudley.gov.uk)**

## **Minutes of the Overview and Scrutiny Management Board**

**Wednesday, 12<sup>th</sup> June, 2019 at 6.00 p.m.**  
**at the Council House, Priory Road, Dudley**

### **Present**

Councillor N Richards (Chair)  
Councillor C Barnett (Vice-Chair)  
Councillors R Burston, A Finch, J Foster, L Jones, A Millward, C Perks, J Roberts,  
P Sahota and S Waltho

### **Officers**

A Lunt – Strategic Director Place, M Samuels – Strategic Director People, S Griffiths  
– Democratic Services Manager/Statutory Scrutiny Officer and M Johal – Senior  
Democratic Services Officer.

Two members of the public were in attendance.

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#### 1 **Apologies for Absence**

Apologies for absence from the meeting were received on behalf of Councillors  
T Crumpton and D Tyler.

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#### 2 **Appointment of Substitute Member**

It was noted that Councillor C Perks had been appointed to serve as a substitute  
Member for Councillor D Tyler for this meeting of the Board only.

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#### 3 **Declarations of Interest**

No member made a declaration of interest in accordance with the Members' Code of  
Conduct.

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#### 4 **Minutes**

##### **Resolved**

That the minutes of the meeting held on 26<sup>th</sup> March, 2019 be approved as a  
correct record and signed.

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5 **Public Forum**

No issues were raised under this agenda item.

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6 **Annual Scrutiny Programme 2019/20**

A report of the Lead for Law and Governance (Monitoring Officer) and the Democratic Services Manager (Statutory Scrutiny Officer) was submitted on the Annual Scrutiny Programme for 2019/20.

Members were informed on an update to the Programme to include an additional item on the Children's Services Scrutiny Committee at its meeting in September 2019, namely "Provisional Pupil Performance in Dudley Schools 2019. The Board were also informed on an amendment to the date of the Health and Adult Social Care Scrutiny Committee from 8<sup>th</sup> April to 11<sup>th</sup> March, 2020.

Arising from the presentation of the report Members made the following comments:-

- Particular reference was made to the Children's Services Scrutiny Committee and that it would be more beneficial to have fewer items on Committee programmes to enable in-depth effective scrutiny to take place; mention was also made that it was difficult to fill vacancies on certain Committees given the large agendas and commitment required;
- Reference made to submission of standard/statutory reports and whether alternative methods could be pursued for consideration of these items;
- The need to reduce lengthy power point presentations and Officers be requested to present salient points at meetings;
- Mention of Quarterly Corporate Performance reports, and where concerns were identified, the need for an appropriate mechanism to be in place for referral of that specific indicator to the appropriate Scrutiny Committee for investigation; it was suggested that the Chair of the Corporate Scrutiny Committee provide feedback to the Board on specific issues of concern;
- Questions were raised about the purpose of the Overview and Scrutiny Management Board given Directorate reports or specific issues were considered by the relevant Committee for appropriate scrutiny; clarity was sought on the role of the Board and the need to avoid duplication; it was suggested that a review of the Scrutiny arrangements be considered;

- The background of the set up to include the Overview and Scrutiny Management Board was referred to and it was commented that initial arrangements were to ensure there was a proper structure and commonality to scrutiny functions. The Chairs and Vice-Chairs of Scrutiny Committees comprised the membership of the Board. The Board had been tasked to oversee Scrutiny programmes and had a specific role in line with their terms of reference to include responsibility for “call-ins”. However, over time the role and purpose of the Board had changed.
- Composition and membership of the Board was queried and clarification was sought on whether it included all Chairs and Vice-Chairs of Scrutiny Committees.

The Strategic Director People acknowledged comments made in relation to Officers providing salient points at meetings as it should be assumed Members would have read reports in advance of the meeting thereby freeing up time for Councillors to undertake in-depth scrutiny and given the opportunity to ask appropriate questions. The Strategic Director People referred to the Children’s Services and Health and Adult Social Care Scrutiny Committees and indicated that it had been agreed to hold pre-meetings with the Chair and Vice-Chair to discuss pertinent issues and formulate key lines of enquiry to enable meaningful, purposeful debates to take place at Scrutiny meetings. It was recognised that reports submitted to meetings should be concise, focused and clear on expectations and outcomes. Reports for information only and those for noting should be limited as they served no purpose and restricting these type of reports would free up capacity on agendas for effective scrutiny to take place.

The Statutory Scrutiny Officer welcomed comments made and confirmed that membership of the Board now comprised the Chair and/or Vice-Chair of each Scrutiny Committee together with the Vice-Chair of Audit and Standards Committee and remaining membership places were made up of other Councillors.

### **Resolved**

- (1) That, subject to the inclusion of Provisional Pupil Performance in Dudley Schools, 2019 in the Children’s Services Scrutiny Committee’s Annual Scrutiny Programme 2019/20, the Annual Scrutiny Programme for 2019/20 be approved.
- (2) That an amendment to the date of the meeting of the Health and Adult Social Care Scrutiny Committee from 8<sup>th</sup> April, 2020 to 11<sup>th</sup> March, 2020, in line with the programme of meetings approved at Annual Council, be noted.

A joint report of the Lead for Law and Governance (Monitoring Officer) and the Democratic Services Manager (Statutory Scrutiny Officer) was submitted regarding the ongoing development of the Council’s Overview and Scrutiny arrangements.

In presenting the report the Statutory Scrutiny Officer referred to earlier discussions and indicated it was an opportune time to review the Scrutiny structure given the recent release of the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities. The Council must have regard to the guidance when exercising functions and a report analysing the contents and any recommendations would be submitted to the next meeting of the Board. It was suggested that all Members of the Council could be invited to the next meeting to seek their views on the guidance and structure and format of future Scrutiny Committees. It was also proposed that the Cabinet Member for West Midlands Combined Authority be specifically invited to the next meeting of the Board to form a vital communication link to scrutiny and to report on the business and issues affecting the Borough.

Arising from comments made the Statutory Scrutiny Officer undertook to produce a briefing note on the guidance and write to all Members of the Council to seek their views. A report on outcomes would be submitted to the next meeting of the Board for consideration.

### **Resolved**

- (1) That the existing Scrutiny Committee Procedure Rules, as set out in the Appendix, be noted.
- (2) That the Statutory Scrutiny Officer be requested to produce and circulate a briefing note on the Statutory Guidance to all members of the Council seeking their views.
- (3) That a further report incorporating views of Members on the development of overview and scrutiny arrangements, taking into account the Statutory Guidance, be submitted to the next meeting of the Board.

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## **8 Questions by Members at Full Council – Review of Council Procedure Rule 11**

A report of the Lead for Law and Governance (Monitoring Officer) was submitted on the review of Council Procedure Rule 11 and the future procedure for dealing with Questions by Members at full Council.

Arising from the presentation, Members made the following comments on the points listed under paragraph 9 of the report:-

- Purpose of the Question Time Session

Agreed

- The 'White Book'

Agreed

- Time Limit on the Question Time Session

Consensus that the time limit on the question time session should be shortened.

The concept of question time was a good idea and was an opportunity to scrutinise those making decisions.

Query raised regarding the inclusion of questions relating to Community Forums or Scrutiny Chairs as it was considered that if questions were not answered at Committees the relevant Cabinet Member should be presented with the question.

It was suggested that the allocated hour should be for all questions.

A Member was of the view that there should be no restriction on time limits given the business of Council meetings had to conclude by 9.30 pm. If Members had a number of questions they wanted answered they should be given the opportunity to ask all questions. The default should be the allocation of an hour for the Question Time session and, where a specified number of Members requested, Council Procedure Rules could be suspended if necessary.

- Time Limit on Individual Questions/Responses

Consensus that the time limit on individual questions/responses of five minutes was too long and should be reduced to two minutes to prevent lengthy statements and comments being made.

- Limit on the Number of Questions a Member may ask

It was considered that Members should not be restricted to one question per session and should be given the opportunity to ask more than one question during the meeting.

A view was expressed that Members should not ask questions to which responses had already been received or information is in the public domain.

- Questions on the Same Subject

This process should be discontinued as on occasions there was confusion when other questions did not directly relate to the original question.

- Written Questions in Advance

Members considered it was important to retain this as questions submitted in advance would potentially receive a comprehensive response to include technical data, where necessary. This would ensure an informed response and appropriate supplementary questions could be asked. It was also in the public interest for the question and response to be stated verbally at the meeting.

- Supplementary Questions

Members were of the view that this should be retained as responses would determine any supplementary questions.

- Mayor's Procedure

Agreed.

Arising from the discussion, the Statutory Scrutiny Officer summarised the comments made and indicated that Members agreed that a time limit of an hour be allocated to the Question Time session with provision for suspending Council Procedure Rules. The time limit for individual questions be restricted to two minutes and there should be provision for Members to ask more than one question during the session. Questions on the same subject should be discontinued and written questions should continue together with supplementary questions.

### **Resolved**

(1) That the Cabinet be recommended:-

- To introduce a time limit of one hour for the whole Question Time session with provision for suspending Council Procedure Rules should it become necessary;
- That the one hour question time session be specifically for questioning Cabinet Members/Chairs only;
- The time limit on individual contributions during the Question Time session be reduced to two minutes;
- There should be provision for Members to ask more than one question;
- That questions be dealt with one at a time and the practice of asking for questions on the same subject be discontinued;
- The provision for advance written questions be retained and it be a requirement relevant Members state the question and response verbally.
- The provision for a questioner to ask a supplementary question be retained.

(2) That any amendments to Council Procedure Rule 11 be submitted to full Council in due course as part of the annual review of the Constitution.

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The meeting ended at 7.05 pm

CHAIR  
OSMB/6

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**Overview and Scrutiny Management Board – 4<sup>th</sup> September, 2019**

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

**Statutory Guidance on Overview and Scrutiny**

**Purpose**

1. To consider the ongoing development of the Council's Overview and Scrutiny arrangements taking account of the [Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#).

**Recommendations**

2. The views of the Board are invited on the development of any aspects of the Council's Overview and Scrutiny Arrangements taking account of the Statutory Guidance and local requirements.

**Background**

3. A report on the development of the Council's Overview and Scrutiny arrangements was submitted to the Board on 12<sup>th</sup> June, 2019. This builds on work undertaken during the previous municipal year.
4. The Council's existing Overview and Scrutiny Procedure Rules are attached as Appendix 1.
5. The publication of the Statutory Guidance gives an opportunity for all Councils to reflect on how scrutiny is working and to consider any improvements. The attached briefing note on the Statutory Guidance has been circulated to all Members of the Council (Appendix 2). The briefing note includes comments about Dudley's existing scrutiny arrangements.
6. Although the Statutory Guidance is focused on organisational culture, the Board is invited to consider any aspects of our scrutiny arrangements.

7. Based on issues raised, themes for the discussion might include:

- The number, structure and terms of reference of Scrutiny Committees (including the role/remit of the Overview and Scrutiny Management Board).
- Arrangements for appointing Members to Scrutiny Committees (including the selection of Chairs and Vice-Chairs).
- The process for developing the Annual Scrutiny Programme and approving manageable work programmes/agenda items for Scrutiny Committees (with a focus on clear scoping, methodology and outcomes).
- Arrangements for the programming and timing of Scrutiny Committee meetings.
- The ongoing working arrangements for ensuring effective engagement between the Cabinet and Scrutiny Committees.
- Improving public participation and engagement in scrutiny work.
- Other opportunities for external engagement in scrutiny reviews
- The organisational capacity for undertaking Overview and Scrutiny work.
- The support available to Scrutiny Committees, including Member training and development.

### **Finance**

8. The costs of operating the Council's scrutiny arrangements are contained within existing budgetary allocations. Any proposals to develop the Council's overview and scrutiny functions have to be set in the context of the financial resources available to support scrutiny work in the present budgetary climate.

### **Law**

9. Scrutiny Committees are established in accordance with the provisions of the Local Government Act 1972 and the requirements of the Council's Constitution, which was adopted under the Local Government Act 2000, subsequent legislation and associated Regulations and Guidance. The Council's scrutiny arrangements are set out in Article 6 of the Constitution (Overview and Scrutiny) and the associated Scrutiny Procedure Rules are contained within Part 4 of the Constitution. The Council has a duty to consider the statutory guidance from the Ministry of Housing, Communities and Local Government in exercising its functions.

### **Equality Impact**

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

## **Organisational Development/Transformation**

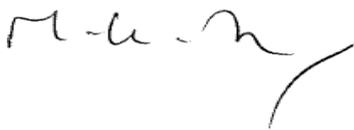
11. Overview and Scrutiny work is primarily administered within the resources available to the Democratic Services Team with support from Directorates and other Officers as required. Any proposals to develop the Council's overview and scrutiny functions have to be set in the context of the resources available and the organisational capacity to support scrutiny work.

## **Commercial/Procurement**

12. This report has no impact on the Council's potential to commercially trade. Individual items included in the Annual Scrutiny Programme may have commercial implications, which will be reported to the relevant Scrutiny Committee.

## **Health, Wellbeing and Safety**

13. Reports to Scrutiny Committee 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.



**Mohammed Farooq**  
**Lead for Law and Governance**  
**(Monitoring Officer)**



**Steve Griffiths**  
**Democratic Services Manager**  
**(Statutory Scrutiny Officer)**

### Contact Officers:

Steve Griffiths / Manjit Johal  
Telephone: 01384 815235 / 5267  
Email: [steve.griffiths@dudley.gov.uk](mailto:steve.griffiths@dudley.gov.uk);  
[manjit.johal@dudley.gov.uk](mailto:manjit.johal@dudley.gov.uk)

### **Background Documents**

Appendix 1 – Dudley MBC Overview and Scrutiny Procedure Rules

Appendix 2 – Briefing note on Statutory Guidance

[Report and minutes of the Overview and Scrutiny Management Board – 26<sup>th</sup> March, 2019](#)

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

[The Council's Constitution](#)

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

**ARTICLE 6 – OVERVIEW AND SCRUTINY**

**6.01 Appointment and Terms of Reference**

The Council will appoint Scrutiny Committees as set out in the [Scrutiny Committee Procedure Rules](#) contained in [Part 4](#) of this Constitution.

**6.02 General Role**

Scrutiny Committees will:-

- (i) contribute to policy review and development in respect of matters in the Annual Scrutiny Programme;
- (ii) undertake scrutiny investigations/inquiries;
- (iii) consider any decisions that are ‘called-in’ in accordance with the Scrutiny Committee Procedure Rules;
- (iv) submit reports and recommendations to the relevant decision-taker(s).

**6.03 Specific functions of the Overview and Scrutiny Management Board**

The Overview and Scrutiny Management Board will:-

- (i) approve and monitor the Annual Scrutiny Programme.
- (ii) submit an annual report to the Council.

**6.04 Proceedings of Scrutiny Committees**

Scrutiny Committees will conduct their business in line with the Scrutiny Committee Procedure Rules.

**6.05 Conflict of Interest**

Members may participate in the scrutiny of decisions or other items of business provided that they have not been directly involved in making the specific decision(s) under scrutiny. This shall not apply to decisions that have been taken by the full Council. Members shall not participate in any business if they are precluded from doing so by having an interest under the Members’ Code of Conduct.

**6.06 Access to Information**

Scrutiny Committees will comply with the [Access to Information Procedure Rules](#) in [Part 4](#) of this Constitution.

# Scrutiny Committee Procedure Rules

## 1. Appointment and Terms of Reference

The Council will appoint the following Scrutiny Committees with the terms of reference set out in Table 1 attached to these Rules:

- Overview and Scrutiny Management Board
- Children's Services Scrutiny Committee
- Corporate Scrutiny Committee
- Health and Adult Social Care Scrutiny Committee
- Place Scrutiny Committee.

## 2. Members of Scrutiny Committees

All Councillors (except Cabinet Members) may be members of Scrutiny Committees. The Council may also decide to appoint non-elected co-opted Members.

Scrutiny Committees have the discretion to invite specialist/key contacts to advise the Committee, attend or speak at meetings depending on the specific topics under discussion.

## 3. Education representatives

The membership of the Children's Services Scrutiny Committee will include the following voting co-opted representatives:

- 1 Church of England diocese representative
- 1 Roman Catholic diocese representative
- 3 parent governor representatives.

These representatives are entitled to speak on all agenda items. They are however, only entitled to vote or exercise the right of call-in on items concerning education functions of the Council.

## 4. Meetings of Scrutiny Committees

Ordinary meetings of Scrutiny Committees will be held on the dates and times in the calendar approved by the Council. The dates and times of Ordinary meetings will not be changed unless the Monitoring Officer, following consultation with the Chair and Vice-Chair of the relevant Committee, is satisfied that exceptional circumstances apply (for example due to inclement weather, significant national events or lack of business).

Additional Scrutiny Committee meetings may be called by the Chair of the relevant Scrutiny Committee, the Monitoring Officer or the 'required number' of Councillors appointed to the Committee. The 'required number' of Councillors shall be equal to the total number of opposition group Councillors appointed to the Scrutiny Committee concerned.

#### 5. **Quorum**

The quorum for a Scrutiny Committee is one quarter of the total number of Councillors appointed to the Committee or three Councillors, whichever is the larger.

#### 6. **Chairs and Vice-Chairs of Scrutiny Committees**

Chairs and Vice-Chairs will be appointed by the full Council.

#### 7. **Attendance of Members and Officers at Scrutiny Committees**

All decision takers must be accountable and be prepared to attend Scrutiny Committees to explain and justify their decisions.

Cabinet Members shall have a standing invitation to attend the relevant Scrutiny Committee(s). Relevant Officers will attend Scrutiny Committee meetings to give advice depending on the items under consideration.

A Scrutiny Committee may require any Cabinet Member, the Chief Executive and/or any Strategic Director or Chief Officer to attend. The Chief Executive, Strategic Director or Chief Officer may invite other Officers to attend.

Where a Cabinet Member or Officer is specifically required to attend a Scrutiny Committee, they will be given at least 10 working days' notice of the meeting.

In unavoidable circumstances, where a Cabinet Member or Officer is unable to attend on the required date, the Scrutiny Committee shall either arrange an alternative date for their attendance or require another Cabinet Member or Officer to attend on their behalf.

#### 8. **Attendance by Others**

A Scrutiny Committee may invite local residents, partner organisations, stakeholders and Members and Officers in other parts of the public sector to attend the Committee, discuss issues of local concern and/or answer questions. All attendees and participants should be treated with respect and courtesy.

## 9. **Public Forum**

The agenda for all Scrutiny Committees will include a standard item entitled 'Public Forum'. This will allow members of the public to ask questions on any matter falling within the terms of reference of the Scrutiny Committee. The way in which the Public Forum session is conducted is at the discretion of the Chair of the meeting.

## 10. **Policy Review and Development**

The Overview and Scrutiny Management Board will approve and monitor an Annual Scrutiny Programme setting out items of business to be considered by Scrutiny Committees.

Any Member of a Scrutiny Committee is entitled to give notice that he/she wishes an item relevant to the functions of the Committee to be included in the Annual Scrutiny Programme.

Any amendments to the Annual Scrutiny Programme will be made by the Monitoring Officer following consultation with the Chair and Vice-Chair of the relevant Scrutiny Committee. The Chair and Vice-Chair of the Overview and Scrutiny Management Board will be informed of any changes made.

The role of Scrutiny Committees concerning the Council's policy framework is set out in the Budget and Policy Framework Procedure Rules. Each Scrutiny Committee will consider the revenue budget proposals, usually in November each year.

Scrutiny Committees may make recommendations to the relevant decision maker(s) in respect of any items in the Annual Scrutiny Programme. The Monitoring Officer shall make arrangements for any recommendations from the Scrutiny Committees to be reported to the relevant decision taker(s).

## 11. **Scrutiny Inquiries and Reviews**

Scrutiny Committees may hold detailed inquiries and reviews in respect of any items of business that are allocated or referred to them. This may involve site visits and any other means that the Committee considers are reasonably necessary to inform their discussions.

The way in which scrutiny inquiries/reviews are conducted shall be at the discretion of each Scrutiny Committee depending on the item under consideration.

A Scrutiny Committee may invite witnesses to provide information or give evidence. Written information or submissions can be invited in advance and where possible, these should be circulated with the agenda for the meeting.

Following a scrutiny inquiry or review, a report and recommendations will be submitted to the relevant decision taker(s).

## 12. **Call-In**

Call-in applies to decisions made by the Cabinet, a Cabinet Member or a key decision made by an Officer under delegated powers. Table 2 attached to these Rules summarises the Call-in procedure.

Notice of decisions will normally be published within 2 working days of the decisions being made. The Chairs of all Scrutiny Committees will be notified of decisions within the same timescale.

Decisions will come into force, and may be implemented, on the expiry of 5 working days after the publication of the decision, unless a Scrutiny Committee objects and calls it in.

During that period, a decision will be called in for scrutiny if a written request is made to the Monitoring Officer by the Chair of any Scrutiny Committee or the required number of voting Members of a Scrutiny Committee. The required number shall be equal to the total number of opposition group Councillors appointed to the Scrutiny Committee concerned.

The decision-taker will be notified of the call-in. Within 5 working days of receiving notice of the call-in, a meeting of the relevant Scrutiny Committee will be arranged following consultation with the Chair and Vice-Chair.

Members of the Scrutiny Committee will be invited to submit written questions in advance of the meeting. This will not prevent Members from asking questions at the meeting itself. Written questions should be submitted to the Monitoring Officer at least seven working days before the meeting.

Where possible the written responses to those questions should be provided at least two working days before the meeting but in any event the written responses should be circulated at the meeting.

The procedure at a Scrutiny Committee meeting dealing with a 'call-in' is as follows:

- The Chair will deal with preliminary items, set the context and outline the procedure for the meeting.

- The relevant Cabinet Member and/or the relevant Officer, shall be invited to make representations concerning the decision.
- The Committee will deal with any written questions that have been submitted in advance.
- Members of the Committee will have the opportunity to ask questions.
- Contributions will be invited from any other persons present along with any further questions from the Committee.
- Following all questions and contributions, the relevant Cabinet Member and/or the relevant Officer will be invited to make a final statement not exceeding 5 minutes.
- The Committee will review all the facts, opinions and comments and consider making any recommendations or observations to the relevant decision-taker and/or the Council.

If the Scrutiny Committee considers the decision, and is still concerned about it, the decision may be referred back to the relevant decision-taker or referred to full Council. The decision-taker will be advised of the Scrutiny Committee's concerns.

If the matter is referred back to the decision-taker, arrangements will be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.

If a Scrutiny Committee does not refer the matter back to the decision-taker, or to full Council, the decision shall take immediate effect.

If a decision is referred to full Council and the Council raises no objections, the decision will take immediate effect.

If the Council objects to the decision, it will be referred back to the decision-taker along with the Council's views. Arrangements shall be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.

### 13. **Call-In and Urgency**

The call-in procedure will not apply if any delays in making a decision would seriously prejudice the Council's or the public interest. The notice and record of the decision will state the reason why the decision is urgent and not subject to call-in.

Before an urgent decision is taken, the Mayor must agree that the decision can be treated as a matter of urgency and is reasonable in all the circumstances.

In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency will be included in the summary of decisions made available for ordinary meetings of the Council.

### 14. **Minority Reports**

If a Scrutiny Committee is unable to reach a consensus view on the recommendations to the relevant decision taker, then a minority report may also be submitted for consideration alongside the recommendations agreed by the majority of the Committee.

### 15. **Scrutiny Committee reports and recommendations that are considered by the Cabinet and/or Council**

The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny Committees'. Reports and recommendations from Scrutiny Committees shall be included at this point in the agenda (unless they have been considered by the Cabinet under another agenda item).

If the Scrutiny Committee's recommendations have implications for the Council's budget and policy framework, the Monitoring Officer will refer the matter to the next available meetings of the Cabinet and the Council.

Members have access to the Cabinet's Forward Plan of Key Decisions. This is available on the Council's website. This includes information about consultation undertaken on key decisions. Individual Councillors may respond to consultations in their own right.

### 16. **Rights of Scrutiny Committee Members to documents**

Scrutiny Committees have the right to documents as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

Nothing in these Rules prevents more detailed liaison between the Cabinet and Scrutiny Committees depending on the matters under consideration.

17. **Councillor Call for Action**

Any member of the public can ask a Councillor to refer a matter to a Scrutiny Committee. The procedure for dealing with this is set out in Table 3 attached to these Rules. This procedure should only be used where there is an ongoing dispute about a community issue, which cannot be dealt with through any of the Council's established procedures. The Call for Action procedure will only be used when all other avenues for resolution have been considered and exhausted.

18. **Party whip**

Members of Scrutiny Committees must declare the existence of any party whipping arrangements before the Committee considers individual items of business. Any such declarations shall be recorded in the minutes of the meeting.

19. **Matters within the remit of more than one Scrutiny Committee**

The Overview and Scrutiny Management Board will oversee and co-ordinate the activities of Scrutiny Committees to avoid duplication and ensure liaison on cross-cutting issues as necessary.

## **TABLE 1:**

### **TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES**

#### **OVERVIEW AND SCRUTINY MANAGEMENT BOARD**

##### **Membership**

13 Councillors

##### **Terms of Reference**

To oversee and co-ordinate the Council's Overview and Scrutiny functions under the Local Government Act 2000, any subsequent legislation, regulations or statutory guidance.

To oversee the scrutiny of decisions or actions taken in connection with the discharge of the Council's executive functions

To approve and monitor the Annual Scrutiny Programme setting out the items to be considered by individual Scrutiny Committees.

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To undertake in-depth scrutiny inquiries and reviews in respect of specific items referred to the Board.
- (b) To submit reports and recommendations to the relevant decision taker(s) on the outcomes of scrutiny inquiries and reviews.

To consider and determine items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To refer any matters to individual Scrutiny Committees.

To oversee the activities of Scrutiny Committees to avoid duplication and ensure liaison on cross-cutting issues.

To undertake scrutiny functions associated with the strategic Crime and Disorder Reduction Partnership (Safe and Sound).

To contribute to policy development by carrying out the scrutiny of matters falling within the Cabinet portfolio of the Leader, Deputy Leader or where appropriate other Cabinet Member(s).

To engage with the Leader/Deputy Leader, the Cabinet and other Members as necessary with a view to achieving common aims and continuous improvement and to raise issues with the Cabinet.

To receive the Forward Plan of Key Decisions to be taken by the Council, the Cabinet, Cabinet Members or Strategic Directors/Chief Officers over a four-month period.

To co-ordinate the Council's involvement in scrutiny arrangements at local and regional levels.

To encourage effective partnership working and community involvement in the Overview and Scrutiny functions of the Council.

To make reports and recommendations to the relevant decision taker(s) in connection with the discharge of Overview and Scrutiny Functions.

To submit an annual report to the Council on the work of the Overview and Scrutiny Committees.

## **CHILDREN'S SERVICES SCRUTINY COMMITTEE**

### **Membership**

11 Councillors, 5 voting Church and Parent Governor Co-opted representatives.

### **Terms of Reference**

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To contribute to policy development by carrying out the scrutiny of matters falling within the functions of the People Directorate relating to Children Services and the portfolio of the relevant Cabinet Member(s).
- (b) To undertake in-depth scrutiny investigations/inquiries.

To consider and determine any items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To submit reports and recommendations to the relevant decision taker(s).

## **CORPORATE SCRUTINY COMMITTEE**

### **Membership**

11 Councillors

### **Terms of Reference**

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To contribute to policy development by carrying out the scrutiny of matters falling within the overall functions of the Chief Executive and the Cabinet portfolios of appropriate Cabinet Member(s).

- (b) To undertake in-depth scrutiny inquiries and reviews.

To consider and determine items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To scrutinise the Quarterly Corporate Performance Management Report and to make any associated recommendations.

To submit reports and recommendations to the relevant decision taker(s).

## **PLACE SCRUTINY COMMITTEE**

### **Membership**

11 Councillors

### **Terms of Reference**

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To contribute to policy development by carrying out the scrutiny of matters falling within the functions of the Place Directorate and the portfolios of the appropriate Cabinet Member(s).
- (b) To undertake in-depth scrutiny inquiries and reviews.

To consider and determine items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To submit reports and recommendations to the relevant decision taker(s).

## **HEALTH AND ADULT SOCIAL CARE SCRUTINY COMMITTEE**

### **Membership**

11 Councillors, 1 non-voting Co-opted Member

### **Terms of Reference**

To fulfil all of the overview and scrutiny functions of a Scrutiny Committee as they relate to the improvement of local health and associated services, as a contribution to the Council's community leadership role, in accordance with relevant legislation, regulations and associated guidance.

To make reports and recommendations to local National Health Service (NHS) bodies and to the Council on any matter reviewed or scrutinised which will explain the matter reviewed, summarise the evidence considered, provide a list of participants in the

scrutiny exercise, and make any recommendations on the matter reviewed as appropriate.

To proactively receive information within given timescales, with some exceptions as per Government Guidance, requested from local NHS bodies.

To be consulted by and respond to (as appropriate) NHS bodies in connection with the rationale behind any proposal and options for change to local health services made by the NHS.

To ensure the involvement of local stakeholders in the work of the Committee.

To take referrals from local Patients' Forums.

To act in accordance with Government Guidance relating to Health and Scrutiny functions.

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme:-

- (a) To contribute to policy development by carrying out the scrutiny of all health related functions and matters falling within the portfolios of the appropriate Cabinet Member(s).
- (b) To undertake in-depth scrutiny inquiries and reviews.

To consider and determine items that are called in for scrutiny in accordance with the Scrutiny Committee Procedure Rules.

To submit reports and recommendations to the relevant decision taker(s).

TABLE 2:

### PROCEDURE FOR DEALING WITH A CALL IN

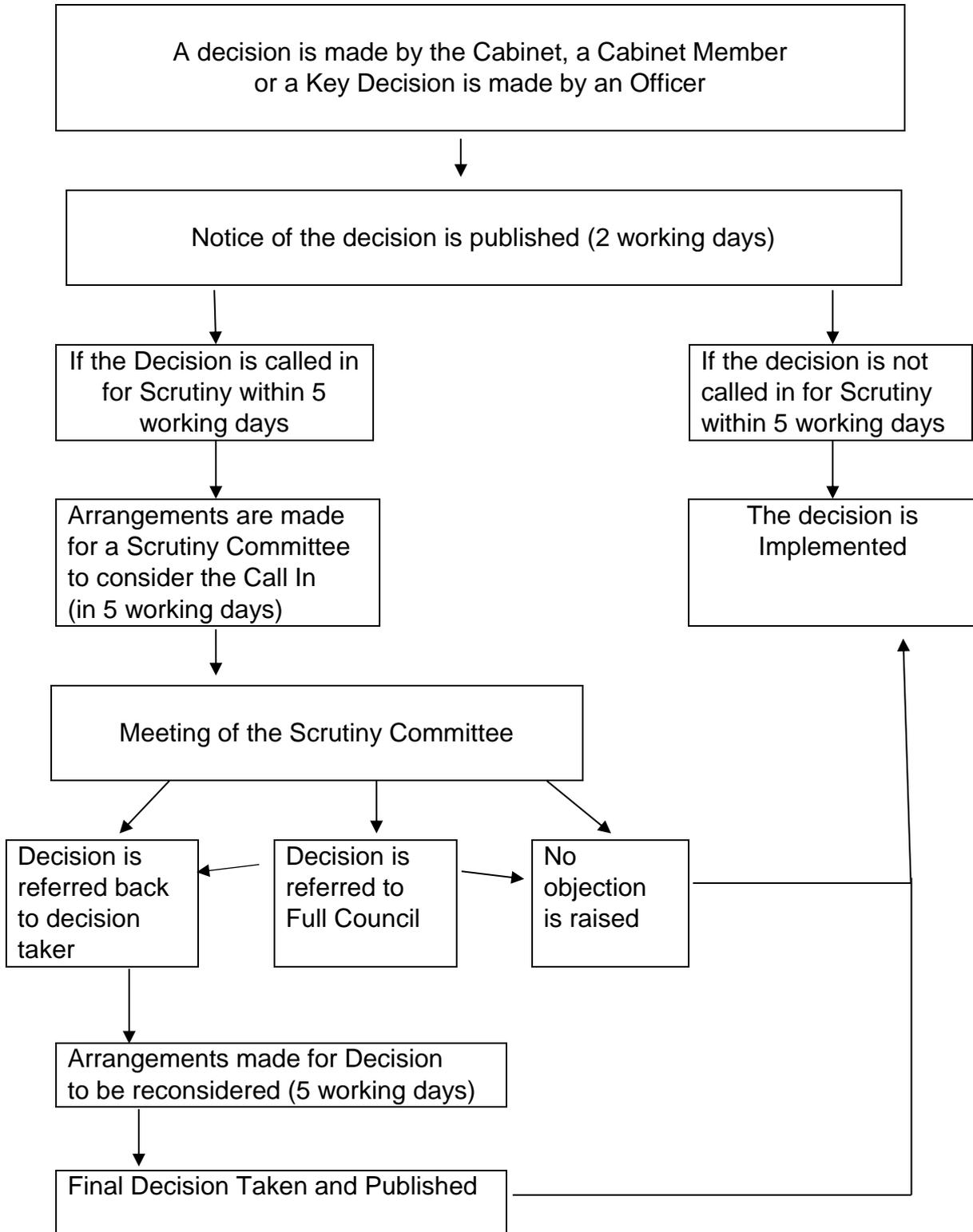
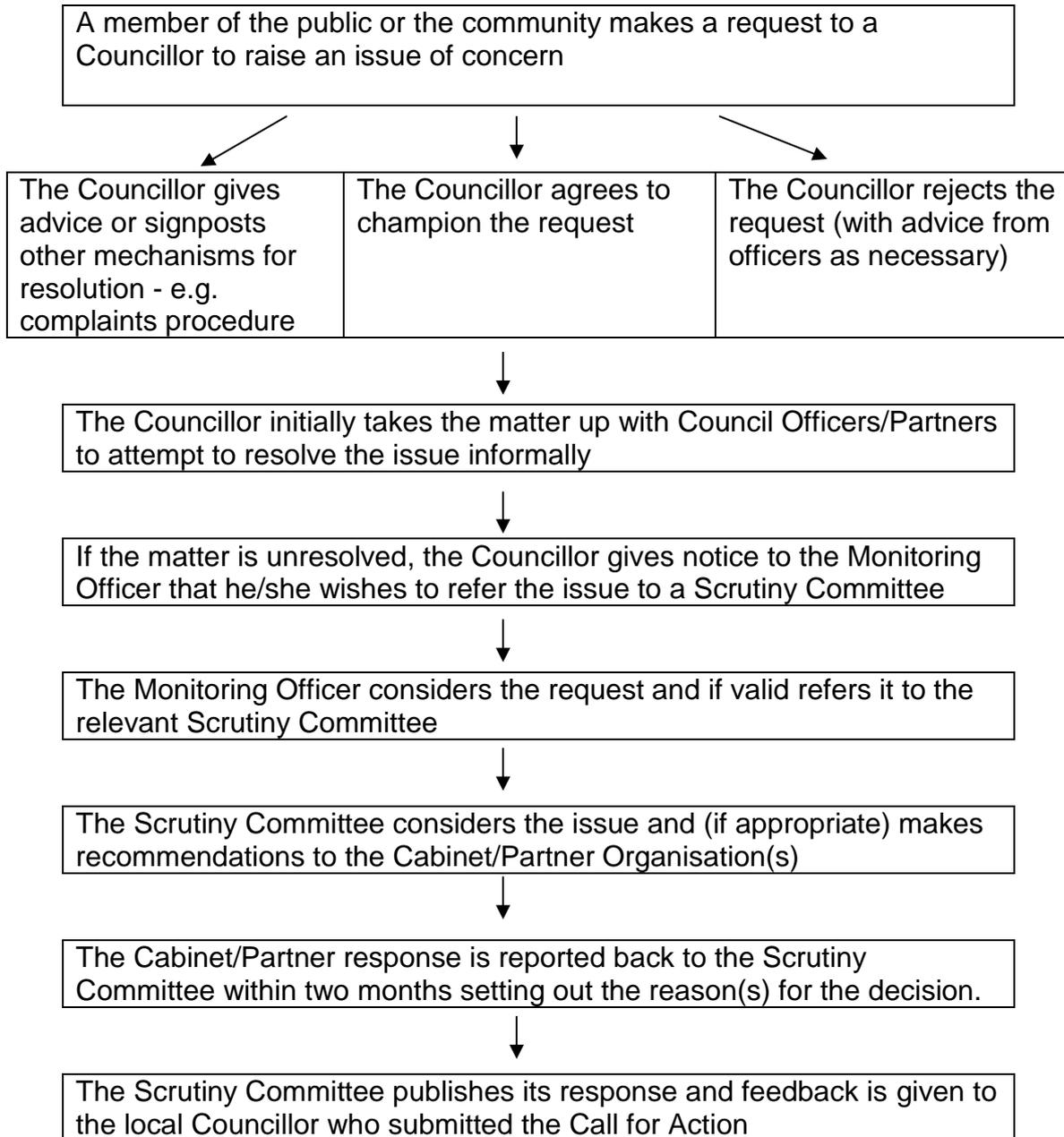


TABLE 3:

**PROCEDURE FOR DEALING WITH A COUNCILLOR CALL FOR ACTION**



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## Briefing Note

**Subject:** Overview and Scrutiny: Statutory Guidance

**Date:** 16<sup>th</sup> July 2019

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The [statutory guidance](#) on overview and scrutiny in Local Government has now been published by the Ministry of Housing, Communities and Local Government. The Council must have regard to Statutory Guidance in exercising its functions.

The guidance states that Scrutiny Committees should be “constructive, critical friends”, with “a vital role” of amplifying public voices and concerns when councils take important decisions.

### **What are the key issues for Dudley?**

A key element of the guidance relates to the culture of the organisation. There needs to be full commitment across the whole Council and its leadership to the importance and value of Scrutiny.

This commitment is about taking action to encourage scrutiny that is challenging, sometimes uncomfortable and potentially difficult. This principle is consistent with the Council’s Values and Behaviours, in particular accountability, excellence and determination. Encouraging constructive challenge is also referred to in the Member Officer Charter.

Scrutiny work must have an impact and be focused on outcomes.

The guidance is not written in a prescriptive way – it offers ideas and a framework within which local scrutiny functions will need to find their own solutions. It provides an opportunity for Councils to reflect on their own performance.

Key points are:

- Recognising scrutiny’s legal and democratic legitimacy

*Dudley’s existing scrutiny arrangements were introduced in 2013 and have been subject to a number of modifications in the past few years. The Overview and Scrutiny arrangements are approved at the Annual Council meeting and this fully recognises the statutory provisions in the Local Government Act 2000 (as amended) together with regulations and statutory guidance. This is reflected in the Scrutiny Procedure Rules and terms of reference contained in the Council’s Constitution.*

- Identifying a clear role and focus – scrutiny’s role has to be focused, and the scrutiny work programme needs to be carefully prioritised

*Work was undertaken in 2018/19 to improve and enhance our scrutiny arrangements in advance of the statutory guidance. This included a new process for developing and approving the Annual Scrutiny Programme. This involves engagement with Members, Officers and stakeholders including a workshop for Chairs and Vice-Chairs at the start of the Municipal Year. This aims to ensure that the workloads of scrutiny Committees are prioritised and managed effectively. The programme is sufficiently flexible to allow for ‘in-year’ changes following consultation with Chairs and Vice-Chairs.*

- Ensuring early and regular engagement between the Cabinet and Scrutiny and managing disagreement

*In 2019/20, the draft annual scrutiny programme was shared with Informal Cabinet during the development stage. This gave an opportunity for the Cabinet and Officers to comment on the programme, suggest amendments and ensure that it reflects key corporate issues, items from the Forward Plan or other Strategic Plans. However, the final decision on items to be included in the Annual Scrutiny Programme rests with the Overview and Scrutiny Management Board and individual Scrutiny Committees. There are some positive examples of items that have been proactively referred to the Scrutiny Committees by the Cabinet. Call-in powers have seldom been used. A link to the Cabinet’s Forward Plan is sent routinely to Scrutiny Committees.*

*The Cabinet/Council consider the recommendations of Scrutiny Committees, however, the final decision on the discharge of executive functions rests with the Cabinet (or Cabinet Members). If the Cabinet do not agree with recommendations from scrutiny this would be formally recorded and Members of the Scrutiny Committee would be advised accordingly. The agenda for each Cabinet meeting includes an item on issues arising from Scrutiny Committees. Cabinet Members are invited to attend Scrutiny meetings depending on the business being considered.*

- Providing the necessary support – including advice and Member/officer development

*The operation of the Council's overview and scrutiny arrangements are primarily administered within the resources available to the Democratic Services Team with support from Directorates and other Officers as required. Any proposals to develop the Council's overview and scrutiny functions have to be set in the context of the human resources available and the organisational capacity to support scrutiny work. The Council receives advice and support from the LGA and the Centre for Public Scrutiny as and when necessary.*

- Ensuring impartial advice from Officers

*General advice to Scrutiny Committees is available from the Monitoring Officer, the Statutory Scrutiny Officer and colleagues in Law and Governance. Appropriate senior Directorate Officers or representatives of partner organisations attend Scrutiny meetings to provide reports and answer questions on individual items depending on the business. There is a suggestion that we could consider engaging professional/ expert/ independent persons should this be necessary for a specific scrutiny review, subject to resources being available.*

- Communicating scrutiny's role, purpose and activities to the Council and to the public

*The minutes and reports of Scrutiny Committee meetings are available on the Council's website for Members of the Council and the public to view. There is provision for the questioning of Scrutiny Chairs by Members at full Council meetings. All Members have the opportunity to be involved in the development of the Annual Scrutiny Programme. An annual report from Overview and Scrutiny is presented to full Council in April focusing on the outcomes of scrutiny work during the year. All Scrutiny Committees have a Public Forum agenda item. Meetings have been publicised in the past by means of media releases, however, it is recognised that further work is needed to communicate the opportunity for the public to engage in scrutiny.*

- Issues relating to how Committee members and Chairs are selected – Taking account of their experience and interests. Reference is also made to how Members are supported and their personal development. It recognises the political element of chair selection

*The allocation of seats on Scrutiny Committees needs to be in line with the political proportionality requirements of the Local Government and Housing Act, 1989. It is a matter for each political group to appoint Members to serve on each Committee. The appointment of Chairs and Vice-Chairs is a matter for full Council. It is the current arrangement that some Chair/Vice-Chair positions are allocated to the opposition group. A suggestion has been made that the Council could introduce more flexible arrangements for Members to be appointed to Committees during the year to consider business of interest to them. However, the consensus view was that Members be appointed at the Annual Council meeting to ensure continuity. Substitution arrangements provide for a degree of flexibility. There are ongoing discussions at the Member Development Steering Group concerning the personal development needs of Members.*

- Access to information – this emphasises the rights that members have to access information and states that councillors should have regular access to key sources of information which, collectively, will give them a sense of the management of the authority, with a particular focus on performance, finance and risk

*The right of Scrutiny Committees to access documents is set out in the Constitution under the Access to Information Procedure Rules. The Council operates in an open and transparent manner and documents requested by Scrutiny Committees would always be provided unless there is a clear and defensible reason as to why the information could not be supplied in limited circumstances. Information about performance is routinely reported to the Corporate Scrutiny Committee. Financial/risk issues are either reported to the relevant Scrutiny Committee or the Audit and Standards Committee. Scrutiny Committees have the discretion to establish Working Groups to allow in-depth consideration of items in an informal setting.*

- Workload planning - gathering evidence and making recommendations – the role of the Chair in managing the gathering of evidence is seen as especially important – as is the work of members in pulling together focused and achievable recommendations.

*The Council has recognised one of the keys to successful scrutiny is choosing the right subjects/themes through the process of developing the Annual Scrutiny Programme. Also, it is important that scrutiny reviews are undertaken effectively (clear scoping, methodology and a focus on outcomes). The Council's Scrutiny Procedure Rules give Chairs, Vice-Chairs and Committees considerable discretion to determine how they wish to undertake their programme of business during the year. This is considered at agenda planning meetings and there are many examples of different approaches being taken depending on the business being considered. The Annual Scrutiny report for 2018/19 was clearly focused on the outcomes from Scrutiny Committees during that Municipal Year.*

- Resourcing – the resources must be available to ensure that scrutiny can operate effectively. It is recognised that many Councils face severe financial challenges. This requires effective planning to prioritise work and make the best use of available resources.

*The cost of operating the overview and scrutiny arrangements are contained in existing budgetary allocations. Any proposals to develop or enhance the scrutiny function has to be viewed realistically in the context of the financial and human resources available to support scrutiny work in the current climate. This is recognised in the development of the Annual Scrutiny Programme.*

- The 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.

*The Council's Annual Scrutiny Programme for 2019/20 includes an item on the scrutiny arrangements for West Midlands Combined Authority. This will involve a discussion on ongoing working relationships and the Council's representatives on the WMCA Overview and Scrutiny Committee will be invited to attend the Overview and Scrutiny Management Board on 4<sup>th</sup> September, 2019.*

## What happens next?

The publication of the guidance gives the opportunity for the Council to reflect on whether scrutiny is working as well as it could, and if there are any actions that we can take to improve things.

Although the Statutory Guidance is more focused on organisational culture, Members may wish to offer comments on the structure and terms of reference of the existing Scrutiny Committees. In particular the role, membership and functions of the Overview and Scrutiny Management Board and the number/remit of other Scrutiny Committees.

A report will be submitted to the Overview and Scrutiny Management Board on 4<sup>th</sup> September, 2019. All Members are invited to attend that meeting and we would welcome any comments from Members in advance.

Below are some useful links to guidance on good practice. Links are also available to reports previously considered by the Overview and Scrutiny Management Board on the development of our scrutiny arrangements.

[Dudley Council's Overview and Scrutiny Arrangements Originally Approved in 2013/14](#)  
[Overview and Scrutiny Management Board – 26<sup>th</sup> March 2019](#)  
[Overview and Scrutiny Management Board – 12<sup>th</sup> June 2019](#)  
[Local Government Association – Councillor Workbook on Scrutiny](#)  
[Centre for Public Scrutiny - Scrutiny Frontiers 2019](#)

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**Overview and Scrutiny Management Board – 4<sup>th</sup> 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**

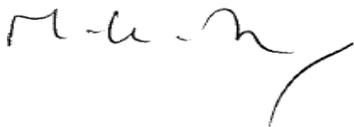
16. Overview and Scrutiny work is administered within existing resources. Any proposals to develop overview and scrutiny functions have to be set in the context of the resources available and the capacity to support scrutiny work.

## **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.



**Mohammed Farooq**  
**Lead for Law and Governance**  
**(Monitoring Officer)**



**Steve Griffiths**  
**Democratic Services Manager**  
**(Statutory Scrutiny Officer)**

### Contact Officers:

Steve Griffiths / Manjit Johal  
Telephone: 01384 815235 / 5267  
Email: [steve.griffiths@dudley.gov.uk](mailto:steve.griffiths@dudley.gov.uk);  
[manjit.johal@dudley.gov.uk](mailto:manjit.johal@dudley.gov.uk)

### 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 – 12<sup>th</sup> 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

# West Midlands Combined Authority Overview & Scrutiny Committee

Annual Report 2018/19



West Midlands  
Combined Authority



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# Foreword

**Chair - Councillor Peter Hughes**



Welcome to the 2018/19 Annual Report of the Overview & Scrutiny Committee. I hope this report is able to capture a number of the highlights of the work carried out by the committee over the last year.

The committee has made good progress in developing and refining its work programme so as to provide a constructive challenge to the decision makers within the WMCA. This is work in progress and there is still much more to be done. I believe strongly that councillors have risen to the challenge of providing oversight of the expanding remit of the WMCA, with the committee focusing its attention on a number of key workstreams. This has enabled us to challenge preconceptions, test ideas and add rigour to the development and implementation of public policy as this fledgling Combined Authority starts to spread its wings.

Our committee has met seven times this year, in addition to a further two Q&A sessions focused on scrutinising the Mayor's policies and budget proposals. As Chair, I have been grateful for the support of the two Vice-Chairs, Councillor Ian Shires and Councillor Lisa Trickett, as well as those members who have taken champion roles in carrying out the committee's work. I very much appreciate the hard work and commitment shown by those elected members who have participated actively in the committee, made possible by the professional and dedicated input of the small team of officers supporting the scrutiny function

Putting aside our political differences for the common good, the committee has worked

together to look closely at areas of concern. I very much appreciate the willingness shown by members of the committee in balancing the significant commitment required of them, while also continuing with their own special responsibilities and other public duties within their own local authorities. I therefore wish to place on record my gratitude for the public service shown by the region's councillors in supporting this vital scrutiny process by holding the WMCA to account and questioning it. I also extend my thanks to all the officers of the Combined Authority who have contributed to, and helped us to deliver, our successful work programme.

It is as important as it has ever been that civic leadership within the region closely resembles the people who call the West Midlands home, which applies equally to those of us holding decision makers to account. Going forward, I am calling upon participating councils to better reflect the diversity of their areas in the appointments they make to the Overview & Scrutiny Committee, to ensure that talented and capable people from all backgrounds feel that they have a stake in the Combined Authority and the region's future. I look forward to the further evolution of overview and scrutiny within the WMCA in the coming years.

# Committee Members 2018/19



**Councillor  
Peter Hughes**

Sandwell  
Metropolitan  
Borough Council  
Committee Chair  
and Chair of Budget  
Working Group



**Councillor  
Cathy Bayton**

Dudley Metropolitan  
Borough Council  
Chair of Health  
and Wellbeing  
Working Group



**Councillor  
Stephen Simkins**

City of  
Wolverhampton  
Council  
Scrutiny Champion -  
Environment



**Councillor  
Lisa Trickett**

Birmingham City  
Council  
Vice-Chair and Chair  
of Productivity, Skills  
and Inclusive Growth  
Working Group



**Councillor Ian Shires**

Walsall Metropolitan  
Borough Council  
Committee Vice-  
Chair and Chair of  
Housing and Land  
Working Group



**Councillor  
Mike Chalk**

Redditch Borough  
Council  
Scrutiny Champion -  
Transport



**Mike Lyons**

Greater Birmingham  
& Solihull Local  
Enterprise Partnership



**Councillor  
Angus Lees**

Dudley Metropolitan  
Borough Council  
Scrutiny Champion -  
Transport



**Councillor  
Vera Waters**

Walsall Metropolitan  
Borough Council



**Sarah Windrum**

Coventry &  
Warwickshire  
Local Enterprise  
Partnership



**Councillor  
Stuart Davies**

Solihull Metropolitan  
Borough Council



**Councillor  
Peter Fowler**

Birmingham  
City Council



**Councillor  
Josh Jones**

Birmingham  
City Council



**Councillor  
Tariq Khan**

Coventry  
City Council



**Councillor  
Joe Tildesley**

Solihull Metropolitan  
Borough Council



**Paul Brown**

Black Country Local  
Enterprise Partnership



**Councillor  
Dean Carroll**

Shropshire Council

# A year of Overview & Scrutiny in Numbers

**1 19 3**

**Overview & Scrutiny Committee**

**Members**

**Scrutiny Champions**

**5 3 2**

**Working Groups**

**Task & Finish Groups**

**Mayoral Q&A Sessions with Scrutiny**

**1 9 7**

**Call-In**

**Pre-Decision Scrutiny Sessions**

**Committee**

# Introduction

Overview & Scrutiny is a statutory requirement within the West Midlands Combined Authority. The committee has the responsibility to review the work of the Mayor and the WMCA and hold decision makers to account. It may make recommendations to the WMCA Board and its committees and call in decisions that have already been made for further scrutiny. The committee can act as an advocate for residents of the West Midlands by investigating issues that are important to them and by looking further into matters brought to its attention by the public. From improving the economy to tackling mental health inequality, from delivering new modes of public transport to enabling the construction of new housing, the Overview & Scrutiny Committee, comprising the region's local councillors, is the body that oversees how all this is done.

While the committee's membership includes local councillors nominated by the WMCA's 18 member councils, it also has three representatives from the region's local enterprise partnerships. This brings a private sector perspective to discussions and ensures that the views of the region's local industries are heard at the highest levels of decision making.

## Overview & Scrutiny Committee

The committee has continued to build on the work of the previous year in developing a programme that gives a broad oversight to the policies of the WMCA and reviews the effectiveness of its key decisions.

Significantly, it has enhanced the breadth of the pre-decision scrutiny it has undertaken, thereby adding value at the developmental stage of key policies before they are considered by the WMCA Board.

In the last year the committee has considered a number of reports and has undertaken key pre-decision scrutiny work in respect of:

- Governance proposals relating to the Fire and Rescue Service and Police and Crime Commissioner
- The WMCA's 2019/20 budget
- The Local Industrial Strategy
- A common approach to cycling and walking in the region
- Park & Ride policies
- The establishment of a Youth Combined Authority
- Wednesbury to Brierley Hill Metro extension
- The principles and key features of the WMCA's Annual Plan 2019/20
- Measures aimed at targeting childhood obesity

Other reports that the committee have considered include a progress report on the West Midlands Low Emissions Strategy and Action Plan and the 'Leaders Like You' report published by the WMCA's Mayoral Leadership Commission.



# Overview & Scrutiny Holding Decision Makers to Account

## Andy Street, Mayor of the West Midlands

The committee has undertaken a number of public Mayoral Q&A sessions, where Andy Street has been questioned on the delivery and impact of WMCA policies in areas as varied as public transport, air quality, housing and Brexit. In December, the committee held its second Q&A with the Mayor and questioned him on issues relating to performance against the budget 2018/19; proposals for the 2019/20 budget; other strategic finance issues; and the decision not to set a Mayoral precept for 2019/20. The Mayor was also joined at the session by the Deputy Mayor, Councillor Bob Sleigh. We feel this is an important part of providing public accountability and transparency of decision making for the WMCA's only directly elected politician.

Scrutiny members have also established a number of working groups that have been able to give more focused attention into specific policy areas, holding to account portfolio lead members and lead directors/officers in workstreams such as health and wellbeing; finance; governance; inclusive growth, productivity and skills; and housing and land.

## WMCA Portfolio Leads 2018/19

It is equally important that the WMCA programme areas that are led by the portfolio leads receive appropriate scrutiny. At each of the committee's meetings this year, it has received an update from a different portfolio lead member as follows:

- Andy Street [Mayor] - September and December
- Councillor Mike Bird [Housing and Land] - November and February
- Councillor Steve Eling [Cohesion and Integration and Public Service Reform] - September
- Councillor Izzi Seccombe [Wellbeing] - April
- Councillor Bob Sleigh [Finance and Investments] - December

At each meeting, committee members questioned the portfolio lead on the progress being made in their respective area.



## Overview & Scrutiny Helping to Shape Policy

The committee has made a total of 37 recommendations to the WMCA Board and its committees, all of which were accepted without further amendment, in relation to:

- West Midlands Combined Authority policies
- West Midlands Combined Authority budget for 2019/20
- Bilston Road Metro track replacement work
- Measures aimed at tackling childhood obesity
- Town Centres programme
- WMCA Leaders Like You

The West Midlands Combined Authority will become responsible for the Adult Education Budget (AEB) within the region from 1 August 2019. The Overview & Scrutiny Committee therefore carried out a review of the devolution of this funding from the Department for Education. As a result of this review, the committee submitted eight recommendations to the WMCA Skills Advisory Board for its consideration.

The Chair of the Overview & Scrutiny Committee is a regular participant in the WMCA Board meetings and has the opportunity to present the findings and recommendations of the committee at those meetings.

# Overview & Scrutiny

## Adding Value

### Case Study: Proposed Transfer of Police and Crime Commissioner Functions

The WMCA undertook a public consultation exercise regarding a proposal to transfer the powers of the West Midlands Police and Crime Commissioner to the Mayor of the West Midlands.

The proposal was part of the second devolution deal, which included a commitment from the WMCA and the Police and Crime Commissioner to work together to look at a detailed governance model and timetable for transferring the role and powers of the Police and Crime Commissioner to the elected Mayor.

The committee scrutinised the consultation process and invited the Police and Crime Commissioner and the Mayor to share their views and any input into the consultation.

The committee exerted influence in the wording of the final consultation documents used in the stage 1 consultation, resulting in sections being removed from both the introduction and one of the questions, to ensure the removal of any potential bias within the document. There was a wider recognition of the role the committee could play in scrutinising the Police and Crime Commissioner if the role was to be undertaken by the Mayor of the West Midlands.

### Case Study: Forward Plans for the WMCA Board Committees and Boards

Overview & Scrutiny has strengthened the governance process by championing the need for each of the WMCA's committees to have introduced a forward plan that helps to give public awareness to its forthcoming decisions.

### Case Study: Bilston Road - Metro Track Replacement Works

When approving the Midland Metro Construction: Proposed Business Support Package, the WMCA Board had asked the committee to investigate a number of specific issues that had arisen.

A task and finish group was established to undertake an investigation into the impact of the Bilston Road Metro track replacement works on nearby businesses and to evaluate the support received to mitigate this. The findings of the group were considered and its 12 recommendations adopted by the committee and WMCA Board.

### Case Study: Women's Concessionary Travel Scheme Pass

During the Mayoral Q&A event on the proposed budget 2019/20, the committee challenged the Mayor to extend travel concessions to include women unfairly discriminated against in recent changes to pension eligibility ('WASPI women'), and ex-service personnel.

Following engagement with the constituent authority leader and the Overview & Scrutiny Committee, the WMCA Board agreed to establish a Women's Concessionary Travel Scheme from July 2019.

### Case Study: WMCA Reports

The importance of committee decisions aligning with WMCA policies was recognised at an early stage, and all reports now contain specific implications for inclusive growth. The committee has also recommended that environmental, sustainability, social value, and health and wellbeing implications be included in all future Board reports.

# Overview & Scrutiny Working Groups

During the year, the committee established five working groups to provide closer oversight of the following workstreams: budget; governance; health; inclusive growth, productivity and skills; and housing and land. The groups have examined policies and programmes and undertaken site visits and investigations.

## Budget Working Group

2018/19 work programme:

- Budget proposals for 2019/20
- Brexit implications
- Regular monitoring of the Financial Monitoring Report
- Investigation into a major transport project

### Case Study: Wednesbury to Brierley Hill Metro Extension

At the initial setting up of the Overview & Scrutiny Committee's Budget Working Group, members decided that, as part of its work, it would maintain overview of, and scrutinise, a major transport investment project from start to finish, using key milestones as the prompts for scrutiny.

As a key investment project for the WMCA, the Wednesbury to Brierley Hill Metro extension was selected. The findings of the working group were reported to the Investment Board, who factored them into their subsequent decisions regarding the project.

As a result of this involvement, our committee has now established an understanding that there will continue to be ongoing scrutiny of the project throughout its lifecycle.

## Housing and Land Working Group

2018/19 work programme:

- Land Delivery Action Plan
- Methods of construction
- Partnership working with Sustainable Housing Action Partnership (SHAP)

## Inclusive Growth, Productivity and Skills Working Group

2018/19 work programme:

- Local Industrial Strategy
- Devolution of the Adult Education Budget

### Case Study: Devolution of the Adult Education Budget

The West Midlands Combined Authority will become responsible for the Adult Education Budget (AEB) for its residents from 1 August 2019. The devolved AEB will provide funding for adult skills delivery for residents aged 19 and over of the West Midlands' seven constituent areas (Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton). The Department for Education has confirmed the allocation to the WMCA for the 2019/20 academic year will be just under £126m.

We see the AEB as a significant enabler of inclusive growth through the improvement of the qualification levels and skills of our residents.

Scrutiny members held a meeting with each of the seven constituent local authorities' cabinet members for Education and Skills and undertook a deep dive into the work for each local authority area, the priorities and how the budget could be shaped going forward.

## Health and Wellbeing Working Group

2018/19 work programme:

- Thrive into Work programme
- Tackling childhood obesity in the West Midlands
- Challenged the budget allocation for the Wellbeing workstream

### Case Study: Reducing Childhood Obesity

The WMCA Wellbeing Board agreed to develop an approach to supporting system change to achieve healthy weight for more residents across the West Midlands.

Along with health and wellbeing partners across the region, the WMCA will work with partners to support the reduction in obesity across the West Midlands.

During 2018/19 the Health and Wellbeing Working Group contributed to the development of the Action Plan and made a number of recommendations for the endorsement by the Wellbeing Board. These were in relation to:

- Redistribution of surplus food
- Fast food outlets and planning rules
- Working with local schools and academies
- Membership of the Obesity Task Force reflecting the ethnicity and diversity of the region
- Links between obesity and mental health

## Governance Working Group

2018/19 work programme:

- Contributions from the Centre for Public Scrutiny in relation to the work undertaken with combined authority scrutiny across the region
- Review of the statutory requirements of the governance model at the WMCA and delegated powers
- Established the principle that the Overview & Scrutiny Committee would have primary responsibility for scrutinising any future Mayoral powers relating to fire and rescue services
- Championed the representation of the Fire Brigades Union on the proposed Mayoral Fire Committee

## Call-in

The committee has the power to call in decisions of the Mayor and the WMCA Board which have been made but not implemented.

A stop is placed on the implementation of the decision once it is under scrutiny.

There has been one call-in during the course of the year in relation to the Housing and Land Delivery Board - Town Centres programme.

### Call-in: Town Centres Programme

The Town Centres programme will support local councils to accelerate their plans to regenerate and renew their town and district centres.

There was cross-party support for the call-in, based on the process in which the town centres were selected. The portfolio lead member for Housing and Land and the director of Housing and Regeneration attended the meeting to answer questions put to them by the committee.

Following its investigation, the committee agreed to take no further action, but made a number of recommendations which were agreed and have either been actioned or are in progress. These were in relation to:

- Clear and up-to-date forward plans for all boards and committees
- Pre-decision scrutiny to be embedded within the WMCA
- A review of the constitution and the call-in process
- Additional resources for the scrutiny function
- Future devolution deals and the engagement with the committee

## Development of the WMCA Annual Plan 2019/20

The committee has engaged with the Chief Executive on the development of the Annual Plan for 2019/20 and has endorsed the principles and features used to develop the plan.

The working groups and scrutiny champions continue to work with the directors to help shape and develop the respective portfolio section of the Annual Plan prior to its consideration at the WMCA Board.

### Embedded Pre-Decision Scrutiny into the WMCA

The committee has worked closely with the senior leadership team to develop a robust pre-decision scrutiny process. This continues to be developed, but significant progress has been made during 2018/19.



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# Looking Forward

As well as looking at its own in-house performance, the Overview & Scrutiny Committee has contributed to discussions aimed at developing the scrutiny role more widely within combined authorities across the country, which is recognised as still being in a developmental stage. The Committee has engaged the Local Government Association and the Centre for Public Scrutiny to provide an independent assessment of its scrutiny function and has also looked at how it may further develop its role, in the context of the evolving responsibilities of the WMCA.

For the forthcoming year, the committee would like to establish a closer working relationship with the portfolio lead members and the senior leadership team. Also, building on this, the committee would like to create and develop more effective links with the scrutiny boards at its constituent member authorities and the West Midlands Scrutiny Forum.

Public accessibility to meetings is an ongoing consideration, and it is intended to hold meetings across the region's towns and cities during 2019/20, rather than solely within Birmingham.



# West Midlands Combined Authority





## **OVERVIEW & SCRUTINY PROTOCOL**

### **Introduction**

1. The Overview & Scrutiny Protocol is intended to be a guide for the Mayor, members and officers of the West Midlands Combined Authority setting out the role of overview & scrutiny within the context of the WMCA. It can also help constituent and non-constituent member authorities and the wider public better understand the purpose of overview & scrutiny within combined authorities. This document should be read alongside the WMCA's constitution and Overview & Scrutiny Guidance documents, which also give context and detail on the Overview & Scrutiny Committee.

### **Constitutional Basis**

2. The West Midlands Combined Authority is required by the West Midlands Combined Authority Order 2016 to constitute an overview & scrutiny committee in order to provide oversight to the decisions taken by the Mayor of the West Midlands, the WMCA Board and its committees. Further statutory guidance on the form that the committee should take was set out in the Combined Authorities (Overview & Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
3. The requirements placed upon the WMCA by these orders are provided for within its constitution.

### **Role of Overview & Scrutiny Committee**

4. The Overview & Scrutiny Committee comprises members appointed by the WMCA's constituent and non-constituent member authorities and has the power and responsibility to:
  - Undertake pre-decision scrutiny of a matter yet to be determined when it has been invited to by the decision-maker, or where it considers that such pre-decision scrutiny would provide for a more considered and informed decision to be made than would otherwise be the case.
  - Make a report and recommendations on any issue affecting the WMCA's area or inhabitants and which falls significantly within the powers of the Mayor, the WMCA Board or one of its committees.
  - Contribute to the delivery of the WMCA's policies and strategies by undertaking work that is tailored to help support the WMCA Board in its own work programme. It might do this by undertaking research or scrutiny into a policy area, the outcomes of which will help in the delivery of a particular corporate workstream.

- Review and scrutinise any decision taken by the Mayor, the Portfolio Lead Members/WMCA Board or its committees and to make recommendations back to the decision-maker when it considers that there has been a significant flaw in the manner in which the decision was taken (Call-in).

### **Purpose of Overview & Scrutiny Committee**

5. Overview & Scrutiny Committee performs a key role within the governance arrangements of the WMCA and is publicly accountable for the effective exercise of these responsibilities. Members appointed to sit on the committee undertake this role principally to ensure that the decisions of the Mayor, Portfolio Lead Members/WMCA Board and its committees effectively and efficiently deliver the strategic objectives of the WMCA set out in its Annual Plan and other corporate strategy documents. They will do this in a number of ways, including:

- Contributing to the development of the Annual Plan or other strategic priorities through scrutinising draft proposals, proposed delivery methodologies and intended outcomes.
- Reviewing decisions made by the Mayor, Portfolio Lead Members/WMCA Board and its committees that are intended to effect the objectives contained within the Annual Plan or other corporate strategies.
- Monitoring the implementation, performance and impact of corporate policies and decisions.
- Holding the Mayor, Portfolio Lead Members/WMCA Board or its committees to account for the delivery and impact of its policies.
- Ensuring that the Mayor, the Portfolio Lead Members/WMCA Board and its committees act in the best interests of the West Midlands region.

### **Behaviours**

6. The Centre for Public Scrutiny has identified four key principles that should underpin the work of the Overview & Scrutiny Committee at all times. It should:

- Provide a culture of 'critical friend' challenge to decision makers.
- Enable the voice and concerns of the public and its communities to be heard.
- Conduct the scrutiny function by independent-minded members who will lead and own the process.
- Drive improvements on services.

7. All members of the Overview & Scrutiny Committee should seek to promote an atmosphere of openness and transparency at meetings and ensure that questioning and debate takes place within a climate of mutual respect and trust between the committee and other participants. Members should be prepared to ask questions and pursue lines of enquiry that will challenge decision-makers to explain and justify their reasoning. They should not seek to be overtly political, recognising that they are undertaking their responsibilities on behalf of all residents within the region and should not therefore seek to deliberately use the role provided to them on the Overview & Scrutiny Committee simply for the purposes of obtain political advantage.
8. The Overview & Scrutiny Committee has a legal power to require the Mayor, Portfolio Lead Members and officers of the Authority to attend before it to answer questions and to share information. It is the duty of members and officers to comply with such requests.

When the committee requires the Mayor, Portfolio Lead Members and/or Officer(s) to attend, the WMCA's Governance Services Team shall inform them in writing giving at least 14 days' notice of the meeting. The notice will state:

- The date and location of the meeting that they are required to attend;
  - The nature of the item; and
  - Whether they must produce any briefing papers/reports for the committee
9. The Mayor, Portfolio Leads, chairs of committees and others invited to address the committee should, in so far as possible, prepare adequately and seek to provide full answers to questions relating to matters falling within their responsibilities. These officer holders should endeavour to support the WMCA's scrutiny function by:
    - Accepting the right of Overview & Scrutiny Committee to challenge their decisions and performance.
    - Being proactive in identifying policy areas that would benefit from pre-decision scrutiny, and timetabling sufficient time to allow this to happen.
    - Ensuring their availability to attend meetings of the Overview & Scrutiny Committee when invited, and providing all necessary information requested to assist with the delivery of the scrutiny function.
    - Supporting the delivery of the scrutiny function by recognising its need for appropriate resources.
    - Ensuring that personal agendas or different political perspectives do not act as an impediment to an effective scrutiny process.

### **Officer Support**

10. The WMCA has appointed a number of officers to directly support the Overview & Scrutiny Committee. The Scrutiny Officer has responsibility to support the Chair and members of the committee in developing a work programme, undertake research, and write policy reports, promote the role of the authority's scrutiny committee, and being the point of contact for all other WMCA officers in respect of their engagement with scrutiny. This post fulfils the requirements of the Statutory Scrutiny Officer. In addition, the Head of Governance/Monitoring Officer, Governance Services Manager and Governance Services Officer provide advice, expertise and support to ensure the proper discharge of the scrutiny function and operation of the Overview & Scrutiny Committee.
  
11. All senior officers within the WMCA have a duty to provide advice to the Overview & Scrutiny Committee in the same way as they would for any decision maker within the WMCA's governance structures. This may include contributing to and/or to lead on a scrutiny review of workstreams within their area of service responsibility through the following means:
  - Preparing information for the Overview & Scrutiny Committee and its members.
  - Attending meetings of the Overview & Scrutiny Committee to answer questions or provide information.
  - Being involved in a detailed scrutiny review.
  - Explaining performance related issues and responding to any scrutiny recommendations.

### **Expectations**

12. In order for members of the Overview & Scrutiny Committee to examine, develop key strategic projects and priorities, and to hold to account those charged with delivering them, there are a number of key expectations required of them. These include:
  - Fully participating in the activities of the Overview & Scrutiny Committee, including the development and delivery of the committee's work programme, task review groups, Mayoral Q&A sessions and other planned activity.
  - Taking an active role in helping to develop and embed the role of scrutiny within the WMCA, and in promoting the scrutiny function within their own local authority and with elected members not directly involved in the WMCA.
  - Making adequate and appropriate preparation for meetings, including undertaking research and participating in briefings as required.
  - Contributing towards developing key lines of enquiry concerning Mayoral Q&A sessions or when inviting Portfolio Leads to give evidence at Overview & Scrutiny Committee meetings.

- Developing the knowledge and skills required to fulfil the role of a member of the Overview & Scrutiny Committee, including attending relevant training and information events as required.
- Acting as a link between the WMCA's Overview & Scrutiny Committee and the member's own local authority scrutiny committee. This will include reporting back on the scrutiny work carried out within the WMCA and reporting any issues identified within their local authority that may warrant scrutiny at the regional level.

### **Ways of Working**

13. Overview & Scrutiny Committee will discharge its responsibilities in a number of different ways that most appropriately align with the work it is seeking to undertake. This will include:
- Pre-decision scrutiny where it is seeking to strengthen policies and strategies before they have been formally adopted.
  - Mayoral Q&A sessions held in public, holding the Mayor/and or Portfolio Lead Members to account for the setting and delivery of policies.
  - Budget scrutiny to determine whether sufficient resources had been allocated to deliver the WMCA Annual Plan.
  - Task Group reviews where a lighter-touch investigation of matters is required. These meetings are less formal and are not held in public.
  - Call-in of formal decisions taken by the Mayor/Portfolio Leads/WMCA Board and its committees for further consideration and challenge.

### **Conclusion**

14. Overview & Scrutiny is a statutory responsibility of the West Midlands Combined Authority that contributes to better decision making and therefore better outcomes for the residents and businesses of the West Midlands. This protocol helps to set out how the overview & scrutiny function will be undertaken, and the role that needs to be undertaken by those members who either sit on the committee or the individuals who will engage with the committee's work.

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**Overview and Scrutiny Management Board – 4<sup>th</sup> September, 2019**

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

**Feedback from Scrutiny Committees**

**Purpose**

1. To consider feedback on the work being undertaken by Scrutiny Committees.

**Recommendations**

2. That verbal reports from the Chairs/Vice-Chairs, together with any updates to the Annual Scrutiny Programme, be noted.

**Background**

3. During the 2018/19 municipal year, it was agreed that a standing item should be included on the agenda for the Overview and Scrutiny Management Board to allow feedback from each Scrutiny Committee.
4. The following Scrutiny Committee meetings have been held since the Annual Meeting of the Council in May, 2019:  
  
Children's Services Scrutiny Committee – 1<sup>st</sup> July, 2019  
Corporate Scrutiny Committee – 2<sup>nd</sup> July, 2019  
Place Scrutiny Committee – 3<sup>rd</sup> July, 2019  
Health and Adult Social Care Scrutiny Committee – 10<sup>th</sup> July and 28<sup>th</sup> August, 2019
5. The reports and minutes of meetings are available on the [Council's website](#). The Chairs/Vice-Chairs are invited to give a verbal progress update on the work of each Scrutiny Committee.

**Finance**

6. The costs of operating the Council's scrutiny arrangements are contained within existing budgetary allocations.

## Law

7. The Council's scrutiny arrangements are set out in Article 6 of the Constitution (Overview and Scrutiny) and the associated Scrutiny Procedure Rules are contained within Part 4 of the Constitution.

## Equality Impact

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

## Organisational Development/Transformation

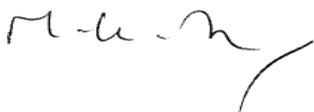
9. Overview and Scrutiny work is primarily administered within the resources available to the Democratic Services Team with support from Directorates and other Officers as required.

## Commercial/Procurement

10. This report has no impact on the Council's potential to commercially trade. Individual items included in the Annual Scrutiny Programme may have commercial implications, which will be reported to the relevant Scrutiny Committee.

## Health, Wellbeing and Safety

11. Reports to Scrutiny Committee 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.



**Mohammed Farooq**  
**Lead for Law and Governance**  
**(Monitoring Officer)**



**Steve Griffiths**  
**Democratic Services Manager**  
**(Statutory Scrutiny Officer)**

### Contact Officers:

Steve Griffiths / Manjit Johal  
Telephone: 01384 815235 / 5267  
Email: [steve.griffiths@dudley.gov.uk](mailto:steve.griffiths@dudley.gov.uk); [manjit.johal@dudley.gov.uk](mailto:manjit.johal@dudley.gov.uk)

## Background Documents

[Report and minutes of the Overview and Scrutiny Management Board – 12<sup>th</sup> June, 2019](#)  
[The Council's Constitution](#)