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Sheffield City Region MAYORAL COMBINED AUTHORITY

Wednesday, 10 July 2019

To: Members of the Sheffield City Region Mayoral Combined Authority Appropriate Officers

NOTICE OF MEETING

You are hereby summoned to an Overview and Scrutiny Committee meeting of the Sheffield City Regional Mayoral Combined Authority to be held at **Ground Floor, 11 Broad Street West, Sheffield, S1 2BQ**, on: **Thursday, 18 July 2019** at **1.00 pm** for the purpose of transacting the business set out in the agenda.

Dr Dave Smith
Head of Paid Service
Mayoral Combined Authority

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Member Distribution

Councillor Chris Furness (Chair)	Derbyshire Dales DC
Councillor Allan Jones (Vice-Chair)	Doncaster MBC
Councillor Penny Baker	Sheffield City Council
Councillor Dawn Dale	Sheffield City Council
Councillor Jeff Ennis	Barnsley MBC
Councillor Peter Innes	Chesterfield BC
Councillor Shaffaq Mohammed	Sheffield City Council
Councillor Ken Richardson	Barnsley MBC
Councillor Peter Rippon	Sheffield City Council
Councillor John Shephard	Bassetlaw DC
Councillor Brian Steele	Rotherham MBC
Councillor Austen White	Doncaster MBC
Councillor Jen Wilson	Bolsover DC
Dr Dave Smith	SCR Executive Team
Dr Ruth Adams	SCR Executive Team
Steve Davenport	SCR Executive Team
Christine Marriott	SCR Executive Team
Gillian Richards	
Mark Lynam	SCR Executive Team
Stephen Batey	SCR Mayor's Office
Councillor Sir Steve Houghton CBE	Barnsley MBC
Councillor Mazher Iqbal	Sheffield City Council
Mayor Ros Jones	Doncaster MBC
Councillor Chris Read	Rotherham MBC

SCR - Overview and Scrutiny Committee

Thursday, 18 July 2019 at 1.00 pm

Venue: Ground Floor, 11 Broad Street West, Sheffield, S1 2BQ

Sheffield City Region

MAYORAL COMBINED AUTHORITY

Agenda

Item No	Item	Lead	Page
1	Appointment of Chair and Vice Chair		
2	Welcome and Apologies		
3	Voting Rights for Non-Constituent Members		
4	Urgent Items/Announcements		
5	Items to be Considered in the Absence of Public and Press		
6	Declarations of Interest by any Members		
7	Reports from and Questions by Members		
8	Questions from Members of the Public		
9	Minutes of the Previous Meeting Held on 11 April 2019		
10	Matters Arising		
Items for Discussion			
11	Devolution	Cllr S Houghton Mayor R Jones Cllr C Read Cllr M Iqbal	
12	Tackling discrimination and prejudice: MCA adoption of definitions of anti-Semitism and Islamophobia	Ruth Adams	5 - 10
13	Scrutiny of SCR Thematic Boards	Christine Marriott	11 - 14
14	MHCLG Statutory Guidance on Overview and Scrutiny in Combined and Local Authorities	Christine Marriott	15 - 50
15	Overview and Scrutiny Committee Annual Report	Christine Marriott	51 - 66
16	Scrutiny Work Programme 2019/20	Christine Marriott	67 - 80

	• Referrals since last formal meeting • Reviews – updates and proposals • Forward Plan of Key Decisions		
17	Active Travel Project	Mayor D Jarvis Mark Lynam	81 - 84
Date of next meeting: Thursday, 17 October 2019 at 1.00 pm **At:** Sheffield City Region, 11 Broad Street West, Sheffield, S1 2BQ			

Sheffield
City Region
MAYORAL
COMBINED AUTHORITY

Report to Sheffield City Region Overview and Scrutiny Committee

Date of Meeting:	18 July 2019
Subject:	Tackling discrimination and prejudice: MCA adoption of definitions of antisemitism and Islamophobia
Purpose of the Report:	A report was received by the Mayoral Combined Authority on 3 June 2019 proposing the adoption of an agreed definition of antisemitism and to agree an intention to adopt a definition in relation to Islamophobia. The adoption of these definitions is to provide clarity about what antisemitism is, and what Islamophobia is, as part of the MCA and LEP's general equal opportunities policy.
The Scrutiny Committee is being asked to:	That the Overview and Scrutiny Committee note the paper presented to the Mayoral Combined Authority and that, further to this, it was agreed to: 1. Adopt the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism 2. Adopt a working definition of Islamophobia when there is greater clarity and a shared understanding of the term
Category of Report: Open Under the Freedom of Information Act this paper and any appendices will be made available under the Mayoral Combined Authority Publication Scheme. This scheme commits the Authority to make information about how decisions are made available to the public as part of its normal business activities.	

Summary:

MCAs, Combined Authorities and local authorities across the country are increasingly taking a stand against prejudice. The Sheffield City Region is a diverse part of the United Kingdom and at its strongest when our citizens and communities recognise that there is more that unites than divides us.

By adopting recognised working definitions of antisemitism and Islamophobia the MCA will be demonstrating its commitment to tackling racist and religious hatred and all forms of discrimination.

Appendices/Annexes

13i: Tackling discrimination and prejudice: MCA adoption of definitions of antisemitism and Islamophobia; MCA report, 3 June 2019

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3rd June 2019

Tackling discrimination and prejudice: MCA adoption of definitions of antisemitism and Islamophobia

Purpose of Report

The Mayoral Combined Authority is asked that as a body it adopts an agreed definition of antisemitism and agrees its intention to do so in relation to Islamophobia to help ensure there is clarity about what antisemitism is and what Islamophobia is as part of the MCA and LEP's general equal opportunities policy.

Thematic Priority

N/A

Freedom of Information and Schedule 12A of the Local Government Act 1972

The paper will be available under the Combined Authority Publication Scheme.

Recommendations

That the Mayoral Combined Authority adopts the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism;

That the MCA agrees its intention to adopt a working definition of Islamophobia when there is greater clarity and a shared understanding of the term.

1. **Introduction**

    1.1 MCAs, Combined Authorities and local authorities across the country are increasingly taking a stand against prejudice. The Sheffield City Region is a diverse part of the United Kingdom and at its strongest when our citizens and communities recognise that there is more that unites than divides us.

    1.2 By adopting recognised working definitions of antisemitism and Islamophobia the MCA will be demonstrating its commitment to tackling racist and religious hatred and all forms of discrimination.

2. **Proposal and justification**

    2.1 The adoption of the International Holocaust Remembrance Alliance working definition of antisemitism will give assurance to the City Region's communities of the MCA's commitment that antisemitic behaviours will not be tolerated. The working definition of antisemitism, as defined by the IHRA, is below:

    "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

2.2 Similarly, adoption of a working definition of Islamophobia will send a powerful message of united determination to end Islamophobia. A possibility is the All Party Parliamentary Group definition assuming the current debate about it brings greater clarity and a shared consensus in its favour. The working definition of Islamophobia, as defined by the APPG, is below:

"Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness".

2.3 The IHRA is an intergovernmental body established in Stockholm in 1998. It comprises 30+ member nations whose purpose is to place political and social leaders' support behind the need for Holocaust education, remembrance and research, both nationally and internationally. Its definition of anti-Semitism was adopted during a plenary meeting in Bucharest in May 2016. In January 2017 the Secretary of State for Communities and Local Government wrote to every council leader in the country urging them to adopt the IHRA's definition of antisemitism. As well as being adopted by UK Government the definition has been adopted by the Scottish and Welsh Governments, the Greater London Assembly, several Mayoral and non-Mayoral Combined Authorities, more than 130 local councils, the police, Crown Prosecution Service and the judiciary. (Data at 2018.)

2.4 The APPG is currently investigating prejudice and discrimination against British Muslims and the aim of their definition is to build a common understanding of the causes and consequences of Islamophobia and show a united determination to end it. The definition was finalised by the APPG at the end of November 2018, following two years of consultation. Authorities which have so far adopted the definition include the GLA, Newham, Islington, Redbridge and Oxford. The definition is currently the subject of Parliamentary and media debate.

3. Consideration of alternative approaches

3.1 None. While there is no statutory requirement to do so, the adoption of a clear and practical working definition of antisemitism and a statement of intent in relation to a definition of Islamophobia will give clarity to the MCA's understanding of these terms. Adoption of working definitions will be a strong gesture by a responsible organisation giving assurance to the city region's communities and citizens more generally that antisemitic and Islamophobic behaviour and discrimination are not tolerable and have no place in the Sheffield City Region.

4. Implications

4.1 Financial – None

4.2 Legal – adoption of the definition would be non-legally binding and there is no intention to use it as a legal tool.

4.3 Risk Management – None

4.4 Equality, Diversity and Social Inclusion
This proposal clearly supports wider equality, diversity and social inclusion agendas.

5. Communications

5.1 By signing up to the IHRA definition of antisemitism and stating an intention to sign up to a definition of Islamophobia the SCR will be sending a powerful message of its pride in the City Region's diversity and of its united determination and clear commitment to end antisemitism and Islamophobia. The MCA decision will be communicated via the usual channels.

6.   Appendices/Annexes

6.1   None

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Background papers used in the preparation of this report are available for inspection at: 11 Broad Street West, Sheffield S1 2BQ

Other sources and references: N/A

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Report to Sheffield City Region Overview and Scrutiny Committee

Date of Meeting:	18 July 2019
Subject:	Scrutiny of SCR Thematic Boards
Purpose of the Report:	To inform OSC Members of the role, responsibilities and membership of the SCR Thematic Boards.
The Scrutiny Committee is being asked to:	Agree to the proposed model for the scrutiny of SCR Thematic Boards.
Category of Report: Open Under the Freedom of Information Act and Schedule 12A of the Local Government Act 1972, this paper and any appendices will be made available under the Combined Authority Publication Scheme.	

Summary:

This paper will enable the Overview and Scrutiny Committee to examine the roles, responsibilities and membership of the five thematic boards which were introduced on 1 April 2019.

The five thematic boards are based on the strategic priorities of the Strategic Economic Plan and support decision-making and delivery of the MCA and LEP priorities. The Boards were created after a 2018 review of SCR's governance structure and have delegated authority to make financial decisions on behalf of the MCA. The revised governance structure was agreed by the MCA and LEP in December 2018 and January 2019 respectively.

The five thematic boards have delegated authority which requires consensus from board members for a decision to be made on schemes under £2m, it will fall within the remit of the Overview and Scrutiny Committee to ensure that the decisions taken will be of benefit to the residents and businesses of the Sheffield City Region.

1. **Introduction/Context**

1.1 **Role of Thematic Boards**

As a Mayoral Combined Authority (MCA), it is important that the Board's decision-making process is efficient, effective, transparent and provides accountability to residents and businesses. The SCR Executive has, therefore, reviewed its processes, sought feedback from partners and analysed other MCAs arrangements to seek to develop a proposal on which consensus can be achieved.

To revise governance arrangements in the SCR, a set of principles has been developed following feedback from partners. These seek to ensure that the optimum arrangements are established, forming a robust foundation for the decision-making process:

- Achieving an efficient, effective and transparent model for decision making;
- Collaborating to build collective and combined decisions to deliver the outcomes identified in the SEP;
- Providing strong and accountable leadership in setting the agenda and subsequently delivering a defined programme of activity to rigorously realise the outcomes of the SEP; and

- Scrutinising the planned and activity underway to deliver the best outcomes for the SCR and value for money.

Based on these principles the defining features of the proposed revised SCR governances are that:
- The MCA continues to set the overall direction for the Sheffield City Region and act as the accountable body for all funding awarded to the LEP. The LEP will continue to provide thought-leadership on the economy, lead the development of economic policy and champion the SCR private sector.
- The sub structure of the MCA and LEP will retain its thematic focus in the five areas of: business growth; skills and employment; housing, infrastructure and transport.
- Given the stronger model of leadership being proposed, meeting frequency will change from a six weekly to an eight-weekly cycle, allowing more time for work to be progressed. This would be supported by the establishment of urgent delegated decision-making protocols within the constitution to be used by exception, but as required when a decision falls outside of the parameters of the cycle.

1.2 Responsibilities of Thematic Boards

Each Thematic Board has a delegated authority to approve projects with a value of less than £2 million, when a scheme has been accepted into the programme. Decisions made by the Thematic Boards are presented to the MCA Board in a written Delegated Decisions Report. As the delegating body, the MCA has the right to review decisions made by the Thematic Boards.

The responsibilities of the Thematic Boards are to:
- Shape future policy, priorities and programmes for the LEP and MCA Boards to approve;
- Review programme and funding applications of less than £2 million that have been through the SCR appraisal process and decide whether to approve, defer or reject the application;
- Review programme and funding applications of £2 million or more that have been through the SCR appraisal process and make a recommendation to the MCA Board for approval, deferment or rejection of the application;
- Accept grants with a value of less than £2 million; and
- Monitor programme delivery and performance on their thematic area.

The Transport Board also has additional responsibilities. These are:
- Assisting in the development of the transport strategy and strategies for its implementation;
- Overseeing the performance of SYPTE in delivering operational transport services and its capital programme and providing SYPTE with political direction;
- Recommending the capital programme of SYPTE for approval to the MCA; and
- Recommending the revenue budget of SYPTE for approval to the MCA.

1.3 Membership of the Thematic Boards

The members of each Thematic Board (except for the Transport Board) include:
- Two Leaders from the MCA (one from a constituent Local Authority and one from a non-constituent Local Authority);
- A nominated representative for each of the remaining seven Local Authorities;
- A lead Chief Executive from a Local Authority;
- Two private sector LEP Board members; and
- The MCA Head of Paid Service (or their nominated representative).

Given the statutory responsibilities of the MCA as the South Yorkshire transport authority, the Transport Board membership structure comprises:
- The SCR Mayor (Chair);
- A Leader from the MCA of a constituent local authority (Deputy Chair);

- A nominated representative for each of the remaining three constituent local authorities on the MCA Board;
- A representative for the non-constituent local authorities on the MCA Board;
- A lead local Chief Executive;
- A Private Sector LEP Board member;
- The Director General of the SYPTE; and
- The MCA Head of Paid Service (or their nominated representative).

1.4 Thematic Board Decision-Making

Board decisions are made on the basis of consensus. Where consensus cannot be reached the issue is escalated to the MCA or LEP, dependent upon the issue in question. Where this is in relation to the policy fit, delivery of the SEP or strategic alignment of a project using funds allocated to the LEP, the issue is escalated to the LEP Board. Where this relates to LEP Accountable Body functions or MCA investments, the issue is escalated to the MCA Board.

1.5 Thematic Board Meetings

Thematic Boards will routinely meet on an eight-weekly cycle and the SCR Executive Team provides the secretariat. Meetings of the Thematic Boards (except for the Transport Board) are quorate when seven members are present. Transport Board meetings are quorate when two thirds of the members are present.

1.6 Transparency

To comply with the Combined Authorities (Overview and Scrutiny Committees Access to Information and Audit Committees) Act 2017, the key decisions made at thematic board will be publicised on the Forward Plan of Key Decisions on the Sheffield City Regions website 28 days in advance of the decision being made.   The draft and ratified minutes of the thematic board will be published on SCR's website within 10 working days of the meeting take place.

The agenda and the supporting papers associated for each thematic board meeting will be published 5 clear working days in advance of the thematic board meeting. The thematic board meeting will not be held in public or webcast.

1.7 Scrutiny Proposal

MHCLG Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities states that effective overview and scrutiny should be led by independent people who take responsibility for their role. The following process provides evidence that this the case at Sheffield City Region.

OSC Members are already routinely made aware of the revision of the Forward Plan; an automated notification is sent from SCR's modern.gov system to OSC members email inbox each time the Forward Plan of Key Decisions is updated.   OSC Members are asked to continue to review the Forward Plan of Key Decisions (as is currently done for key decisions made at Mayoral Combined Authority Board meetings) following the process of:
- OSC member to seek further information from Lead Officer named on the Forward Plan or the Scrutiny Officer.
- If required, OSC member to make a referral to the committee clearly stating the objective(s)/outcomes(s) expected from reviewing the issue at a committee meeting.
- The referral will be considered at an agenda setting meeting and placed on the work programme as appropriate.
- If the item is considered to be urgent, the item will be "called-in" following the SCR Call-In Process.

2. Matters for Consideration

a. Financial
There are no financial implications to consider from this paper.

b.   **Legal**
    As above.

c.   **Risk Management**
    There are no risk management issues to consider.

d.   **Environmental**
    There are no environmental factors to consider.

e.   **Equality Impact Assessment**
    n/a

f.   **Performance Management/Measuring Outcomes**
    The Scrutiny Officer monitors referrals made to the Overview and Scrutiny Committee and the source of the referral, for example, from the forward plan or call-in. Monitoring is a continuous process and analysis of the data is published in the OSC Annual Report.

3.   **Consideration of alternative approaches**
    This proposal was drafted to ensure:
    - compliance with the requirements of MHCLG Statutory Guidance for Overview and Scrutiny in Local and Combined Authorities, and
    - efficient use of finite resources, ie, member and officer time as it has circumnavigated the need for a continuous cycle of meetings.

4.   **Issues the Overview and Scrutiny Committee may wish to consider …**
    As above.

5.   **Recommendations**
    1. That the Overview and Scrutiny Committee agree to adopt the process set out in section 1.7.
    2. That the Overview and Scrutiny Committee request the Terms of Reference for the Overview and Scrutiny Committee are updated to reflect the need to scrutinise decisions made at thematic board meetings.
    3. That the Overview and Scrutiny Committee request that the SCR Constitution be amended to reflect that scrutiny of the thematic boards are within its remit.

6.   **Appendices/Annexes**   None.

Report to Sheffield City Region Overview and Scrutiny Committee

Date of Meeting:	18 July 2019
Subject:	MHCLG Statutory Guidance on Overview and Scrutiny in Combined and Local Authorities
Purpose of the Report:	To ensure OSC Members are aware of the MHCLG Statutory Guidance and the potential changes required to comply with the requirements.
The Scrutiny Committee is being asked to:	Consider the attached statutory guidance on overview and scrutiny in local and combined authorities, reflect on the approach to scrutiny at Sheffield City Region and recommend changes to ensure that the OSC operates in accordance with the published guidance.
Category of Report: Open Under the Freedom of Information Act and Schedule 12A of the Local Government Act 1972, this paper and any appendices will be made available under the Combined Authority Publication Scheme.	

1. Introduction/Context

1.1 On 7 May 2019 the Ministry of Housing, Communities and Local Government published statutory guidance on overview and scrutiny in local and combined authorities. The guidance seeks to ensure that local and combined authorities are aware of the purpose of overview and scrutiny, what good scrutiny looks like and how to conduct scrutiny in the most effective way to contribute positively to decision-making.

1.2 The guidance urges all authorities to cast a critical eye on their existing arrangements to ensure that the principles of effective scrutiny are embedded in practice.

1.3 MHCLG has updated the guidance for Overview and Scrutiny Committees (OSC) in response to a House of Commons select committee into the effectives of scrutiny in Local and Combined Authorities.

1.4 Local and Combined Authorities must have regard to the guidance when exercising their scrutiny functions. The guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

1.5 'Must have regard to' within the context of the statutory guidance does not mean that the statutory guidance must be followed in every detail but that it should be followed unless there is a good reason not to do so in particular circumstances.

1.6 Overview and Scrutiny Committees (OSC) has statutory powers to scrutinise the decisions a combined authority is planning to take, those it plans to implement, and those already taken and/or implemented and make recommendations to enable improvements to be made to

policies and how they are implemented. OSCs can also play a valuable role in developing policy.

Effective scrutiny should:
- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

The guidance covers the following principal areas:
1. Culture
2. Resourcing
3. Selecting committee members
4. Power to access information
5. Planning work
6. Evidence sessions

1.7 Summary of changes and implications

The statutory guidance proposes several principles to help develop a supportive culture in which effective scrutiny can thrive. They include:
- Recognising scrutiny's legal and democratic legitimacy.
- Ensuring early and regular engagement between the executive and scrutiny.
- The need for authorities to adopt a position of sharing any information asked for by their scrutiny committee, and if information cannot be shared in public they should consider sharing it in a closed session.
- Managing disagreement, particularly over party politically contentious issues, for example via an executive-scrutiny protocol.
- Providing the necessary support, including access to resources and to senior officers where appropriate.
- Ensuring impartial advice from officers.
- Communicating scrutiny's role and purpose to the wider authority and to the public.
- Maintaining the interest of full authority in the work of the scrutiny committee: ensuring that there is a link between full authority proceedings and overview and scrutiny.
- Ensuring that the scrutiny committee acts in the capacity of a constructive 'critical friend' with a vital role of amplifying the voices and concerns of the public when authorities take important decisions.
- Ensuring scrutiny members are supported in having an independent mindset.
- Ensuring that the selection of members and chairs of overview and scrutiny committees should be selected based on their "experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve".

1.8 The Scrutiny Officer has drafted a base line assessment of current scrutiny practices and processes which will be refined in conjunction with the SCR Monitoring Officer. Dependent upon the outcome of the base line assessment exercise, the next steps could entail a review of the current Overview and Scrutiny procedures and practices, possibly through a working group, to ensure compliance with the guidance.

2. Matters for Consideration

a. Financial

None.

b. Legal

The guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to.

c. **Risk Management**
   If the council are found to have failed to comply with the statutory guidance, it would have a negative impact on the reputation of SCR's scrutiny function and the reputation of the SCR.

d. **Environmental**
   None.

e. **Equality Impact Assessment**
   None.

f. **Performance Management/Measuring Outcomes**
   The action plan will be critically assessed by the Scrutiny Officer; timescales and RAG status will be monitored throughout the implementation of the action plan.

   Further consideration needs to be given as to whether independent assessment of the implementation is required.

3. **Consideration of alternative approaches**
   The Scrutiny Officer attended a symposium facilitated by the Centre for Public Scrutiny (CfPS) on 20 June 2019 on the subject of the statutory guidance.

   The CfPS stated that the approach and process which has already been instigated by the Scrutiny Officer is best practice.

4. **Issues the Overview and Scrutiny Committee may wish to consider …**
   OSC are asked to put forward suggestions to improve the current SCR processes for consideration.

5. **Recommendations**
   OSC are asked to consider the attached Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, reflect on the approach to scrutiny at Sheffield City Region and recommend changes to ensure that the OSC operates in accordance with the published guidance.

6. **Appendices/Annexes**
   15i   Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

The following section is a legal requirement

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Background papers used in the preparation of this report are available for inspection at:
11 Broad Street West, Sheffield, S1 2BQ

Other sources and references:
- MHCLG Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

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Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

Contents

3

Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for
This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance
This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance
This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

5

<u>Terminology</u>
Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.[1]

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

<u>Expiry or review date</u>
This guidance will be kept under review and updated as necessary.

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[1] A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

6

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.

2. Overview and scrutiny committees have statutory powers[2] to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

> Effective overview and scrutiny should:
> - Provide constructive 'critical friend' challenge;
> - Amplify the voices and concerns of the public;
> - Be led by independent people who take responsibility for their role; and
> - Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.

4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.

6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

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[2] Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.

8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.

9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.

10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

   a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for <u>all</u> authorities operating executive arrangements and for combined authorities.

   Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

   b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

   Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

8

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

> In particular:
>
> - The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
>
> - The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

9

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.

g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.

h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).

j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.

13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
   - rights of access to documents by the press, public and councillors;
   - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
   - delegated decisions by the Mayor;
   - whistleblowing protections for both staff and councillors; and
   - powers of Full Council, where applicable, to question and review.

11

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.

16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.

17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

> When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:
> - Scrutiny's legal powers and responsibilities;
> - The particular role and remit scrutiny will play in the authority;
> - The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
> - The need for ad hoc external support where expertise does not exist in the council;
> - Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
> - Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,[3] someone whose role is to:
   - promote the role of the authority's scrutiny committee;
   - provide support to the scrutiny committee and its members; and
   - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

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[3] Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

13

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

14

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.

24. While there are proportionality requirements that must be met,[4] the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny[5].

> Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.[6] Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.

26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.[7] This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

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[4] See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

[5] See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf

[6] Section 9FA(3) of the Local Government Act 2000.

[7] 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

> Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives[8]. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person[9].

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair[10].

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

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[8] A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.
[9] See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).
[10] Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

16

36. There are two principal ways to procure this:
- Co-option – formal co-option is provided for in legislation[11]. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

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[11] Section 9FA(4) Local Government Act 2000

17

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.

38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information[12]. In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.

40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.

41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

> While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision[13]. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

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[12] Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
[13] Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

> Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member[14]. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions[15]. It is the duty of members and officers to comply with such requests.[16]

<u>Seeking information from external organisations</u>

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

a) **<u>The need to explain the purpose of scrutiny</u>** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;

b) **<u>The benefits of an informal approach</u>** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

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[14] Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
[15] Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
[16] Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

19

c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to 'set the record straight' in a public setting; and

d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority's pre-existing relationship with it.

> Following 'the Council Pound'
> Scrutiny committees will often have a keen interest in 'following the council pound', i.e. scrutinising organisations that receive public funding to deliver goods and services.
>
> Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

20

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.

48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.

50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.

51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.

52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:

- *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
    o Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
    o Voluntary sector partners;
    o Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
    o In parished areas, town, community and parish councils;
    o Neighbouring principal councils (both in two-tier and unitary areas);
    o Cross-authority bodies and organisations, such as Local Enterprise Partnerships[17]; and
    o Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources
54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:
- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

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[17] Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

> As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':
> https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

> Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:
> - Do we understand the benefits scrutiny would bring to this issue?
> - How could we best carry out work on this subject?
> - What would be the best outcome of this work?
> - How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work
58. Selected topics can be scrutinised in several ways, including:

a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;

b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

23

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

c) **<u>At a task and finish review of two or three meetings</u>** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;

d) **<u>Via a longer-term task and finish review</u>** – the 'traditional' task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and

e) **<u>By establishing a 'standing panel'</u>** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal 'task and finish' groups or at standalone sessions.

> Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

> Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.

62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.

63. After an evidence session, the committee might wish to hold a short 'wash-up' meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

    i.   the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;

    ii. the development of those findings, which will set out some areas on which recommendations might be made; and

    iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

> Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

26

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

29

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

31

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**Sheffield
City Region
MAYORAL
COMBINED AUTHORITY**

Overview and Scrutiny Committee

18 July 2019

Overview and Scrutiny 2018/19 Annual Report

Purpose

To receive the draft OSC Annual report for comment and approval.

Freedom of Information & Section 12A of the Local Government Act 1972

Under the Freedom of Information Act this paper and any appendices will be made available under the Mayoral Combined Authority Publication Scheme. This scheme commits the Authority to make information about how decisions are made available to the public as part of its normal business activities.

Recommendations

That the Overview and Scrutiny Committee agree to the content of the 2018/19 Annual Report and approve the report publication on the SCR website.

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SHEFFIELD CITY REGION MAYORAL COMBINED AUTHORITY OVERVIEW AND SCRUTINY COMMITTEE

Annual Report 2018-2019

Document Properties

Change Record

| Version	Author	Description	Date
1.0	C M Marriott	1st Draft	1 May 2019
1.1	S Batey	Minor amendments to 1st draft	2 July 2019

1

Contents

2

1. Foreword from the Chair

I'm delighted to provide the introduction to the Sheffield City Region Mayoral Combined Authority Overview and Scrutiny Committee's Annual Report.

Much progress has been made in the past 12 months in developing a strong and effective scrutiny function and I am confident that this will continue in coming years.

The election of the first Sheffield City Region Mayor in May 2018 has resulted in changes in the way the combined authority functions and the Overview and Scrutiny Committee has worked alongside this change offering independent, effective and constructive challenge to ensure decisions taken represent best value for money and are in the best interests of residents and businesses across the City Region.
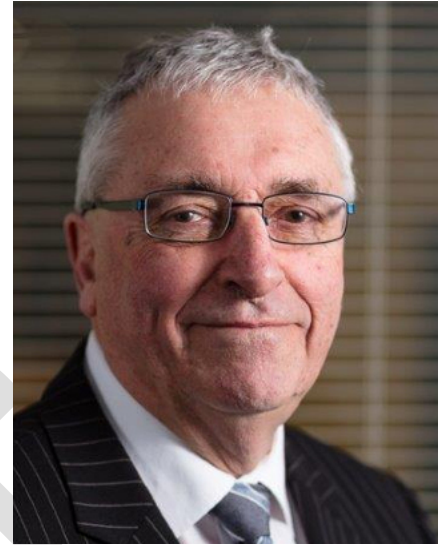
The much-anticipated publication of Statutory Scrutiny Guidance from the Ministry of Housing, Communities and Local Government (MHCLG) occurred in May 2019. The guidance seeks to ensure that local and combined authorities are aware of the purpose of overview and scrutiny, what good scrutiny is and how to conduct scrutiny so as to contribute positively to decision-making with a particular focus on:

- Culture and mindset
- Resourcing
- Selecting committee members
- Power to access information
- Planning work and engaging the public
- Evidence sessions

All of these elements contribute to effective scrutiny and I have every confidence that the SCR OSC's implementation of the requirements set out by MHCLG will be fully compliant.

I'd like to thank the Mayor, Leaders, Members, Officers and indeed everyone who has been involved in supporting and assisting the Overview and Scrutiny process over the past 12 months.

I hope you find this report helpful and insightful into the workings of our committee.

Cllr Chris Furness
Chair of SCR Overview and Scrutiny Committee 2018/19

3

2. Introduction

2.1 The Sheffield City Region Mayoral Combined Authority's Overview and Scrutiny Committee's Annual Report summarises the activities of the OSC over the reporting year 2018/19.

2.2 Overview and Scrutiny is a function performed in all Local and Combined Authorities; it was first introduced in 2000 by the Local Government Act 2000 which created separate Executive and Overview and Scrutiny functions within councils.

2.3 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 gives direction on the minimum requirements of scrutiny within a Combined Authority setting. It gives members of scrutiny committees enhanced rights to relevant information under the control of the combined authority or the Mayor.

2.4 Overview and Scrutiny functions differently within a Mayoral Combined Authority setting in that its main function is to focus on priorities and strategic planning compared to a high level of scrutinising operational delivery of services as is found in a Local Authority setting.

2.5 The role of Overview and Scrutiny is to hold the MCA to account and to ensure that decision-making is transparent, efficient and accountable. Overview and Scrutiny can also look at broader issues such as reviewing SCR policies and also review issues of concern which will affect local people.

2.6 Overview and Scrutiny has an important contribution to the effective governance of Local Enterprise Partnerships (LEPs) following the Review of Local Enterprise Partnership Governance and Transparency, published by MHCLG in October 2017.

2.7 Overview and Scrutiny Committees do not have any decision-making powers and contribute to improving decision-making and policy development through debate and evidence.

2.8 For scrutiny to be effective, the process must be open, fair, constructive and positive. The aim is to challenge so improvements can be made, not apportion blame when things go wrong.

2.9 Scrutiny has the power to:
- Review or scrutinise actions taken, or decisions made by the Mayoral Combined Authority, LEP and SYPTE;
- Make reports or recommendations on the above;
- Make reports or recommendations on any issue affecting the area or inhabitants.

2.10 The MHCLG have cite that effective overview and scrutiny should:
- Amplify the voices and concerns of the public
- Provide a constructive "critical friend" challenge
- Drive improvement in public services
- Be led by independent people who take responsibility for their role

4

3.   Sheffield City Region Overview and Scrutiny Committee

3.1   Sheffield City Region's OSC consists of 15 members who are elected in accordance with The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (from now on referred to as The Order).

The order states that "*the committee must appoint such a number of members of each of the constituent councils to an overview and scrutiny committee, so that members of the committee, taken as a whole, reflect (so far as reasonably practicable) the balance of political parties for the time being prevailing among members of the constituent councils.*"

3.2   Each member has a one-year term of office on the OSC.

3.3   The 15 members of the Sheffield City Region OSC in 2018/19 were:

Name	Party	Area represented
Cllr Chris Furness (Chair)	Conservative	Derbyshire Dales DC
Cllr Allan Jones (Vice Chair)	Conservative	Doncaster MBC
Cllr Penny Baker	Liberal Democrat	Sheffield City Council
Cllr Jeff Ennis	Labour	Barnsley MBC
Cllr Peter Innes	Labour	Chesterfield MBC
Cllr Shaffaq Mohammed	Liberal Democrat	Sheffield City Council
Cllr Gerry Morley	Labour	NE Derbyshire DC
Cllr Zahira Naz	Labour	Sheffield City Council
Cllr Sandra Peake	Labour	Bolsover DC
Cllr Ken Richardson	Labour	Barnsley MBC
Cllr Ian Saunders	Labour	Sheffield City Council
Cllr John Shephard	Labour	Bassetlaw DC
Cllr Peter Short	UKIP	Rotherham MBC
Cllr Brian Steele	Labour	Rotherham MBC
Cllr Austen White	Labour	Doncaster MBC

3.4   During the 2018/19 municipal year the OSC met quarterly on a formal basis at Barnsley Town Hall. From May 2019, meetings will relocate to the SCR office's new, purpose-built meeting room and web casting facilities.

3.5   Committee clerk services were provided by South Yorkshire Joint Secretariat Services.

3.6   May 2018 saw the election of Dan Jarvis MP as the first Mayor of Sheffield City Region.

Mayor Jarvis has been a regular attendee at OSC meetings, recognising the importance of Scrutiny's role in ensuring effective challenge and support to the Mayoral Combined Authority.

4.   Performance Management Information

4.1   **Meeting Quoracy**

The overarching legislation for Mayoral Combined Authorities specifies that for an Overview and Scrutiny Committee to be quorate, two-thirds of the members must be present at the meeting; this equates to 10 members for Sheffield City Region OSC.

4.2   Historically, achieving quoracy has been particularly challenging for the Committee, for example in 2017/18 of the 6 OSC meetings held none of them were quorate. The Committee is now however on an improved trajectory.

4.3   In January 2018 CfPS published the findings of their research in relation to how scrutiny systems were operating within Mayoral Combined Authorities since May 2017. [1]

The report revealed that Sheffield City Region were not the only OSC experiencing challenges in terms of achieving quoracy. Some MCAs had experimented with a substitute system but subsequent concerns in relation to continuity were raised. No further outcomes or findings of consequent research have been published to validate these concerns.

4.4   CfPS have strongly emphasised that "the need for members (and the councils nominating them) to **fully understand the *implications of the quoracy requirements*** is vital."

The SCR Scrutiny Officer has accordingly communicated the need for this commitment on the part of Members resulting in a positive upturn in regular attendance since July 2018.

The MHCLG statutory guidance also emphasises the need for the continued commitment of OSC Members in representing their Local Authority at the Sheffield City Region scrutiny committee.

The Scrutiny Officer has been specific when requesting nominations for the 2019/20 municipal year that Members must be able to attend each meeting in order to provide stability and continuity.

4.5   In addition, a substitute system was introduced in October 2018. Each of the substantive OSC members, with the exception of RMBC members, has a substitute who can be called upon to attend in the place of substantive member in the event that they cannot attend.

4.6   Substitute Members are encouraged to attend meetings as observers wherever possible and also invited to workshops and training sessions to enable continuity and consistency of the approach to scrutiny at Sheffield City Region.

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[1]   Scrutiny in Mayoral combined authorities: six months on
https://www.cfps.org.uk/wp-content/uploads/2018-01-05-ca-scrutiny-report.pdf

6

4.7 Since implementing the steps above, the OSC has been quorate for 3 out of 4 meetings held in 2018/19. The April 2019 OSC meeting received a high number of apologies from substantive members and their substitutes due to the forthcoming local elections and the need to fulfil electioneering commitments.

4.8 **Member attendance**

Table 1 below provides data in relation to substantive member attendance at OSC meetings in 2018/19.

Title	First Name	Surname	Party	Area	26/07/18	18/10/18	17/09/19	11/04/19
Cllr	Penny	Baker	Lib Dem	Sheffield CC	Apols	Apols	Present	Apols
Cllr	Jeff	Ennis	Lab	Barnsley MBC	Present	Present	Present	Present
Cllr	Chris	Furness	Con	Derbys Dales DA	Present	Present	Present	Present
Cllr	Peter	Innes	Lab	Chesterfield DC	Present	Apols	Present	Apols
Cllr	Allan	Jones	Con	Doncaster MBC	Present	Present	Present	Present
Cllr	Shaffaq	Mohammed	Lib Dem	Sheffield CC	Present	Present	Present	Present
Cllr	Gerry	Morley	Lab	NE Derbys DC	Apols	Apols	Apols	Apols
Cllr	Zahira	Naz	Lab	Sheffield CC	Present	Present	Apols	Apols
Cllr	Sandra	Peake	Lab	Bolsover DC	Apols	Apols	Present	Apols
Cllr	Ken	Richardson	Lab	Barnsley MBC	Apols	Present	Present	Present
Cllr	Ian	Saunders	Lab	Sheffield CC	Present	Present	Present	Apols
Cllr	John	Shephard	Lab	Bassetlaw DC	Present	Apols	Apols	Present
Cllr	Peter	Short	UKIP	Rotherham MBC	Apols	Apols	Present	Present
Cllr	Brian	Steele	Lab	Rotherham MBC	Present	Present	Present	Present
Cllr	Austen	White	Lab	Doncaster MBC	Present	Apols	Present	Apols
Total Present (to reach quoracy requirements)					10	8	12	8
Quorum reached?					Yes	No	Yes	No

Table 1: Attendance of substantive members

4.9 Table 1 shows the consistency of attendance, and non-attendance, of Members. It demonstrates the need to explain to Local Authorities the commitment required when selecting members to represent their authority/area at the Mayoral Combined Authority.

4.10 Table 2 below demonstrates the effectiveness of the substitute system, especially on 18 October 2018 when quoracy was met through the attendance of substitute members.

Table 2 also illustrates the commitment of our Labour substitute representative from Doncaster MBC in ensuring that their local area is represented at the Mayoral Combined Authority.

Title	First Name	Surname	Member Type	26/07/18	18/10/18	17/09/19	11/04/19
Barnsley MBC - Labour Representation							
Cllr	Jeff	Ennis	Substantive	Present	Present	Present	Present
Cllr	Ken	Richardson	Substantive	Apols	Present	Present	Present
Cllr	Malcolm	Clements	Substitute	n/a	n/a	n/a	n/a
Cllr	Phillip	Lofts	Substitute	n/a	n/a	n/a	n/a
Cllr	Sarah	Tattersall	Substitute	n/a	Observer	n/a	n/a
Bassetlaw MBC - Labour Representation							
Cllr	John	Shephard	Substantive	Present	Apols	Apols	Present
Cllr	Dave	Challinor	Substitute	n/a	n/a	Apols	n/a
Bolsover DC - Labour Representation							
Cllr	Sandra	Peake	Substantive	Apols	Apols	Present	Apols
Cllr	Karl	Reid	Substitute	Present	Apols	Observer	Apols
Chesterfield MBC - Labour Representation							
Cllr	Peter	Innes	Substantive	Present	Apols	Present	Apols
Cllr	Kate	Sarvent	Substitute	Observer	Apols	Observer	Apols
Derbyshire Dales DC - Conservative Representation							
Cllr	Chris	Furness	Substantive	Present	Present	Present	Present
Cllr	Susan	Hobson	Substitute	n/a	n/a	n/a	n/a
Doncaster MBC - Conservative Representation							
Cllr	Allan	Jones	Substantive	Present	Present	Present	Present
Cllr	Martin	Greenhalgh	Substitute	n/a	Observer	n/a	n/a
Doncaster MBC - Labour Representation							
Cllr	Austen	White	Substantive	Present	Apols	Present	Apols
Cllr	Duncan	Anderson	Substitute	n/a	Present	n/a	Present
North East Derbyshire DC - Labour Representation							
Cllr	Gerry	Morley	Substantive	Apols	Apols	Apols	Apols
Cllr	Jane	Austen	Substitute	n/a	Apols	Apols	Apols
Cllr	Derek	Skinner	Substitute	n/a	Apols	Apols	Apols
Cllr	Christine	Smith	Substitute	n/a	Apols	Present	Apols
Rotherham MBC - Labour Representation							
Cllr	Brian	Steele	Substantive	Present	Present	Present	Present
Rotherham MBC - UKIP Representation							
Cllr	Peter	Short	Substantive	Apols	Apols	Present	Present
Sheffield City Council - Labour Representation							
Cllr	Zahira	Naz	Substantive	Present	Present	Apols	Apols
Cllr	Ian	Saunders	Substantive	Present	Present	Present	Apols
Cllr	Dawn	Dale	Substitute	n/a	n/a	Apols	n/a
Cllr	Peter	Rippon	Substitute	n/a	n/a	Apols	n/a
Sheffield City Council - Lib Dem Representation							
Cllr	Penny	Baker	Substantive	Apols	Apols	Present	Apols
Cllr	Shaffaq	Mohammed	Substantive	Present	Present	Present	Present
Cllr	Ian	Ross	Substitute	n/a	Present	n/a	Apols
Number of substantive members present				10	8	12	8
Number of substitute members present				1	2	1	1
Total Number of Present				**11**	**10**	**13**	**9**

Table 2: Member attendance/quoracy with substitute members

8

4.11   **Gender Balance**

There was a significant gender imbalance during the 2017/18 municipal year with only 1 female Member of the OSC in a 14-person committee. This was reported upon by CfPS in June 2017[2].

4.12   During 2018/19, efforts were made to address this imbalance; and these are continuing.

	Male		Female		Total No of OSC Members
	No of Male OSC Members	% of Male OSC Members	No of Female OSC Members	% of Female OSC Members	
2017/2018	13	93%	1	7%	14
2018/2019 (substantive members only)	12	80%	3	20%	15
2018/2019 (including substitute members)	21	70%	9	30%	30

Table 3: male and female membership of OSC

Comparison of Male and Female Members
(not including substitute Members)

[2] https://www.cfps.org.uk/combined-authority-scrutiny-gender-balance/

9
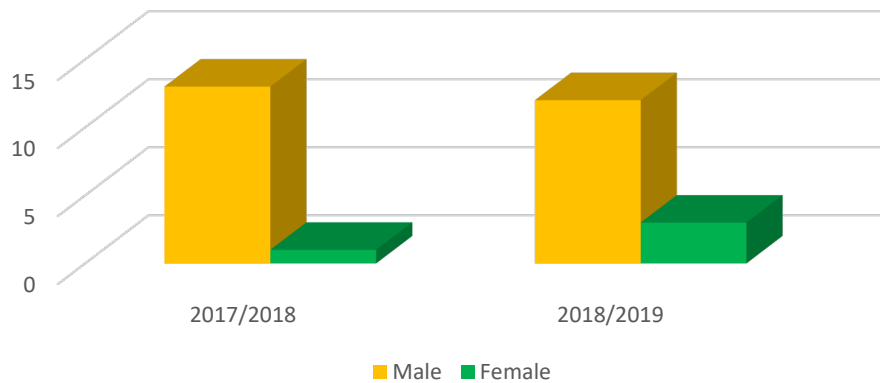
5   Call-In Procedure

5.1   OSC is empowered to call in a decision made by the Mayoral Combined Authority but not yet implemented within 5 days of the decision being made/published.

If a decision is called in, implementation of that decision is placed on hold for a maximum of 14 days to allow the OSC to meet and review the decision.

5.2   After further debate at a formal OSC meeting, the committee has two options:

- To offer no advice, in which case the decision may be implemented immediately; or

- To make recommendations back to the Mayoral Combined Authority with a request that the decision be reconsidered – with reasons and justification put forward by the OSC.

5.3   If the OSC makes a recommendation(s), the Mayoral Combined Authority or Mayor must then hold a meeting to reconsider, which the Chair of OSC may attend.

5.4   The Mayoral Combined Authority can still decide to go ahead with implementing the decision, but a reason for this must be published on Sheffield City Region's website.

5.5   During 2018/19, no decisions made by the Mayoral Combined Authority were called-in for discussion at the OSC.

10

6   Public Engagement

6.1   The Forward Plan of Key Decisions is published on the SCR website on a monthly basis.

The Forward Plan has contact information for the Scrutiny Officer and the Senior Governance and Compliance Manager to facilitate members of the public being able to raise any queries regarding the items on the Forward Plan.

6.2   During 2018/19, no members of the public attended a Sheffield City Region Mayoral Combined Authority Overview and Scrutiny Committee meeting.

6.3   Similarly, whereas questions are routinely tabled and asked by members of the public at MCA meetings, no questions were received from members of the public to put forward to officers or members at an OSC meeting.

6.4   OSC meetings are now being more actively promoted across SCR's social media channels in an effort to increase awareness in addition to which OSC meetings are now to be live streamed on the SCR's website.

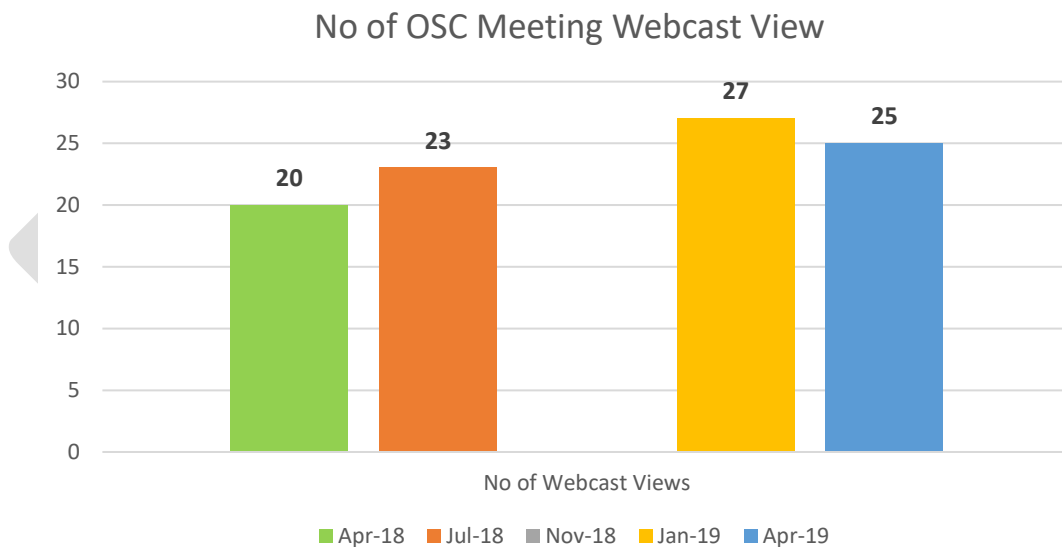6.5   All OSC meetings are webcast and can be accessed via the SCR website after each meeting.

No of OSC Meeting Webcast View

Table 4: Number of webcast views of OSC meetings

6.6   Table 4 above shows the number of times the recording of the meeting was viewed in full or in part.

11

7   2018/19 Achievements and Outcomes

7.1   The OSC continues to make an important contribution to the scrutiny of decisions made at MCA, LEP, thematic boards and SYPTE. The outputs, outcomes and achievements of the OSC in 2018/19 include:

- Mayor Dan Jarvis' regular attendance to respond to questions.

- A Forward Plan of Key Decisions taken at the Mayoral Combined Authority Board now published on a regularised basis on the SCR website.

- The OSC Committee's having been quorate at all meetings since the introduction of the substitute system.

- Regular agenda setting meetings now being held with the Committee deciding and its own agenda and taking ownership of the process.

- Members receiving regular communications relating to the work of the MCA and LEP.

- Regular workshops having been held for Members to enhance their knowledge and capability, subjects including:

  - Governance Framework
  - Assurance Framework
  - Local Growth Fund
  - Capability - Guest speaker, Ian Parry from the Centre for Public Scrutiny attended the SCR to deliver a workshop, 'Delivering Combined Authority Scrutiny'.

7.2   Topics discussed at Committee in 2018/19 included:

- Superfast South Yorkshire Broadband Programme
- Mayoral Election
- Housing Investment Fund
- Community Transport Budget
- Co-ordination of Roadworks and public transport diversions
- Proposal for Mayoral scrutiny arrangements
- Devolution
- Health Led Employment Trial
- Active Transport
- Bus Review
- Potential Effects of Brexit on SCR
- SCR Budget

7.3   All outcomes from topics discussed by the Committee in 2018/19 resulted in the committee 'noting' the papers or asking for further updates.

No recommendations or reports back to the Mayoral Combined Authority Board have been made.

12

8   Looking Ahead

8.1   The Committee will focus on the implementation of the recommendations made in MHCLG's Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

An action/implementation plan will be developed after a base line assessment of the current position has been performed.

All changes relating to the duties of the OSC will be reflected in the constitution of the SCR.

8.2   In the event of agreement being reached by the MCA to implement the SCR devolution deal offered by the Government, it is anticipated that the Committee's role will increase to reflect the associated increased in the duties and responsibilities of the MCA and LEP.

13

Sheffield
City Region
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Report to Sheffield City Region Overview and Scrutiny Committee

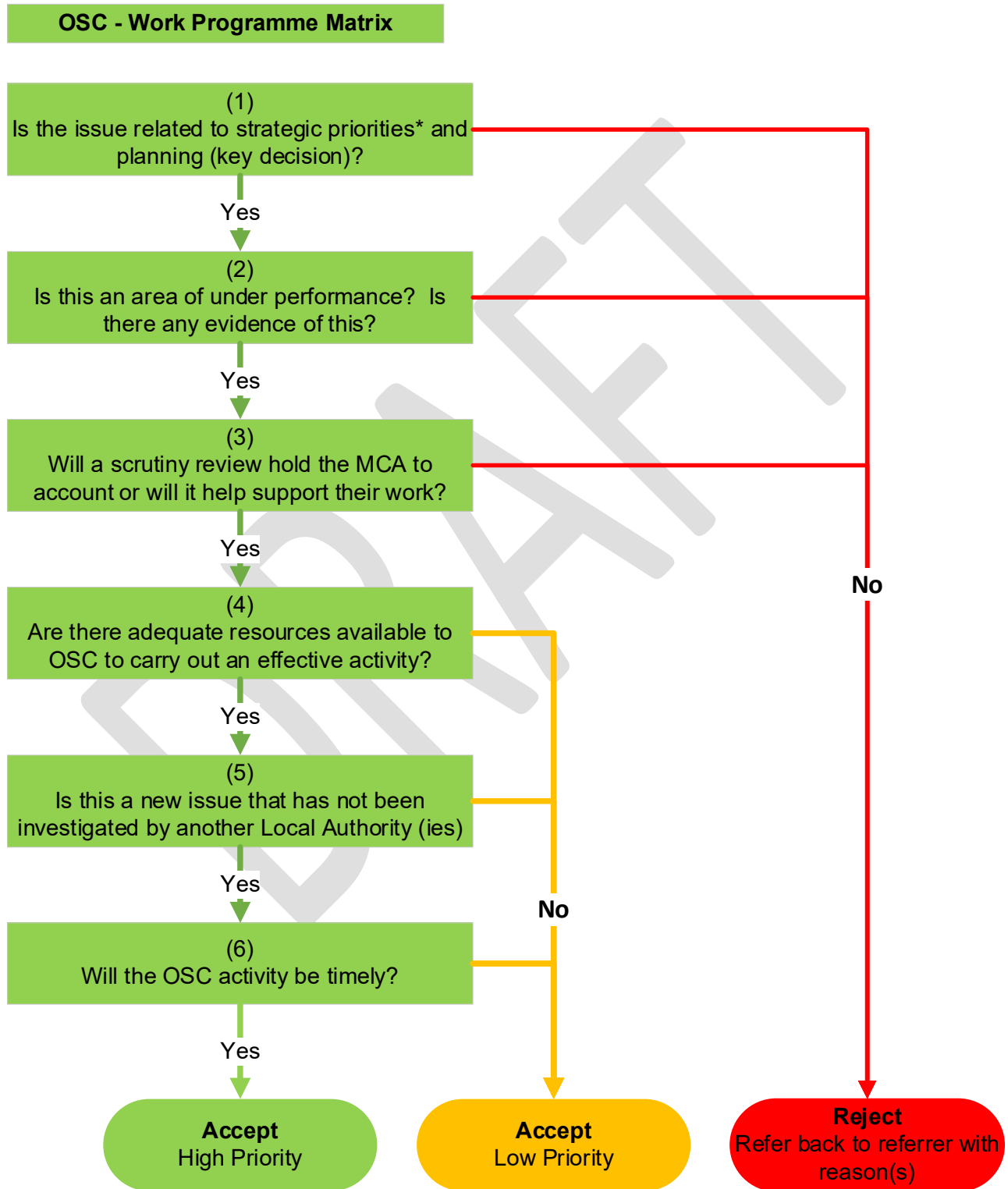|	
Date of Meeting:	18 July 2019
Subject:	Overview and Scrutiny Work Programme 2019-2020
Purpose of the Report:	1. To receive the draft OSC Work Programme for 2019/20 for comment and approval. 2. To receive the consider the referral made by Scrutiny Colleagues at Barnsley Council. 3. To receive the July 2019 Forward Plan of Key Decisions for comment.
The Scrutiny Committee is being asked to:	1. Agree to the content of the OSC Work Programme for 2019/20. 2. Agree to consider the referral from Barnsley Council regarding South Yorkshire Bus Services and inform Barnsley Council members of the outcome of the discussion. 3. Review and consider items on the July Forward Plan of Key Decisions 2019 and whether items should be placed on the SCR OSC Work Programme 2019/20.
Category of Report: Open Under the Freedom of Information Act this paper and any appendices will be made available under the Mayoral Combined Authority Publication Scheme. This scheme commits the Authority to make information about how decisions are made available to the public as part of its normal business activities.	

Appendices/Annexes

17i Draft OSC Work Plan 2019-2020
17ii July 2019 SCR Forward Plan of Key Decisions

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Sheffield City Region Overview and Scrutiny Work Programme 2019/20

Sheffield City Region MAYORAL COMBINED AUTHORITY

This work programme provides a summary of the main areas of work in the Sheffield City Region Combined Authority Overview and Scrutiny Committee.

To help assess the suitability of an issue for scrutiny review, members will ask themselves the following questions:

OSC - Work Programme Matrix

(1)
Is the issue related to strategic priorities* and planning (key decision)?

Yes

(2)
Is this an area of under performance? Is there any evidence of this?

Yes

(3)
Will a scrutiny review hold the MCA to account or will it help support their work?

Yes

(4)
Are there adequate resources available to OSC to carry out an effective activity?

Yes

(5)
Is this a new issue that has not been investigated by another Local Authority (ies)

Yes

(6)
Will the OSC activity be timely?

Yes

No

No

Accept
High Priority

Accept
Low Priority

Reject
Refer back to referrer with reason(s)

*The Strategic Priorities are Business, Skills, Housing, Infrastructure and Transport.

Topics are not suitable for scrutiny when:

- The issue is already being addressed elsewhere and change is imminent.
- The topic would be better addressed elsewhere (and will be referred there).
- Scrutiny involvement would have limited or no impact upon outcomes.
- The topic is too broad to make a review realistic.
- New legislation or guidance relating to the topic is expected within the next 12 months.

For every item on the work programme or referrals being made to the Overview and Scrutiny Committee, the following should be clear:

- What is the issue, activity, project under consideration?
- What is scrutiny being asked to do?
- What are the reasons for, or, the expected benefits of involving scrutiny in the matter?
- Is there a specific deadline for the piece of work?

Date of Meeting:	18 July 2019

Item No.	Item Name	Lead Officer/ Lead Member	Attendees to be invited	Objectives for Scrutiny
1	Selection of Chair and Vice Chair	Monitoring Officer	n/a	To select Chair and Vice Chair for 2019/20 municipal year.
2	Devolution – Mayoral Update	Mayor Jarvis	Leaders of South Yorkshire Local Authorities	
3	Update on Active Travel project	Mayor Jarvis	Mayor Jarvis	Asked for update from OSC meeting 11/04/19
4	Scrutinising Thematic Boards	Christine Marriott to write paper	Ruth Adams	New Thematic Boards will have delegated authority to make key decisions to a threshold of £2m. OSC to discuss and decide how the decisions taken at thematic boards will be scrutinised.
5	Overview and Scrutiny Committee Annual Report	Christine Marriott	n/a	This is an opportunity to reflect on the effectiveness and activities of the Overview and Scrutiny Committee over the past 12 months.
6	Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – Briefing and Action Plan	Christine Marriott	n/a	To raise awareness of the Statutory Guidance published by MHCLG on 07/05/19 and to form a working party re implementation/action plan.

Date of Meeting:	17 October 2019

Item No.	Item Name	Lead Officer/ Lead Member	Attendees to be invited	Objectives for Scrutiny
1	Mayoral Scrutiny – progress on implementation of manifesto	Mayor Jarvis	Mayor Jarvis	Mayor Jarvis will be asked to provide a report on the progress of his manifesto. Scrutiny would like to know: • the timescales associated with each of the objectives on the manifesto implementation plan. • the outcomes, benefits and lessons learned.
2	Update on potential effects of Brexit on SCR	Helen Lazarus, Assistant Director – Business Growth Paul Johnson – Senior Economic Policy Manager	Helen Lazarus Paul Johnson	Update on current position as compared to 11/04/19.
3	Bus Review	Clive Betts MP Jo Kaczmarek – Policy Manager (Bus Review)	Clive Betts MP Jo Kaczmarek	Originally discussed at OSC on 11/04/19. An interim set of findings would be presented to the Mayor in October 2019, leading to the submission of a final report containing findings and recommendations for improvement at the end of 2019. Public consultation questionnaire being held between May and September 2019: • What are the results? • How will public feedback be fed into the review and acted upon? • What are the next steps?
4	SCR Budget	Mike Thomas – Senior Finance Manager	Mike Thomas	Scrutiny to tease out major expected spending pressures in the context of in-year performance, finance and risk issues.

Date of Meeting:	16 January 2020

Item No.	Item Name	Lead Officer/ Lead Member	Attendees to be invited	Objectives for Scrutiny
1	Mayoral Scrutiny – progress on implementation of manifesto	Mayor Jarvis	Mayor Jarvis	Mayor Jarvis will be asked to provide a report on the progress of his manifesto. Scrutiny would like to know: • the timescales associated with each of the objectives on the manifesto implementation plan. • the outcomes, benefits and lessons learned.
2	SCR Budget	Mike Thomas – Senior Finance Manager	Mike Thomas	Review of draft budget
3	Development of Strategic Economic Plan (SEP)	Felix Kumi-Ampofo Assistant Director – Policy and Assurance	Felix Kumi-Ampofo John Guest	The SCR Policy Team are in the process of refreshing the Strategic Economic Plan. May 2019 saw the completion of the evidence base on which the SEP will be developed. The OSC will focus on the following: • Process – has the development process been inclusive, thorough and based on the evidence gathered at the start of the refresh? • What are the objectives of the SEP? Are they correct and based on sound evidence? • What funding opportunities are available from central Government to implement and achieve the objectives of the SEP? • What lessons have been learned during the development of the SEP? What could have been done better?

Date of Meeting:	17 April 2020

Item No.	Item Name	Lead Officer/ Lead Member	Attendees to be invited	Objectives for Scrutiny
1	Mayoral Scrutiny – progress on implementation of manifesto	Mayor Jarvis	Mayor Jarvis	Mayor Jarvis will be asked to provide a report on the progress of his manifesto. Scrutiny would like to know: • the timescales associated with each of the objectives on the manifesto implementation plan. • the outcomes, benefits and lessons learned.
2	SCR Budget	Mike Thomas – Senior Finance Manager	Mike Thomas	Review of MTFS and overall themes and constraints for next year's budget (as they begin to emerge).
3	Thematic Board Work Plans/Programmes	Thematic Board Leaders	Thematic Board Leaders	OSC to ascertain: • Objectives of each of the 5 thematic boards. Are work plans aligned to SEP priorities? • How the items on the work programmes have been prioritised?

	Reserve Items			
Item No.	**Item Name**	**Lead Officer/ Lead Member/**	**Attendees to be invited**	**Objectives for Scrutiny**
1				
2				
3				
4				
5				
6				
7				
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Forward plan of Key Decisions to be made: July 2019 to November 2019

Date Published: 28 June 2019

Decision to be made:	What is the decision?	Planned Decision Date	Decision maker's name (or name of the board) & title:	Lead Officer name and contact details	Documentation for consideration & other relevant documents	Prohibitions Restrictions Exemptions
2018/2019 Accounts Approval	To receive the external auditors report on their audit of the 2018/19 accounts and, following its receipt, to approve the accounts for publication.	29/07/19	SCR - Mayoral Combined Authority Board	Mike Thomas Senior Finance Manager mike.thomas@sheffieldcityregion.org.uk	MCA Board report.	Open
Acceptance of Grant from the Work and Health Unit	Acceptance of Grant from the Work and Health Unit of £1,499,206 to extend the Health Led Employment Trial by 7 months	29/07/19	SCR - Mayoral Combined Authority Board	Krysia Wooffinden Assistant Director - Skills, Employment and Education krysia.wooffinden@sheffieldcityregion.org.uk	MCA Board Paper	Open

Decision to be made:	What is the decision?	Planned Decision Date	Decision maker's name (or name of the board) & title:	Lead Officer name and contact details	Documentation for consideration & other relevant documents	Prohibitions Restrictions Exemptions
LGF Capital Programme and Approvals - July 2019	Including decisions on*: • Company 0098 in the Sheffield area seeking c£1.3m investment into a tourism project creating 87 jobs. • Sheffield Universal Technical College – Engineering and Advanced Manufacturing talent pipelines £0.5m • Digital Engineering Skills Development Network - £3.7m • Made Smarter/Productivity Challenge up to £2m total programme costs LGF Programme milestone updates *Approval of schemes at this meeting is subject to the schemes progressing through the Assurance Framework requirements.	29/07/19	SCR - Mayoral Combined Authority Board	Melanie Dei-Rossi Assistant Director - Programme melanie.DeiRossi@sheffieldcityregion.org.uk	Mayoral Combined Authority Report	Part exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)
LGF Capital Programme and Approvals - September 2019	Including decisions on*: • tbc LGF Programme milestone updates *Approval of schemes at this meeting is subject to the schemes progressing through the Assurance Framework requirements.	23/09/19	SCR - Mayoral Combined Authority Board	Melanie Dei-Rossi Assistant Director - Programme melanie.DeiRossi@sheffieldcityregion.org.uk	Mayoral Combined Authority Report	Open

Decision to be made:	What is the decision?	Planned Decision Date	Decision maker's name (or name of the board) & title:	Lead Officer name and contact details	Documentation for consideration & other relevant documents	Prohibitions Restrictions Exemptions
Quarter 1 Capital and Revenue Monitoring Report	Monitoring report of quarter 1 capital and revenue budget.	23/09/19	SCR - Mayoral Combined Authority Board	Mike Thomas Senior Finance Manager mike.thomas@sheffieldcityregion.org.uk	MCA Report	Open
LGF Capital Programme and Approvals - November 2019	Including decisions on*: • tbc LGF Programme milestone updates *Approval of schemes at this meeting is subject to the schemes progressing through the Assurance Framework requirements.	18/11/19	SCR - Mayoral Combined Authority Board	Melanie Dei-Rossi Assistant Director - Programme melanie.DeiRossi@sheffieldcityregion.org.uk	Mayoral Combined Authority Report.	Open
Consideration of Mass Transit Outline Business Case	To approve the submission of the Business Case to the Department of Transport regarding the renewal of the Supertram.	18/11/19	SCR - Mayoral Combined Authority Board	Tim Taylor Director of Customer Services tim.taylor@sypte.co.uk	Mayoral Combined Authority Board Paper	Open

Decision to be made:	What is the decision?	Planned Decision Date	Decision maker's name (or name of the board) & title:	Lead Officer name and contact details	Documentation for consideration & other relevant documents	Prohibitions Restrictions Exemptions
Medium Term Financial Strategy (MTFS)	To consider the spending plans and resources available to the SCR MCA over the medium term to deliver objectives and policies in a sustainable manner together with any decisions that may need to be made in order to address any gaps in long-term financing.	18/11/19	SCR - Mayoral Combined Authority Board	Mike Thomas Senior Finance Manager mike.thomas@sheffieldcityregion.org.uk	MCA Board Paper	Open
Quarter 2 Capital and Revenue Monitoring Report		18/11/19	SCR - Mayoral Combined Authority Board	Mike Thomas Senior Finance Manager mike.thomas@sheffieldcityregion.org.uk	MCA Report.	Open

Report to Sheffield City Region Overview and Scrutiny Committee

Date of Meeting:	18th July 2019
Subject:	Active Travel Update
Purpose of the Report:	This report provides an update for Overview and Scrutiny members on the work of the Active Travel Programme, led by Dame Sarah Storey.
The Scrutiny Committee is being asked to:	Note the progress made in delivering the Mayor's active travel manifesto commitments.

Category of Report: Open

Under the Freedom of Information Act and Schedule 12A of the Local Government Act 1972, this paper and any appendices will be made available under the Combined Authority Publication Scheme. This scheme commits the Authority to make information about how decisions are made available to the public as part of its normal business activities.

Summary:

This report:

- Provides an update on the delivery of the Mayor's manifesto commitment to support active travel in the City Region.
- Outlines Dame Sarah Storey appointment as the first Active Travel Commissioner, supported by a wider project team and appropriate governance.
- Identifies how the target in the Transport Strategy, to grow the overall transport modal share for cycling and walking, will be delivered as set out in the Active Travel Implementation Plan.
- Shows how a set of minimum standards for cycling infrastructure is necessary and can help achieve this overall aspiration.

1. Introduction/Context

In May 2018, Mayor Dan Jarvis was elected with a manifesto commitment to promote more cycling and walking within the City Region. This commitment was captured in the Mayor's Vision for Transport, adopted by the MCA in December 2018. This commitment is consistent with the Transport Strategy which seeks to increase the number of people walking and cycling by over 350%, as part of a greater move towards modal shift.

A key Mayoral manifesto commitment was to appoint an Active Travel Commissioner; Dame Sarah Storey was appointed to this role in April 2019 to lead the active travel programme. This report provides an update on progress.

2. Matters for Consideration

Following the appointment of Dame Sarah Storey as Active Travel Commissioner, Pete Zanzottera was appointed to lead the programme team. Pete is an experienced and respected active travel consultant, who has worked both in the UK and overseas on projects for a number of years. The team also includes two secondments until March 2020. Ruth Speare is seconded for 2 days a week to extend her work as a public health registrar in Barnsley to the whole region helping the active travel plan to direct the work and evidence the approach. Additionally, Living Streets have

seconded a walk to school expert to engage an additional 20 schools in their Walk to School programme (5 in each of the South Yorkshire partner authorities).

Active Travel effectively means walking and cycling, but also includes running, wheelchair use, 3 and 4 wheeled cycles and scooting, both on and off the public highways. It includes all journey purposes (utility and leisure trips). At the heart of the Active Travel Project are 4 pledges that the Commissioner has made:

1. Being led by our communities
2. Enabling cycling and walking rather than encouraging it
3. Infrastructure will meet minimum standards
4. Infrastructure will be fully accessible

As part of joined up lobbying with other mayors and commissioners across the UK, Mayor Dan Jarvis and Dame Sarah Storey have written to the Secretary of State for Transport with 'five asks', the first of which is a continuous funding stream for active travel to provide long term certainty over infrastructure funding.

Active Travel Plan

The intention is that these pledges will form the basis of an Active Travel Plan for the City Region, which will also be the Implementation Plan for this strand of work in the Transport Strategy. Previously, the City Region and local authorities have worked together as part of the Local Cycling and Walking Infrastructure Plan (LCWIP) process, prompted by Government as a way for local areas to identify and prioritise investment in active travel infrastructure. It is a requirement of that process that SCR publishes its LCWIP plan by the end of 2019, however agreement has been reached to incorporate that within the new Active Travel Plan, which will seek to identify all key active travel corridors in the City Region where investment should be focussed.

Governance arrangements

To help guide the development of the Active Travel Plan, an Active Travel Advisory Board (ATAB) has been established. This will be chaired by Professor Steve Haake from Sheffield Hallam University and include a range of national and local cycling and walking organisations. The ATAB will act in an advisory capacity only and will not be part of the formal transport governance decision making process. However, the ATAB is important in reducing project risk by making sure that the project is in line with best practice on walking and cycling and includes the wider policy areas and benefits. It is also essential that the project is open to wider funding support beyond the transport sector. In parallel with that strategic group, an office level group made up of local authority representatives will help shape the detail of the plan.

The project team and associated boards will facilitate additional input the Transforming Cities Fund (TCF) business case process. The draft business case has been submitted on the 20th June 2019, with a final business case due in November 2019 alongside detailed design business cases for each proposed initiative. For the active travel schemes included in TCF, it will be important these align with the overall Active Travel Plan being developed in parallel, and also meet the highest possible design standards to meet the Commissioner's pledges. Minimum standards for Active Travel are important for two reasons:

1. There are differing standards across the region although the needs and expectations of active travellers are the same.
2. Much of the current infrastructure has not been successful in increasing active travel trips, this is particularly clear at junctions where active travellers do not have priority and suffer repeated delays and exposure to traffic danger.

The Commissioner is proposing that the basic minimum standards for infrastructure are agreed by the Transport Board at its meeting in July, before a more detailed set standard are brought to the Transport Board at their subsequent meeting for final agreement. This will help to ensure that active travel schemes being worked up for inclusion in the TCF business case are of sufficient quality. In

the period between this meeting and next, we will seek the expert guidance of the Advisory Board and work with partners to refine the standards. These are proposed to include:

1. Continuous minimum widths for cycle tracks to include 3 and 4-wheel cycles and for footways to include wheelchairs.
2. Separation of footways and cycle tracks from high volumes of traffic, high vehicle speeds (above 30mph) or significant amounts of large vehicles.
3. Separation of highway footways from cycle tracks for significant distances. Shared use only to be used for placemaking and some off-road routes.
4. Clear priority for active travel routes at junctions, continuing cycle tracks and footways straight across side roads and reducing crossing times.

These basic standards are proposed primarily to reduce the actual and perceived danger that deters active travellers, but also to reduce the everyday delays that they suffer. The standards will also ensure that the network is fully accessible.

It is proposed that once adopted, these standards are used to as a basis for signing off future SCR funding for active travel schemes. The Commissioner will make a recommendation on whether to proceed with funding, with the decision ultimately being made by either the Transport Board or the MCA depending on the value of the project. As they were not in place prior to the submission of the tranche 1 TCF projects, which were awarded funding in April 2019, further discussions will need to be held with those project sponsors to try and seek the best possible fit for the criteria within the funding and timing envelope applied by Government.

Although Active Travel is primarily being addressed through transport functions it has wider links that are being explored. A key part of the strategy is to engage with stakeholders, particularly in health, sport, communities and business. We have started initial stakeholder mapping and we have started to build a contacts database and we would welcome any suggestions that board members have in suggesting contacts. The team are also exploring how best to engage communities and stakeholders in the process of improving active travel.

a.   Financial
The Active Travel Project has an overall budget of £361k, this is funded from the Mayoral Capacity Fund allocations for Active Travel (£210k) and Transport Investment (£90k), and SCR's SEP Development allocation from its Core budget (£61k). Spend in 18/19 totals £210k, the remaining £151k will be spent in 19/20 and 20/21 (in parallel to the term of office of Dame Sara Storey as Active Travel Commissioner).

b.   Legal
There are no direct legal implications arising from this report, however funding arrangements will need to be put in place with scheme sponsors for the delivery of active travel projects associated with the TCF process.

c.   Risk Management
The core approach of the programme is to reduce danger for active travel at source. Road danger is cited as the main reason for not cycling and having a safe and pleasant environment for walking is a key consideration. There are also reputational risks involved in the active travel project in not delivering the pledges of the Mayor and the Active Travel Commissioner.

d.   Environmental
A key outcome from the active travel programme will be to encourage model shift away from cars. This will help to contribute to the City Region's overall aspirations to improve air quality.

The Transport Strategy aims to eliminate Air Quality Management Areas (AQMAs) in our City Region and comply with legal thresholds to achieve compliance in the shortest possible time. It also aims to reduce tailpipe carbon emissions in line with targets for the UK and have a zero-carbon public transport network by 2040.

e.   Equality Impact Assessment

The active travel project aims to be fully inclusive and this will be included in the Active Travel Implementation Plan.

f.   Performance Management/Measuring Outcomes

The Transport Strategy aims to increase the share of cycling and walking by 350%. The Active Travel Implementation Plan will set out further detail on how that will be achieved and how that will be measured over the lifetime of the plan.

3.   Consideration of alternative approaches

A key early approach, as set out in this report, will be the adoption of a set of minimum standards for cycling infrastructure. There is a widespread best practice which mean that a set of minimum infrastructure design standards are necessary, and therefore it is not recommended that standards aren't imposed on schemes wishing to use SCR sourced funding. The Active Travel Advisory Board will discuss the issues around this topic and we suggest that exceptions to the minimum standards are discussed on a case by case basis.

4.   Issues the Overview and Scrutiny Committee may wish to consider …

Overview and Scrutiny may wish to consider:

- Whether adequate governance arrangements are being put in place to manage the overall active travel programme, ensuring representation from expert groups, but also ensuring local authority partners are engaged and involved in the work.
- Whether a set of minimum standards for cycling infrastructure will help to drive modal shift by encouraging more people to cycle on a regular basis if they feel safe and encouraged to do so.

5.   Recommendations

It is recommended that members:

- Note the progress made in developing the active travel programme, and the appointed of a Commissioner and the active travel team.
- Endorse the creation of an Active Travel Advisory Board and the associated Terms of Reference.
- Agree to the creation of a set of minimum standards for active travel infrastructure

6.   Appendices/Annexes

N/A