
Meeting: Scrutiny Committee

Subject: Review of Scrutiny Function

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Meeting Date: Thursday 9 September 2021

1. Purpose of the Report:

1.1 The purpose of the report is:

- 1.1.1 To provide an update to Members on the progress of the Scrutiny Function review since the Scrutiny Committee Consultation Call Meeting on 7 July 2021.
- 1.1.2 To report to Members on the further consultation questionnaire responses on the role of the Scrutiny function.
- 1.1.3 To report to Members on the consultation questionnaire responses on the holding of future Scrutiny Committee and Consultation Call Meetings.
- 1.1.4 To keep under review the need for and role of Scrutiny Panels.
- 1.1.5 To report to Members on a recent Audit Report on Transport for the North governance.

2. Recommendations:

- 2.1 That the report be received, and the Committee considers how it wishes to further progress the review of the Scrutiny Function including consideration of whether Members require additional time to discuss and consider in full the questionnaire responses at a future Consultation Call Meeting with an option for Members to discuss any additional questions in relation to travel and attendance at meetings.
- 2.2 To consider the options for the holding of future Scrutiny Committee and Consultation Call meetings as set out at paragraph 4.6 of the report.
- 2.3 To consider the need for, and the role of, Scrutiny Panels.

- 2.4 To note and consider the recommendation from the Governance Audit Report.

3. Background

- 3.1 In accordance with one of the governance actions for 2021/22 identified in the Annual Governance Statement, reports have been presented to Scrutiny Committee on 15 April and 7 July to initiate and progress a review of the Scrutiny function. At the 7 July Scrutiny Committee Consultation Call Meeting Members were provided with information on the following areas:

- 3.1.1 Information was provided to Members on the legislative provisions contained in the Sub-national (Transport for the North) Regulations 2018 requiring the establishment of the Scrutiny Committee and on the adoption of the policy of "Scrutiny First" at the Transport for the North Shadow Board held in February 2018. The Scrutiny First policy means that proposals and decisions to be made by the Board are considered by the Scrutiny Committee first allowing it an opportunity to inform and influence the decisions of the Board as there is no power to "call in" Board decisions provided in the Transport for the North Regulations and the Constitution.
- 3.1.2 As the first stage of the review a consultation exercise was undertaken to gather Members views on how the Scrutiny function should be developed going forward as well as for general comments and recommendations for its improvements. A schedule of consultation responses was provided to the Members.
- 3.1.3 The Constitution makes provision for the Scrutiny Committee to set up Scrutiny Panels to explore issues of interest to the Committee but so far, the Committee has not done so. This provides for the Scrutiny Panel meeting could be less formal than the Scrutiny Committee and could continue to be held virtually.

4. Discussion

4.1 Further Consultation

Following the recommendation by the Committee on 7 July 2021, a consultation questionnaire was re-circulated with the agreed additional questions on the holding of future meetings. Four Members responded to the further consultation. A schedule of all the consultation responses is attached as Appendix 1 with the most recent responses shown in red.

4.2 The responses indicate similar views to those who responded to the first questionnaire with an additional comment on the holding of future meetings.

4.3 Future Meetings

In addition to the consultation questions on the Scrutiny function Members were also asked for their views on the holding of future meeting. There were mixed views amongst Members on future meetings being held virtually. Some Members were in favour of the Scrutiny Committee AGM being held face-to-face. Members acknowledged the advantages of more frequent face to face meetings allowing Members to meet and network before and after the meetings, however equally Members recognised the benefits of virtual meetings with savings on travel times and allowing Members the time to attend meeting with competing commitments to their respective constituent authorities. Following discussion, Members agreed that additional questions on the holding of future meeting be added to the further consultation questionnaire and seek Members views on holding of future meetings. A further consultation questionnaire was sent to Members seeking their views on the following questions:

- (a) I agree that the Scrutiny Committee should meet virtually online as a Consultation Call unless required by law to hold a physical meeting;
- (b) I agree that the Scrutiny Committee should hold 50% of its meetings online as Consultation Calls;
- (c) I agree that the Scrutiny Committee should hold all its meetings physically as face-to-face meetings;
- (d) I agree that all physical meetings should be held at a central location, either Leeds or Manchester.

4.4 The responses questions (a) to (d) are shown in the schedule attached as Appendix 1 and reflect views expressed by Members at the last meeting. Members will note that the responses to question (c) were unanimous in disagreeing that Scrutiny Committee should hold all its meetings physically as face-to-face meetings.

4.5 The legislative provisions which enabled virtual attendance at committee meetings expired on 7 May 2021. As such the requirement for Members to attend meetings in person has been reinstated. As part of the Governance report to be presented to Board on 29 September, and following a recommendation by the Members' Working Group in relation to the General Purposes Committee, Board will be recommended to approve an amendment to the Procedure Rules within the Constitution to enable Members to join formal meetings using virtual means, and speak and contribute at meetings, although this would not allow such Members' attendance to count as

part of quorum, nor would it enable such members to participate in a vote, if a vote was called for. If Board approves this amendment, that choice would also be available to members of Scrutiny Committee (and other TfN Committees) in the future, subject to the required technology being in place and available at meeting venues, should the committee wish to conduct its business in this way for some or all of its meetings. It should of course be emphasised that in order to meet the legal requirements for a formal meeting, a quorum of members actually present in person would still be required for each meeting.

4.6 Going forward, it is appropriate for Members to consider the options for the holding of future Scrutiny Committee and Consultation Call Meetings. Based on the Members views at the last committee meeting and the responses to the consultation questionnaire, Members are invited to consider the options below:

- 4.6.1 Hold the Scrutiny Committee AGM as face-to-face meeting in either Manchester or Leeds with remaining committee meetings to be held virtually.
- 4.6.2 Hold more than one Scrutiny Committee meeting face to face a year. If more than one face to face meeting is required, Members are invited to indicate number(s) to assist officers with planning of face-to-face meetings.
- 4.6.3 If Members agree to hold more than one Scrutiny Committee meeting face to face are Members comfortable with meetings continued to be held in Manchester and Leeds on rotation?
- 4.6.4 Hold all Scrutiny Committee Consultation Call meetings virtually subject to the legal requirements set out in paragraph 4.5 above or unless required by law to hold in person meeting.

4.7 Scrutiny Panels

The Members discussed the likely role of Scrutiny Panels as provided for in the Constitution. The views expressed during the meeting indicated that the Members were generally satisfied with the current scrutiny process in place and commented on the need for additional time commitment from both Members and officers if Scrutiny panels were set up. There was consensus from Members for this question to remain as a standing item for consideration at the next two committee meetings and it is therefore included within this report.

4.8 Recommendation from the Governance Audit Report

A recent Audit Report into Transport for the North Governance has commented on the need for an audit trail showing how the recommendations made by the Scrutiny Committee are taken into account in reports to the Board. One the recommendations from the

Audit Report is that where officers pick up comments from the Scrutiny Committee consideration and then take them into account in the Strategy that is submitted for Board approval it would be helpful if the report to the Board could include the Scrutiny Committee comments and also state how they have been taken into consideration.

- 4.9 Following the Audit Report recommendation a paper was presented to members of the Senior Managers Team (SMT) to inform them of the recommendation and to seek their views on how best officers can ensure recommendations are referenced in the reports to the Board and to show how the recommendations are taken into consideration. SMT commented that whilst reports to the Board do take into account Scrutiny Committee recommendations, this could be more clearly referenced in the report along with officer considerations on how they have been taken the recommendations into account. SMT suggested the committee report template could be amended to include a separate section to reference Scrutiny Committee recommendations and for the officers to show how they have been taken into consideration. It is proposed to implement this proposal, having first sighted and gained approval from the Operating Board Team.

5. Corporate Considerations:

5.1 *Financial and Resource Implications*

The TfN HR and Finance Teams have each respectfully confirmed that there are no new financial or resourcing implications as a result of this report.

5.2 *Legal Implications*

The legal implications have been considered and are included in the report.

5.3 *Risk Management and Key Issues*

This paper does not require a risk assessment and therefore, there are no risk implications associated to the report.

5.4 *Environmental Implications*

A full impact assessment has not been carried out because the report does not propose any new strategy or service provision.

5.5 *Equality and Diversity*

A full Impact assessment has not been carried out because the report does not propose any new strategy or service provision.

5.6 ***Consultations***

No consultation has been carried since no new policies are being proposed.

6. Background Papers

6.1 None.

7. Appendices

7.1 Appendix 1 – A schedule of further consultation responses.