

---

**Meeting:** Scrutiny Committee

**Subject:** Review of Scrutiny Function and Future Committee Meetings Update

**Author:** Manjit Dhillon, Senior Solicitor

**Sponsor:** Julie Openshaw, Head of Legal Services

**Meeting Date:** Thursday 4 November 2021

---

**1. Purpose of the Report:**

- 1.1 The purpose of the report is to seek the Committee's agreement on arrangements for future meetings.

**2. Recommendations:**

- 2.1 It is recommended that the Committee agrees:
- a) To hold a minimum of one-meeting in person on an annual basis;
  - b) To hold all other meetings as hybrid/virtual meetings unless otherwise required;
  - c) To note that the Committee's views will be included in papers presented to the TfN Board; and
  - d) That it does not wish to set up Scrutiny Panels at the present time.

**3. Main Issues:**

- 3.1 Further to the Government's decision not to extend the temporary legislation that enabled fully virtual committee meetings, and an unsuccessful legal challenge, the requirement for formal meetings to be held in person, with provision made for the public to also attend in person, where required, was reinstated on 7 May 2021.
- 3.2 Following the reinstatement of the need for formal meetings to be held "in person", the Members Working Group (MWG) was asked to consider the holding of future meetings. The MWG recommended to Board that Members be allowed to join formal meetings virtually, with the agreement of the Chairman. The term "hybrid meeting" has emerged within local government to describe this type of arrangement. The MWG was advised and understood that this would allow Members joining a meeting virtually to contribute to the debate, although the law would not allow such members to vote if there was a formal vote, or to be counted as present for quorum purposes. Members were advised at the Scrutiny Committee meeting on 9 September that an amendment to the Procedure Rules in the

Constitution would be required to allow virtual attendance at meetings. On 29 September the Board approved the amendments to the Procedure Rules to allow virtual attendance at meetings, subject to the required technology being in place at the meeting venues.

- 3.3 With the amendment of the Procedure Rules, it is now appropriate for each Committee to consider options for holding of future meetings as either in person meetings and/or as Consultation Calls. How each Committee decides to hold its future meetings will take into account Members' views as well as the Committee's role in its Terms of Reference. The Terms of Reference of the Scrutiny Committee, its role and core functions are set out in Appendix 1. This identifies the Committee's role as one of review, and scrutiny as well as making reports and recommendations to the Board.
- 3.4 The Committee's role is consistent with that of local authority Scrutiny Committees with the role being prescribed by the Local Government Act 2000(as amended by the Localism Act 2011). This was agreed by the TfN Board at its inaugural meeting on 5 April 2018, when Board accepted the principle of "Scrutiny First" as TfN's Scrutiny Committee has no powers to "call-in" TfN decisions, unlike other local authority scrutiny committees.
- 3.5 At the inaugural meeting of the TfN Board on 5th April 2018 it was agreed the primary objective of the TfN Scrutiny Committee is to scrutinise issues that TfN will consider in the future, i.e. a "Scrutiny First" approach rather than a power to call in. This will enable the Committee to make a meaningful contribution to the development of TfN's strategy and future proposals for transport improvement. There is no set 'model' or framework for how local authorities/organisations such as TfN should conduct scrutiny – a Scrutiny First approach simply means that rather than being entirely reactive, the Scrutiny Committee can scrutinise policies/potential decisions before they are made. This was also to enable the Committee to make a meaningful contribution to the development of TfN's strategy and future proposals for transport improvements.
- 3.6 This role combined with the Committee's ability to invite officers and other persons to attend Committee and Consultation Call meetings allows it to make recommendations to the Board based on exploration of technical issues after hearing from experts, review and scrutinise policies and potential decisions. This in turn enables the Committee to make a meaningful contribution to the development of TfN's strategy and future proposals for transport improvements.
- 3.7 At the September Committee meeting, Members asked about the legality of any recommendations made by the Committee at Consultation Call meetings. Members were advised of the provisions within the Constitution which allow the Chief Executive to exercise delegated powers to ensure that any recommendations and views expressed by Members at a Consultation Call will be taken into

consideration and included in reports to the Board to inform its decision making. The Constitution provides at paragraph 18.8 (e) power for the Chief Executive:

“To take any action which is required as a matter of urgency in the interests of Transport for the North, in consultation (where practicable) with the Chair or the Members of the Transport for the North Board. Where action is taken as a matter of urgency a report shall be submitted to the next meeting of the Transport for the North Board for information. Consultation with Members may be by such method as the Chief Executive may determine including by telephone, e-mail or informal meeting. Where the views of Members are not unanimous, each response shall be weighted in accordance with the weighted voting rights of the Member to determine the result of the consultation”.

- 3.8 Therefore, at a Consultation Call or at a hybrid meeting, the provisions within the Constitution provides a mechanism to give effect to the Committee’s recommendations and views and for them to be included within reports to Board without the need for an in person meeting.

#### **4. Discussion**

##### Further Consultation

- 4.1 At the September Scrutiny Committee meeting, Members were provided with information on the responses to the further consultation carried out following the Committee’s recommendation on 7 July 2021. A schedule of all the consultation responses was provided to Members and is attached again for reference as Appendix 2 with responses to the additional questions on holding of future meetings shown in red.
- 4.2 At the September Committee meeting Members considered the options for the holding of future Scrutiny Committee and Consultation Call Meetings. Members were invited to consider the options below:
- Hold the Scrutiny Committee AGM as face-to-face meeting in either Manchester or Leeds with remaining committee meetings to be held virtually.
  - 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 the number of meetings and if they are comfortable with meetings continued to be held in Manchester and Leeds on rotation to assist officers with planning of face-to-face meetings
  - Hold all Scrutiny Committee Consultation Call Meetings virtually subject to the legal requirements set out in

paragraph 3.2 or unless required by law to hold in person meeting.

- 4.3 Following consideration of the options, Members expressed a range of views on holding of future meetings. Members were advised that hybrid meeting options put forward for approval to the Board were only possible with the required technology being in place at the time of the meeting and at the chosen venue.
- 4.4 To provide the ability to perform hybrid governance meetings, requires several alterations/additions to ensure a technical solution able to effectively communicate its participants. As with all hybrid meetings the ability to interact with in-room members and with those online is essential, therefore a revised solution is required to pass audio and visual feeds both into and out of the meeting environment.
- 4.5 On 29 September, TfN's Board approved amendments to the Constitution permitting the principle of "hybrid" meetings subject to available technology. Officers continue to investigate the viability of such arrangements and how to make provision for any additional associated costs.

#### Scrutiny Panels

- 4.6 The Members discussed the likely role of Scrutiny Panels at its Consultation Call on 7 July 2021 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 however 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 to enable Members the opportunity to express any additional views. If Scrutiny Panels are not viewed as necessary at this point, the Committee could choose to review this again in the future, e.g., after 6 or 12 months.
- 4.7 At the September Committee meeting Members also discussed the calling of other persons and experts to attend meetings to provide information or to answer questions on any areas requiring expert technical input. The Committee's Terms of Reference at paragraph 20.17 provides powers to the Committee to:
- (d) require members or officers of Transport for the North to attend meetings of the Committee to answer questions.
  - (e) invite other persons to attend meetings of the Committee.
- 4.8 Members are asked to consider how they wish exercise these powers.

## **5. Corporate Considerations:**

### ***Financial Implications***

- 5.1 Any cost implications will be addressed within the current year's budget envelope.

### ***Resource Implications***

- 5.2 The resourcing implications are as set out within the report.

### ***Legal Implications***

- 5.3 Legal implications are set out within the report.

### ***Risk Management and Key Issues***

- 5.4 These implications are considered within the report.

### ***Environmental Implications***

- 5.5 There are no implications in relation to the need for EIA or SEA from this report and no implications in terms of wider environmental impacts. Indeed, more flexible working has the potential to reduce transport related emissions.

### ***Equality and Diversity***

- 5.7 These implications are considered within the report.

### ***Consultations***

- 5.8 As set out within the report.

## **6. Background Papers**

- 6.1 None

## **7. Appendices**

- 7.1 Appendix 1 – Extract from the Constitution on Terms of Reference of the Scrutiny Committee.

- 7.2 Appendix 2 - Scrutiny Consultation Schedule of Responses.