
Meeting: Scrutiny Committee
Subject: Review of Scrutiny Function
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Meeting Date: Wednesday 12 January 2022

1. Purpose of the Report:

1.1 To provide a further report to Committee on the Scrutiny Review.

2. Recommendations:

2.1 That the report be received, and the Committee considers the issues set out in the report including the suggestion in paragraph 4.3 below and agrees on the points in relation to the Scrutiny Function, resources, agenda content and items of interest to the Committee for consideration by TfN Board subject to the 2022/23 Budget and Business Planning process.

2.2 To consider the holding of future Scrutiny Committee meetings and Consultation Calls in accordance with the Terms of Reference of the Committee and holding of the Task and Finish Groups.

2.3 To approve the number of Scrutiny Committee meetings and Consultation Calls from six meetings to four meeting per annum with an option to utilise the remaining two meetings to discuss matters of interest to the Committee.

3. Main Issues:

Background

3.1 At the Scrutiny Committee Consultation Call meeting on 4 November, Members agreed to defer the report before the Committee to allow a smaller group of Scrutiny Members to consider and review the functions and workings of the Committee as a Task and Finish Group. It was agreed following the Task and Finish Group meeting a report be presented to the Committee outlining the discussions and considerations of the Task and Finish Group. Councillor Haslam chaired the Task and Finish Group and was attended by Councillors Salter, Parish and Melia.

3.2 At the Task and Finish Group meeting held on 22 November 2021, Members discussed the points set out at paragraph 4 below with a view to further input and consideration by the Committee.

4. Discussion

Scrutiny First

4.1 The Committee's role is broadly 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), albeit TfN's Scrutiny Committee does not have the "call-in" power which is typically present in local authorities with a Cabinet/Executive system. TfN's Scrutiny Committee's role was agreed by the TfN Board at its inaugural meeting on 5 April 2018, when Board accepted the principle of "Scrutiny First" given TfN's Scrutiny Committee's lack of power to "call-in" TfN decisions.

- 4.2 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. 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.
- 4.3 At the meeting on 22 November Members commented that the Scrutiny First principle was an unusual arrangement compared to the conventional role of Scrutiny Committee in local authorities having a power to call in decisions. The Members were however of the view that the Scrutiny First principle had thus far worked well, and that the role of the Committee has recently been enhanced with reports now being presented to Board having a clear reference to the Committee's views and recommendations to ensure these are presented and considered in the Officer's report before a decision is taken by the Board. The option of annually reviewing all decisions taken by Board was discussed, but the Members considered that this was not necessarily the best approach as some decisions would have been taken some time ago by the Board and consideration at that stage by the Committee would not serve any meaningful purpose. However, Members did discuss the benefits of being sighted on the decisions taken by Board at the beginning of each Scrutiny Committee meeting or Consultation Call. It suggested that in order to address this point Scrutiny Members are provided with a list of resolutions following each Board meeting if Members consider this would be of assistance.
- 4.4 The Task and Finish Group Members were of the view that whilst the Scrutiny First principle was helpful, currently there is no arrangement in place which allows the Committee to have sight of the decisions taken by the Board over the year on which the Committee had previously provided views and recommendations. Members felt this could be addressed by an annual report to the Committee setting out decisions taken by the Board with the Chairman of the Board attending the meeting. If Members would like to pursue this suggestion, the purpose of this approach would need to be clarified.

Resources

- 4.5 Members discussed the work of the Committee going forward and in particular its role of scrutinising specific issues that Members felt required further work. Members felt this role could be undertaken by Task and Finish Groups set up for a specific purpose, but it was recognised this would require additional resources to address officer time. The officers present reported that currently there was no dedicated Scrutiny Officer to undertake this level of Committee work, with the work currently being shared amongst officers and if Members were minded to agree to set up Task and Finish Groups then additional resources would be required to support this work and the Committee. Members agreed that a way forward could be for the Committee to identify a list of specific matters the Committee would want to discuss at a Task and Finish Group and if necessary, a budget submission would need to be made if any additional resources were required to support the Committee's work.
- 4.6 Members also discussed the calling of other persons and experts to attend meetings to provide information and answer questions on any areas requiring expert technical input. Members believed that the Freight and logistics expert coming to speak to the Committee at the November meeting had been a success

and Members were keen for the Committee to be able to invite other experts in the future.

4.7 Members were also of the view that whilst currently the Committee's agenda is specifically focussed on items that go to Board for decision making, in future the Committee may want to consider developing its own agenda to include items that the Committee may want to draw to the attention of the Board e.g. Rail Recovery Group. One or more Task and Finish Groups could be a vehicle to facilitate discussions on these matters once resources are available.

4.8 Members also discussed recent agenda items and recognised that over time the agendas have become bigger. Members were conscious of the time taken in Committee meetings and Members' time required in preparation for Committee meetings and agreed Committee should be given appropriate time to review and scrutinise each agenda item. Members agreed with the current arrangement and that the Chairman should continue to prioritise items, allocating appropriate time for discussion by Committee with items of a significant nature being placed earlier on the agenda to allow adequate time for discussion. Members considered that formal timings should not be allocated to individual items as this can adversely affect proper discussion of an item, and this aspect should be left to the discretion of the Chair. Members recognised that there may be questions of a technical nature or points of clarification they need to ask officers prior to the committee meeting or a consultation call. It was agreed that these could be addressed to the officers prior to the meeting as well as during the meeting.

Future Committee Meetings

4.9 On 29 September the Board approved an amendment to the Procedure Rules in the Constitution to allow hybrid meetings allowing Members to participate in meetings virtually, subject to the required technology being in place at the meeting venues.

4.10 With the approval of amendment to the Procedure Rules, it is appropriate for each Committee to consider options for holding of future meetings either as face to face in person meetings and/or as Consultation Calls. How each Committee decides to hold its future meeting will be based on its role and its Terms of the Reference. The Terms of Reference of the Scrutiny Committee and its core functions are set out in Appendix 1. The Appendix also identifies the Committee role as one of review and scrutiny as well as making recommendations to the Board.

4.11 At the 9 September meeting Members were advised of the provisions within the Constitution which allow the Chief Executive to exercise delegated powers should any decision be required by the Committee, which is permissible within the Constitution. The Constitution provides at paragraph 18.8(e):

"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".

Therefore, the provision in the Constitution permits the Chief Executive to exercise his delegated powers in these circumstances.

4.12 Members were advised that at its meeting on 24 November the Board agreed to reduce the number of Board meetings from 6 to 4 per annum, with an option to call any additional meetings as and when required. In line with this the Scrutiny

Committee will also be required to hold 4 Committee meetings 3 weeks prior to the Board meeting to allow it to review reports going to Board. However, Members were keen to continue to meet six times a year and discussed utilising the remaining two meetings to scrutinise specific issues and discuss any matters of an interest to the Committee.

Scrutiny Panels

- 4.13 The Members previously 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.

5. Corporate Considerations

Financial Implications

- 5.1 TfN is not as yet in receipt of its funding allocation for 2022/23, and there is still considerable uncertainty with regard to the future arrangements for the NPR programme. The financial implications will therefore be considered as part of the 2022/23 Budget and Business Planning process.

Resource Implications

- 5.2 Any additional resource requirements proposed or requested as a result of this report will need to be considered as part of the 2022/23 Budget and Business Planning process.

Legal Implications

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

Risk Management and Key Issues

- 5.4 There are no significant risks associated with these proposals.

Environmental Implications

- 5.5 This report does not constitute or influence a plan or programme which sets the framework for future development consents of projects listed in the EIA Directive and therefore does not stimulate the need for SEA or EIA. All proposed infrastructure developments will be subject to screening for the need for EIA by the relevant development authority as part of the design development and consenting process.

Equality and Diversity

- 5.6 These implications are considered within the report.

Consultations

- 5.7 As set out within the report.

6. Background Papers

- 6.1 There are no background papers to this report.

7. Appendices

- 7.1 Appendix 1 – Transport for the North Scrutiny Committee Terms of Reference, core functions and Committee role.