

APPENCIX A ITEM 2 - COMBINED AUTHORITY GOVERNANCE

LANCASHIRE COMBINED AUTHORITY

1 Constitution of the Overview and Scrutiny Committee

A Joint Overview and Scrutiny Committee, referred to as the Scrutiny Committee, will be established comprised of one elected member from each constituent council who will be different from the member of the Combined Authority.

They will also not be a member of a Constituent Council's Executive or equivalent.

Appointments will be made having regard to the requirement to achieve a politically balanced Committee.

2 Purpose and Terms of Reference

Scrutiny exists to achieve greater public accountability over decisions made and services delivered to Lancashire or its Sub Regions in respect of those functions under the remit of the Combined Authority.

The principal ways in which the Combined Authority will be held to account by Scrutiny are:-

- (i) 'Critical Friend' role
- (ii) Pre-decision scrutiny
- (iii) Monitoring the delivery of the Combined Authority Strategy or Plan

Pre-decision scrutiny of published decisions to be made by the Combined Authority should be used selectively otherwise the scrutiny system would, by spreading its energies too thinly, be likely to have little impact.

The role of Scrutiny in these three key function areas will be:-

- a. To provide a 'critical friend' to policy and strategy development. The main priority for scrutiny should be to help the Authority to:-
 - Develop policies to deal with new issues
 - Reviewing existing policies which are felt to be in need of review
 - Contributing to the formulation of the annual budget
 - Reviewing policies or actions of agencies external to the local authorities which may be impacting adversely on the quality of life of local people
- b. To undertake scrutiny reviews into areas of strategic importance for the people of Lancashire and directly linked to the work of the Combined Authority.

The Committee will work with this information to make suggestions for improvement, acknowledge good practice and make recommendations. It will not deal with individual issues or queries that are more suitably dealt with by a local authority or specific organisation. The findings of each review will be submitted to the Combined Authority for consideration.

There are two potential sources for identifying in-depth studies to be carried out by scrutiny; the Scrutiny Committee itself and the Combined Authority. The Authority may require scrutiny of a particular policy before agreeing a policy or taking a decision.

- c. To monitor the delivery of the Combined Authority's Strategic Plan.

The Scrutiny Committee will review the outcomes of the Authority's Strategic Plan.

Any involvement of scrutiny in this activity would need to demonstrate that it could add value and not just replicate what the Combined Authority was doing.

Scrutiny would again need to be highly selective acting only when it was concerned about evidence of poor performance and it was not satisfied by the Authority's response.

3 Term of Office

Scrutiny members will be appointed by the Constituent Member Councils on an annual basis. The term of office for members of the Scrutiny Committee will be one year from the date of the annual council meeting of the Constituent Council that appoints them unless:

- they cease to be an elected member of the Constituent Council that appointed them;
- they resign from the O & S Committee; or
- a Constituent Council changes its appointee

4 Co-option

Non-voting members may be co-opted by the O & S Committee to participate in these arrangements from all or any of the Constituent and non-constituent members or from other organisations.

5 Chair Arrangements

Chair and Vice-Chair to be appointed at the first (Annual) meeting by the Members of the O & S Committee.

Term of Office will be for one year and incumbents will be eligible for re-election

The Chair will not have a casting vote.

[Appointments will be made having regard to the requirement that] the Chair of the O & S Committee should not be a member of the majority political party represented in the CA's decision making forum

6 Voting

One member one vote.

Wherever possible decision making will be by consensus without the need for a vote.

If a vote is necessary it will be a simple majority of those present and the Chair will not have a casting vote.

7 Work Programme and operating arrangements

The members of the Scrutiny Committee will hold at least one annual meeting and may convene additional meetings as they consider necessary.

The Scrutiny Committee will:

- (a) elect a Chair and Vice Chair;
- (b) determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months;

(c) determine whether the full Committee will carry out agreed areas of review and scrutiny or agree to establish Scrutiny Working Groups from amongst their number in order to carry out some or all of the reviews

In determining their review programme the Committee will have regard to the need to focus on matters of strategic significance and for a proportionate approach.

The quorum for the annual meeting and any other meetings is one third of the Constituent Member's appointees.

Substitutes will be permitted. Constituent Councils will abide by their own rules in relation to substitutions or replacements and ensure that the clerk to the Committee is informed in advance of the meeting.

The Combined Authority may also, if they choose, request the Scrutiny Committee to examine a specific issue in more detail and report back its findings to the Authority as appropriate.

8 Key Principles for the Operation of the Scrutiny Arrangements

The Constituent Councils will work together to maximise the exchange of information and views, to minimise bureaucracy and make best use of the time of members and officers of other bodies or agencies.

Members of the Scrutiny Committee will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Constituent Councils or elsewhere and will not duplicate the work of existing bodies or agencies.

The Constituent Councils will respond positively to requests for information, or for the attendance of a member or officer at any meetings set up under these arrangements.

While it is ultimately for each Constituent Council to decide who it considers the most appropriate person(s) to speak on its behalf at any meetings set up under these arrangements, consideration will be given to meeting specific requests. All such requests must be made to the Chief Executive of the relevant Constituent Council. If any request is declined by the Chief Executive, he/she must state the reasons for so doing.

Dates and times for officer and member attendance at any meetings set up under these arrangements should be by agreement.

The Scrutiny Committee or any Working Group that it establishes may

- (a) invite members of the Combined Authority to attend before it to answer questions;
- (b) invite other persons to attend meetings of the Panel;
- (c) review or scrutinise decisions made or other action taken in connection with the discharge of any functions of the Combined Authority;
- (d) make reports or recommendations to the Combined Authority with respect to the discharge of any functions which are the responsibility of the Combined Authority.

The power to review or scrutinise a decision made, but not implemented under subparagraph (c) includes the power to recommend that the decision be reconsidered, but is subject to the following provisions:

- (a) It will only be used in exceptional circumstances
- (b) this shall not apply where, in the view of the decision-making body stated when the decision is made, any delay in implementing the decision would prejudice the interests of the Authority or the interests of the public;
- (c) (i) in relation to decisions which may be subject to reconsideration, each decision shall be available where possible by electronic means within three working days of being made.

Members of the Scrutiny Committee will be provided with a copy of the decision which will bear the date published and indicate it will come into effect on the expiry of five working days after publication;

(ii) if two-thirds of the membership of the Scrutiny Committee notify the Secretary to the Combined Authority that they wish the Scrutiny Panel to consider the decision, and giving their reasons for so doing, then the Secretary will arrange for a meeting of the Scrutiny Committee to be convened at the first available opportunity and in any event within seven working days of the request being notified to him/her. No action will be taken in the meantime to implement the decision which is subject to the request;

The Scrutiny Committee will consider the matter and if it chooses to, may resolve to request that the decision-maker reconsiders the decision. The Scrutiny Committee must set out the basis upon which reconsideration is requested;

(iv) The decision-making body will reconsider the decision and that reconsideration shall take place within seven working days of the Scrutiny Committee's request;

(v) No further requests for reconsideration may be made in cases where decisions have been reconsidered and the decision has been affirmed;

(vi) Decisions which have been subject to pre-decision scrutiny cannot be recommended for reconsideration unless the decision taken is, in the view of the Secretary significantly different from the proposal under consideration at the pre-decision scrutiny stage;

Where the Scrutiny Committee makes a report or recommendation under (vi), it may:

(a) publish the report or recommendations;

(b) by notice in writing, require the Authority to

(i) consider the report or recommendation;

(ii) provide a response to the Scrutiny Committee indicating what action (if any) it proposes to take;

(iii) where the Scrutiny Committee has published the report or recommendations, publish the response;

A notice under (b) will require the Authority to comply with it within two months, beginning with the date on which the Authority receives the report or recommendations or (if later) the notice.

The requirements or power to publish contained in this section, shall not apply where the reports contain exempt or confidential information.

9 Scrutiny Working Groups

The Scrutiny Committee may establish Scrutiny Working Groups to undertake agreed scrutiny reviews.

Scrutiny Working Groups shall include representatives from at least 5 of the Constituent Councils.

Scrutiny Working Groups established under this Protocol must be appointed to carry out specific scrutiny tasks and be time limited. Their continuation will be subject to confirmation at each annual meeting of the Scrutiny Committee.

Scrutiny Working Groups will have no delegated powers and will refer the outcome of their investigations to the Scrutiny Committee for consideration and to determine any appropriate recommendations

10 Reviews and Recommendations

The process of scrutiny will be an open and transparent process designed to engage the Constituent Councils, their residents and other stakeholders.

Meetings will be held in public unless the meeting decides to convene in private in order to discuss confidential or exempt information, in accordance with the relevant provisions of the LGA 1972 or LGA 2000.

The terms of reference, timescale and outline of any review will be agreed by the Scrutiny Committee either at their first business meeting or during the ensuing year.

Different approaches to scrutiny reviews may be taken in each case, but members will seek to act in an inclusive manner and will take evidence from individuals and organisations as it may determine

11 Budget and Administration

Secretarial support will be provided by (TBC)

If necessary a budget for Scrutiny will be set each year by the Combined Authority having regard to any views of the Scrutiny Committee on the level of that budget.

Scrutiny lead Officers from each Constituent Council (to be identified by each Council and notified to the Secretary) will be available to provide guidance to the Scrutiny Committee or any Working Groups established, on its work programme, advice on the scoping of reviews and ensuring the appropriate information and advice is made available during the reviews.

The decisions and recommendations of the Scrutiny Committee will be communicated to the Combined Authority as soon as practicable by the Clerk.

Allowances will not be paid but Constituent Councils will meet reasonable expenses incurred by their Members or Officers.

Each Constituent Council's Scrutiny Member will be responsible for reporting back to their own Constituent Council on the scrutiny work carried out by the Scrutiny Panel and will also be responsible for reporting to the Scrutiny Panel any issues identified locally by their own Constituent Council which may warrant scrutiny.