



**CAMBRIDGESHIRE
& PETERBOROUGH**
COMBINED AUTHORITY

OVERVIEW AND SCRUTINY COMMITTEE	AGENDA ITEM No: 7
28 OCTOBER 2019	PUBLIC REPORT

SCRUTINY IN THE NEW GOVERNANCE ARRANGEMENTS

PURPOSE

- 1.1. The Overview & Scrutiny Committee's powers to scrutinise the Combined Authority's decision-making mean that proposals to amend the Constitution will have practical implications for the work of the Committee.
- 1.2. At its meeting on 23 September 2019 the Committee received a report on the new governance arrangements for the Combined Authority, which were subsequently approved by the Combined Authority Board at its meeting on 25 September 2019. Committee had a preliminary discussion as to how the approach of the Committee would have to be reviewed in order to ensure effective scrutiny of decision making in the new governance arrangements.
- 1.3. At the meeting on 23 September 2019 the Committee agreed that the focus of the next meeting on 28 October 2019 should be on the impact of the Governance (decision-making) Review and the approach the Committee wish to take to enhance and develop their future role.

<u>RECOMMENDATION</u>	
Lead Officer:	Dermot Pearson, Interim Legal Counsel and Monitoring Officer
The Overview and Scrutiny Committee are recommended to: (a) Consider the approach the Committee wishes to take to enhance and develop their role within the new governance arrangements.	

2.0 BACKGROUND

- 2.1. The Combined Authority's Constitution sets out how the Combined Authority works, how it makes decisions and the procedures it follows to make sure its

work is efficient, effective, transparent and accountable to local people. Some of these procedures are set by law, while others are ones the Combined Authority have chosen to follow. Where particular decisions are to be made has implications for the work of the Overview & Scrutiny Committee.

3.0 THE AMENDMENTS TO THE CONSTITUTION

- 3.1 A summary of the key Governance changes agreed by the Combined Authority Board at its meeting on 25 September 2019 forms Appendix 1 to this report. The changes will take effect from 1 November 2019.

4.0 THE IMPLICATIONS FOR THE WORK OF THE OVERVIEW & SCRUTINY COMMITTEE

Timing of Meetings / Tracking Decision Making

- 4.1 Under the new arrangements the amount of decision making will remain roughly the same but will be distributed between the Combined Authority Board and the Executive Committees. The Board and the Executive Committees will meet every two months and for every month with meetings the Executive Committees will meet around the middle of the month and the Board will meet towards the end of the month. The Calendar of meetings for the remainder of the 2019/20 municipal year forms Appendix 2 to this report.
- 4.2 There will still be a single Forward Plan setting out both key and non-key decisions to be taken and allocating the decision making between the Combined Authority Board and the Executive Committees. This will enable this Committee to see what decisions are coming up and where they will be made. Agendas and reports for the meetings will continue to be published in accordance with the Transparency Rules. Committee Members will be advised of the publication of the Forward Plan, Agendas for the Executive Committees, and Decision Summaries for the meetings of the Combined Authority Board and the Executive Committees to enable them to track decision-making and where appropriate to exercise their power of call-in.
- 4.3 At the meeting of the Committee on 23 September 2019 Members were concerned about how to track the more dispersed decision-making arrangements and whether they had sufficient resources to do so. The timing of the meetings, with every second month being a fallow month without meetings, would create the opportunity for the Committee to use its meetings in the fallow months in a different way. Options would include using those meetings to consider strategic matters and to co-ordinate with the work of the Task and Finish Groups.
- 4.5 With significant decisions being taken by the Executive Committees in the new arrangements it will be important to be able to scrutinise the work of those Committees. Options for doing this would involve inviting the Chairs of the Executive Committees to this Committee to answer questions on the work of their Committees and to help identify lines of inquiry as the Committee already does with the Mayor.

- 4.6 This Committee will also need to consider how it could review the agendas and reports of the Executive Committees to identify what questions it might wish to ask at the meetings of those Committees. This raises some practical issues due to the timing of the meetings of this Committee. At present the Committee meets after the publication of the agenda and reports for the next meeting of the Combined Authority Board and shortly before that meeting. This enables the Committee to consider the reports and formulate its questions in time for them to be asked at the meeting of the Board. If the Committee continues to meet on its current schedule it will not be able to have an equivalent process for the Executive Committees as it would need to meet shortly before those Executive Committees. However, were the Committee to do so, there would be the risk of resources being put into identifying matters upon which to ask questions at the expense of more strategic work.
- 4.7 At the meeting of the Committee on 23 September 2019 Members raised concerns about whether the summaries of proposed decisions in the Forward Plan, without the officer reports, would provide them with sufficient information to effectively scrutinise the decision-making.

Revised Arrangements for the Work of Overview & Scrutiny Committee

- 4.8 At the meeting on 23 September 2019 Members began to consider whether the Committee would have to change its working arrangements in order to provide effective scrutiny within the new governance arrangements. As above this could include reviewing when the Committee meets in order to better coordinate with the meetings of the Executive Committees.
- 4.9 In order to avoid placing an unreasonable burden on the Chair of the Committee one option would be to appoint members of the Committee to lead in respect of the work of each of the Executive Committees. To preserve political balance there would have to be two lead members [from different political groups and where possible from different parts of the Combined Authority area] to lead for each Executive Committee. This lead role would involve reviewing the Forward Plan in relation to the committee together with the published agendas and reports with a view to identifying issues which might warrant further scrutiny, the asking of questions on behalf of the Committee at meetings of the relevant Executive Committee and potentially identifying decisions which would warrant the exercise of call-in powers.
- 4.10 Where questions were to be asked at meetings of Executive Committees it would be important to have a clear process for deciding on those questions. The timing of meetings of the Committee and of the Executive Committees means that it will not always be possible for the Committee to have sight of the agenda and reports of an Executive Committee at a meeting of the Committee in order to agree any appropriate questions. In those circumstances one approach to agreeing questions would be:
- Committee identifies any decisions on which it might wish to have questions at a meeting of an Executive Committee from the Forward Plan. At that point only the description of the decision and the stated purpose of the report would be available.

- When the relevant report is published, the Lead Members for that Committee would consider the report and formulate draft wording for any question agreed by Committee and any further question arising from the detail of any report and would share this with the Chair.
- The Chair would prepare final wording for the question(s), taking advice from officers as necessary, and would circulate the wording to Members of the Committee.

5.0 FINANCIAL IMPLICATIONS

- 5.1 The Combined Authority is not permitted to pay an allowance to Members attending Combined Authority meetings. There are therefore no financial implications arising from the amendments to the governance arrangements.

6.0 LEGAL IMPLICATIONS

- 6.1 The effective scrutiny of the Combined Authority's decision-making is a key component of good governance.

7.0 APPENDICES

- 7.1 Appendix 1 – Summary of Key Governance changes

- 7.2 Appendix 2 – Calendar of Meetings 2019/20

<u>Background Papers</u>	<u>Location</u>
Report to Combined Authority Board meeting on 25 September 2019 on Governance (Decision-making) Review	<u>Governance Report 25 Sep 2019</u>