

Scrutiny arrangements for Combined Authority

The arrangements for the Overview & Scrutiny Committee for a combined authority are largely similar to the scrutiny arrangements for a local authority. Many of the processes will therefore be familiar with a couple of notable differences.

Structure of the scrutiny committee (article 3)

The size of the scrutiny committee will be determined annually by the Combined Authority. The majority must be members of the constituent authorities. The Committee will comprise at least 1 member from each of the constituent councils, with the size of the committee being appropriate to reflect political balance across Cambridgeshire and Peterborough. Members have indicated a preference for a committee comprising at least 11 members.

Members of the scrutiny committee cannot hold executive positions within the constituent councils. Members will already be familiar with the concept that executive members and scrutiny members should remain separate.

The Chair of the scrutiny committee must be a member of an opposing political party to the Mayor. The scrutiny arrangements for the combined authority contain an additional provision that if the Mayor is independent and not aligned to any political party, the Chair of the scrutiny committee cannot be a member of the majority party.

The Chair of the scrutiny committee does not have a casting vote and all matters are decided by simple majority. Each member appointed by constituent councils has one vote. Other members have no voting rights.

The quorum is at least two thirds of the membership.

Functions of the scrutiny committee (article 4)

Similarly to a local authority scrutiny committee, any matter (other than an excluded matter) which is relevant to the scrutiny committee's functions, can be referred there for discussion.

Those who can refer matters include:

- Any scrutiny member of the combined authority
- Any member of the combined authority (including, therefore, the LEP)
- Any member of a constituent council or a non-constituent council

The scrutiny committee will be able to require members and officers of the authority to attend to answer questions.

Call-in

A power of call-in applies to the decisions of the mayor and the combined authority and operates in a similar manner, but with some important differences, to local authority call in arrangements.

The power is to review or scrutinise any decision of the mayor or the combined authority. Where the decision has been made but not implemented, the scrutiny committee can direct that the decision is not implemented whilst it is under review by the scrutiny committee.

This direction lasts for a maximum of 14 days from the date it is issued.

Within that period of 14 days the scrutiny committee must meet to decide if it wants to recommend that any decision is reconsidered by the mayor or the combined authority. The Mayor or Combined authority must meet to reconsider the decision no later than 10 days after receiving the scrutiny committees' recommendations.

Duty to respond

The scrutiny committee has a number of options regarding any reports or recommendations it makes. It can:

- Publish its report or recommendations
- Ask that the combined authority or Mayor to consider and respond to the report or recommendations

These procedure rules are to be set out within the constitution.

Key decisions & forward planning

Key decisions to be made by the combined authority and the mayor are to be listed within a forward plan at least 28 clear days before being made.

The definition of a key decision relates to significant spend or savings above a particular level or impact on two or more wards. The level of what amounts to 'significant' is to be determined within the constitution.

There are also provisions for urgency and special urgency either where it is impractical to include a decision within the forward plan or where no prior notice can be given before making the decision. Urgency and special urgency provisions require sign off according to a hierarchy of decision makers.

Scrutiny officer

Although scrutiny officers must be appointed in any council operating executive arrangements, a scrutiny officer appointed by the combined authority cannot come from the officers of the constituent councils. The appointment has to be independent, which differs from the practice within councils who usually designate an existing officer with the title of 'scrutiny officer'. This dedicated resource would tend to enhance the role of scrutiny within the combined authority.

The role and purpose of scrutiny

The Overview and Scrutiny Committee is seen as a key component to good governance of the new combined authorities as they provide the necessary element of transparency and accountability.

At the Governance workshop on 5 September, Leaders were keen to emphasise the role of scrutiny as part of the design and development of services, to build upon the positive and proactive contribution early scrutiny can add.

In brief the Overview and Scrutiny Committee will have three main functions to perform:

- (1) The traditional accountability role through call-in and review powers
- (2) Actively assisting in the design and implementation of services by contributing to the policy development, performance management and monitoring of commissioned services
- (3) Working in partnership with the constituent council's scrutiny arrangements and within the partnership network of the combined authority to ensure effective delivery of services at all levels reflecting the principle of subsidiarity

Combined authorities, as new authorities, expects that aspects of the devolution deals will also grow and evolve. Devolution, after all, is a process, not an event. Leaders will be thinking flexibly about different opportunities – not least the prospect for further fiscal devolution, but also changing demographics, the development of new technologies and changing organisational, and area, priorities. Alongside fiscal devolution will come the freedom for combined authorities to design more innovative approach to service delivery, and achieve outcomes for local people, in new and different ways. It presents a key opportunity to develop a key role for the scrutiny committee.

These key roles for scrutiny would be developed through the constitutional arrangements approved by the Combined Authority.