

## **Protocol for Joint Scrutiny Arrangements**

### **Extract from the AGMA Constitution**

This protocol provides a framework for carrying out joint scrutiny work within the arrangements of this constitution and operating agreement, and will be reviewed annually to ensure it remains relevant.

Separately to this schedule, any of the Parties to this agreement may, under paragraph 8.4 of this agreement, refer any decision of any Commission or Sub Committee established under paragraph 8.1 of this agreement to the Executive Board.

#### **1. Objectives**

- 1.1 These arrangements have been established to act as a focus for the scrutiny and challenge of the activities of the Board and Commissions and for investigating matters of strategic importance to residents within the combined administrative area covered by the participating authorities.

#### **2. Role of the joint scrutiny arrangements**

- 2.1 The role of these arrangements will include:
- monitoring the decisions of the Board and its responsibilities and to make recommendations for improvement and/or change
  - monitoring and preparing reports and recommendations as to the work done within and the performance of any relevant Multi Area Agreement
  - investigating matters of strategic importance to residents within the combined administrative area and report with recommendations to the Board
  - facilitating the exchange of information about the work of AGMA and to share information and outcomes from reviews
  - Scrutiny in respect of the Health function will be undertaken in accordance with separate statutory arrangements.
- 2.2 The terms of reference for these joint scrutiny arrangements and its work programme will be subject to the annual review of this constitution as set out in paragraph 17 of this operating agreement.

#### **3. Operation of Joint Scrutiny Arrangements**

- 3.1 A pool of elected members will be established which will comprise of 3 councillors from each of the participating authorities. Appointees must not be members of the Board. Both sexes must be represented within the 3 elected members from each of the participating authorities.
- 3.2 Any elected member appointed under these joint scrutiny arrangements who is also appointed as a substitute for a Board members under section 6.1 of this agreement or to any commission, or sub –committee cannot participate in the operation of the joint scrutiny arrangements on any issues and decisions which were taken at any meeting of the Board or any Commission or Sub Committee at which they were present.
- 3.3 Where one quarter of the elected members within a Participating Party are from minority groups, one of that Participating Party's three members of the scrutiny pool shall come from the minority group on with the largest number of seats within that Participating Party. Where the two or more largest minority groups within a Participating Party have an equal number of seats they shall decide from which one of them a member shall be chosen for the purposes of this Clause.

3.4 The term of office for councillors will be one year from the date of the annual council meeting that appoints them to the joint scrutiny arrangements, or sooner, if they cease to be an elected member, wish to no longer participate in these arrangements or the Secretary is advised by any of the Participating Parties that it wishes to change one or more of its appointees to the pool in accordance with clauses 3.1-3.3 of this section.

3.5 Non/voting members may be co-opted to participate in these arrangements from all or any of the associated authorities or from other organisations as panel members shall decide.

#### **4 Joint Meetings of Scrutiny Pool members**

4.1 The members appointed to the arrangements under section 3 above will hold at least one joint annual meeting. may convene additional joint meetings in accordance with these arrangements.

4.2 At the annual joint meeting pool members will:-

- (i.) elect a Chair and Vice Chair. The Chair and Vice Chair must come from different political groups.
- (ii.) determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months
- (iii.) agree to establish scrutiny panels from amongst their number in order to carry out agreed areas of review and scrutiny

- 4.3 The quorum for this annual meeting and any other joint meetings held under this section of this schedule will be 10, and must include representatives from at least 7 of the participating authorities.
- 4.4 In accordance with paragraph 12.1 of the operating agreement the principle of decision making at any such joint meeting shall be that, wherever possible decisions will be made by agreement, 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.
- 4.5 The venue for each annual meeting and any other joint meetings held under this section will be decided by Chair and notified to participating authorities for inclusion on their Council web sites.
- 4.6 Notice of the annual meeting and any other joint meetings held under this section will be sent to each panel member of at least 7 clear working days before each meeting and will in any event comply with the requirements of the Local Government Act 1972.
- 4.7 The chair will approve the agenda for each annual meeting and any other joint meetings held under this section; however any member of the panel will be entitled to require an item to be placed on the agenda for the meeting
- 4.8 Subject to 4.1-4.7 above, meetings will proceed in accordance with the rules of procedure set out in Schedule 3 to this agreement.

## **5. Call in of Board decisions**

- 5.1 Members of the scrutiny pool appointed under these arrangements will have the power to call in any decision of the Board.
- 5.2 When a decision is made by the Board the decision shall be published, including where possible by electronic means, and shall be available from the address specified in Paragraph 24.1 of this operating agreement normally within 2 days of being made. It shall be the responsibility of the Secretary to send electronic copies of the records of all such decisions to all members of the pool within the same timescale.
- 5.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless 5 members the scrutiny pool object to it and call it in.
- 5.4 During that period, the Secretary shall call-in a decision for scrutiny by a joint meeting of pool members if so requested by any five members from the pool, and shall then notify members of the Board of the call-in. The Secretary shall call a joint meeting of pool members on such date as he/she may determine, where possible after consultation with the

Chair of the pool, and in any case within 15 working days of the decision to call-in.

- 5.5 If, having considered the decision, the joint meeting of pool members is still concerned about it, then it may refer it back to the Board for reconsideration, setting out in writing the nature of its concerns. If referred to the Board they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.
- 5.6 The call-in procedure set out above shall not apply where the decision being taken by the Board is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Board's or the public's or an individual's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

## **6. Key principles for the operation of the joint scrutiny arrangements**

- 6.1 The Parties will work together to maximise the exchange of information and views, to minimize bureaucracy and make best use of the time of members and officers of local and other authorities
- 6.2 Members of the scrutiny pool will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Parties or elsewhere and will not duplicate the work of existing bodies or agencies.
- 6.3 Subject to prior consultation, the Parties will respond positively to requests for information, or for the attendance of a member or officer at any meetings set up under these arrangements
- 6.4 While it is ultimately for each Party 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
- 6.5 Dates and times for officer and member attendance at any meetings set up under these arrangements should be by agreement
- 6.5 Members appointed under these arrangements may request the attendance of officers employed by the Parties to answer questions and give evidence at any meetings set up under these arrangements. All such requests must be made via the Chief Executive of the relevant party. If any request is declined by the Chief Executive, he/she must state the reasons for so doing.

- 6.6 When considering any matter in respect of which a panel member appointed under these arrangements is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement any deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **7. Scrutiny Panels**

- 7.1 The annual meeting of members of the pool will establish panels to undertake agreed scrutiny reviews. Membership of the panels will be determined at the annual meeting and the principle of political balance from across panel members must be applied when membership is agreed.
- 7.2 Scrutiny panels established by this section shall include representatives from at least 7 of the participating authorities. Each panel shall appoint a Chair and Vice Chair from amongst its members. Unless unanimously agreed by all members appointed to any Scrutiny Panel, the Chair and Vice Chair of each Panel must come from different political groups.
- 7.3 Scrutiny panels established under this schedule must be appointed to carry out specific scrutiny tasks and purposes and be time limited. Their continuation will be subject to confirmation at each annual meeting of scrutiny pool members. Any panel continuing for more than two years must be subject to confirmation by the Executive Board.
- 7.3 The Board may also, if it chooses, request that a panel drawn from amongst members appointed under section 3 of this schedule be appointed to examine a specific issue in more detail and report back its findings to the Board.

## **8. Reviews and recommendations**

- 8.1 The process of joint scrutiny will be an open and transparent process designed to engage the participating councils, their residents and other stakeholders.
- 8.2 Meetings will be held in public unless the meeting decides to convene in private in order to discuss confidential information, in accordance with Paragraph 10 of Schedule 3 of this agreement.
- 8.3 The terms of reference, timescale and outline of any review will be agreed by scrutiny pool members appointed at their annual meeting.
- 8.4 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 a wide range of opinion. It will make specific efforts to engage with hard to reach groups.

- 8.5 The primary objective of any panel established under these arrangements will be to reach consensus on its recommendations, but where a minimum number of 2 members express an alternative to the majority view, they will be permitted to produce a minority report.
- 8.6 Voting if needed will be by show of hands and a simple majority will be required to approve any recommendation.

## **9. Budget and Administration**

- 9.1 The annual meeting of scrutiny pool members will prepare a budget to cover the costs of operating these arrangements and will submit this to the Board before referral to each participating authority for agreement. The timetable for submission of the budget proposal will be determined by the participating authorities.
- 9.2 Contributions to the budget of the joint scrutiny arrangements shall be in accordance with paragraph 16.2 of the operating agreement.
- 9.3 The first budget for the joint scrutiny arrangements will be determined by the agreement of all the participating authorities.
- 9.4 The budget will be required to meet all officer support to the joint scrutiny arrangements, including research support.
- 9.5 The decisions and recommendations of any panels set up under these arrangements will be communicated to the Board, other scrutiny pool members and participating Parties as soon as possible after resolution by those appointed to any such panel.

## **10. Support and advice to joint scrutiny arrangements**

- 10.1 Members appointed to any Scrutiny panel under these arrangements may ask individuals or groups to assist it on a review by review basis and may ask independent professionals for advice during the course of reviews. Such individuals or groups will not be able to vote.
- 10.2 Members appointed to any Scrutiny panel under these arrangements may invite any other person to attend their meetings to answer questions or give evidence; however attendance by such persons cannot be mandatory.