

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Chief Executive

TO: Civic Affairs Committee

15/2/2017

WARDS: None directly affected

### **Proposed City Council Scrutiny of its Representative on The Cambridgeshire And Peterborough Combined Authority**

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#### **1. Introduction**

- 1.1 At the Council meeting held on 27 June 2016 the Council requested that officers prepare a workable scheme for politically balanced scrutiny by City Council members of decisions taken by its representative on the Combined Authority, including pre-scrutiny where this was practical.
- 1.2 Officers were asked to bring proposals to Civic Affairs before the first full meeting of the Combined Authority.
- 1.3 The purpose of the report is to explore the best way to achieve this in a proportionate and practical way.

#### **2. Recommendations**

- 2.1 That the Committee recognises that pre-scrutiny of each decision made by the Council's representative to the Combined Authority is unlikely to be achievable.
- 2.2 That the Committee agrees that the Council's representative on the Combined Authority should be scrutinised at Strategy and Resources Scrutiny Committee meetings.
- 2.3 That this should be pre-scrutiny where this can be achieved within planned meetings but may be post-scrutiny where timescales do not align.

- 2.4 That Group Leaders and members of the Overview and Scrutiny Committee should be provided with copies of the Combined Authority's forward plan and agendas as a matter of course so they have the opportunity to feedback to the Council's representative in between meetings and that briefings to discuss issues of concern can be arranged at their request.
- 2.5 That a procedure reflecting the arrangements is reported to Committee in May 2017 for approval.
- 2.6 To note the arrangements for scrutiny of the Combined Authority, set out in section 4.

### **3. Background**

- 3.1 On 22 November 2016, Council first considered and the Leader then approved that the City Council become a constituent member of the Cambridgeshire and Peterborough Combined Authority. Council noted that a report would be submitted to Civic Affairs making proposals for scrutiny of its representative on the Combined Authority (as first requested by Council at its meeting on 27 June 2016).
- 3.2 The Council's representative on the Combined Authority, Cllr Herbert, reported progress to Strategy and Resources Scrutiny Committee on 23 January 2017 and will also report and take questions at Council on 23 February.

### **4. Scrutiny of the Combined Authority**

- 4.1 The arrangements for the overview and scrutiny committee for a combined authority are largely similar to the scrutiny arrangements for a local authority.
- 4.2 The shadow Combined Authority will have an Overview and Scrutiny Committee. It has been agreed that this will be 14 Members reflecting political balance across Cambridgeshire and Peterborough. The City Council will have two places on the Committee: one Labour Group member and one Liberal-Democrat. Neither member can be part of the Executive of the constituent council. The size of the committee and the number of places allocated to councils and/or political groups may change as the political balance changes across the geography.
- 4.3 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.

- 4.4 The Chair of the scrutiny committee does not have a casting vote and all matters will be decided by simple majority. Each member appointed by the constituent councils has one vote.
- 4.5 Other members that may be appointed (for example, from observer organisations) have no voting rights.
- 4.6 The quorum is at least two thirds of the membership.
- 4.7 Any matter (other than an excluded matter) which is relevant to the scrutiny committee's functions, can be referred there for discussion.
- 4.8 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
- 4.9 The scrutiny committee will be able to require members and officers of the Combined Authority to attend to answer questions.
- 4.10 A power of call-in applies to the decisions of the Mayor and the Combined Authority. The power enables review or scrutiny of any decision of the Mayor or the Combined Authority.
- 4.11 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 the decision is reconsidered by the Mayor or the Combined Authority.
- 4.12 The Mayor or Combined Authority must meet to reconsider the decision no later than 10 days after receiving the scrutiny committee's recommendations.

## **5. Options for scrutiny of the City Council's representative**

### **Practical considerations**

- 5.1 In considering what options may be appropriate for scrutiny within the City Council it is important to ensure they are not trying to duplicate the statutory role of the Combined Authority's own scrutiny arrangements. This would not be good use of scarce resources and is likely to confuse the public.
- 5.2 The Council resolution talks about scrutinising the role of the Council's representative on the Combined Authority and asks that this should be pre-scrutiny where practical.
- 5.3 This Council has a tradition of pre-scrutinising most executive decisions which is not the practice in most other councils and is not a statutory requirement of the legislation. Our decision-making cycle is based on scrutiny meetings being organised on a planned basis, after which the Executive Councillor makes their decision.
- 5.4 On a purely practical basis, we cannot assume the City Council would be able to scrutinise in advance all decisions that the Council's representative may be asked to make as part of the Combined Authority.
- 5.5 The meetings of the Combined Authority and its Overview and Scrutiny Committee are unlikely to align with the meetings of each constituent council, given they all meet on slightly different patterns. No decisions have been made on the forward cycle of dates beyond April 2017, or their frequency. This means it is not clear when agendas would be published, making it impossible to guarantee that this Council could pre-scrutinise all items which are being reported to the Combined Authority, even if that were thought desirable.
- 5.6 At the moment the Shadow Combined Authority is meeting monthly which is far more frequently than our own scrutiny committees. If that pattern were to continue there would also be significant resource implications in trying to match this with a scrutiny meeting of our own.
- 5.7 I would expect the Combined Authority to consult on major decisions such as setting strategies or budgets, and this should make it possible for the City Council to pre-scrutinise such plans. But this could also depend on timing.

## **Proposed way forward**

- 5.8 Trying to decide what may ultimately be workable without the Combined Authority fully up and working and its full standing orders and constitution agreed is quite difficult. Therefore, it is suggested that the pragmatic solution is that the Council's representative (or Deputy if deputising) should report back and be subject to regular post-decision scrutiny at each Strategy and Resources Scrutiny Committee. The activities of the Combined Authority could be a standing item on each agenda. This committee specifically exists to scrutinise decisions and activity in the Leader's portfolio, including major external partnerships. The two overview and scrutiny members could also be invited to this meeting.
- 5.9 The alternative option would be to instead report to full Council. This would have the advantage that all members of Council are present but this is a more unwieldy forum for discussion. Members would obviously have the opportunity to ask the Leader questions at Council through the existing mechanisms.
- 5.10 Given the desire for some form of pre-scrutiny where possible, I suggest that this should be supplemented by a more informal process. This would enable group leaders to meet with the Council's Combined Authority representative and Overview and Scrutiny representatives to discuss any issues of interest in between formal Strategy and Resources Scrutiny Committee meetings.
- 5.11 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 so this should make it possible to plan ahead and consult via email or to set up an informal briefing if requested by either Group Leader. I would expect there will also be regular communications from the combined authority which will be shared with all Members.
- 5.12 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' will be determined within the Combined Authority's constitution. It should be noted that there will also be provision for urgency decisions where it is impractical to include a decision within the forward plan or where no prior notice can be given before making the decision.

## **Other considerations to note**

- 5.13 Overview and scrutiny committee of the Combined Authority will have the power to ask Combined Authority officers to attend meetings. The City Council's scrutiny committees will not have that power and City Council officers may not be able to provide technical advice on issues where the City Council does not have expertise.
- 5.14 Given all members can request the Combined Authority overview and scrutiny committee to consider items, I think members will need to consider whether that may be a more appropriate route for some issues so full officer advice can be provided.
- 5.15 The Council's constitution and procedure rules will need to be updated to make it clear when the public should use the Combined Authority's processes to discuss items of Combined Authority business.
- 5.16 Scrutiny at either Strategy and Resources Scrutiny Committee or Full Council would have implications for the other business on the agendas for those meetings. Other items may need to be re-ordered if there were public speakers/questions on this item, and the meeting would inevitably take longer to conclude all of its business if this item were added as regular items for each meeting.

## **Reviewing the proposals in this report**

- 5.17 I suggest these arrangements be reviewed by Civic Affairs in autumn 2017 once the Combined Authority is up and running.

## **Interim arrangements**

- 5.18 The report to Council on 22 November 2016 suggested an interim arrangement that the Council's representative report to each meeting of Council setting out the work and actions of the Combined Authority with an opportunity to ask questions on any report provided. In addition to 23 February Council meeting, it is proposed that this is also done for 20 April Council meeting i.e. to the end of the 2016/17 Municipal Year. An update report on the Council's partnerships will also come to Strategy & Resources Scrutiny Committee in March.

## **Alternative options**

- 5.19 Some members have suggested that Strategy and Resources Scrutiny Committee meetings should be set up to match the timescales and frequency of the Combined Authority once these are known. To fully assess the implications of this and the knock on to wider Council processes e.g. the budget will require a much bigger piece of work. I believe, if members were minded to consider this, it should be conducted as part of a wider review of whether the current scrutiny committee structure is fit for purpose given the changes in resource levels the Council has at its disposal and the new ways of working it is embracing.

## **6. Consultations**

- 6.1 The Leaders of the political groups on the City Council have been consulted on the draft of this report.

## **7. Implications**

### **(a) Financial and Staffing implications**

The proposals in this report have sought to find a proportionate solution to the request that the Council's representative on the Combined Authority be scrutinised by the City Council. The starting point has been what can be achieved within the Council's existing resources, both staffing and financial. It is also in the context that there will also be scrutiny of the representative by two non-executive members of the City Council who will sit on the Overview and Scrutiny Committee which has been specifically set up to scrutinise the Mayor and members of the Combined Authority.

### **(b) Equality and Poverty implications**

An equality impact assessment has not been completed. Officers have considered and do not anticipate any significant equality or poverty implications from either option proposed in this report.

### **(c) Environmental implications**

N/a

### **(d) Procurement**

N/a

(e) **Consultation and communication**

N/a

(f) **Community Safety**

N/a

**8. Background papers**

8.1 The following are the background papers that were used in the preparation of this report:

[Council Report, November 2016](#)

[Agenda & Minutes of Shadow Combined Authority Meeting, December 2016](#)

**9. Inspection of papers**

9.1 To inspect these documents, contact Gary Clift on 01223 457011.

9.2 The author and contact officer for queries on the report is Antoinette Jackson on 01223 457001.