

Section B - Scrutiny Arrangements for GMCA, TfGMC and TfGM

1. Introduction

- 1.1 Schedule 3 to the Operating Agreement dated 1st April 2011 and made between (1) the GMCA and (2) the Constituent Councils contains a protocol that provides a framework for carrying out joint scrutiny work of -
- (a) The AGMA Executive Board;
 - (b) The GMCA;
 - (c) TfGMC; and
 - (d) TfGM
- 1.2 The key provisions of this Scrutiny Protocol in relation to the GMCA, TfGMC and TfGM are set out for information below.
- 1.3 The Scrutiny Protocol will be reviewed annually to ensure that it remains relevant.
- 1.4 References in these Arrangements to major and strategic decisions of the TfGMC taken in accordance with the delegations set out in Part 3 Section B II of this Constitution include major and strategic decisions taken by sub-committees of TfGMC in accordance with such delegations.

2. Objectives of scrutiny of the GMCA, TfGMC and TfGM

- 2.1 These arrangements have been established to act as a focus for the scrutiny and challenge of the GMCA, the TfGMC and the TfGM, and for investigating matters of strategic importance to residents within the combined administrative area covered by the Constituent Councils.
- 2.2 The role of these arrangements will include:-
- (a) monitoring:-
 - (i) the decisions of the GMCA; and
 - (ii) major and strategic decisions of the TfGMC which are taken by the TfGMC in accordance with the delegations set out in Part 3 Section B II of this Constitution;
 and to make recommendations for improvement and/or change;
 - (b) investigating matters of strategic importance to residents of the Constituent Councils and reporting with recommendations to the GMCA or the TfGMC as appropriate;

- (c) reviewing the performance of the GMCA against objectives within the Greater Manchester Strategy;
- (d) facilitating the exchange of information about the work of the GMCA and the TfGMC and to share information and outcomes from reviews;
- (e) The role of these arrangements in relation to the TfGM will include:
 - (i) monitoring the TfGM's delivery of transport services against the Local Transport Plan and to make recommendations for improvement and/or changes;
 - (ii) obtaining explanations from the TfGM regarding its delivery of transport services.
- (f) The terms of reference for these scrutiny arrangements and the work programme in relation to scrutiny of the GMCA and the TfGMC will be subject to an annual review.

3. Operation of Scrutiny Arrangements for GMCA, TfGMC and TfGM

- 3.1 A pool of elected members (the "Scrutiny Pool") will be established which will comprise of 3 councillors from each of the Constituent Councils. Appointees to the Scrutiny Pool must not be members of the Executive Board, the GMCA (including substitute members) or the TfGMC. Both sexes must be represented within the 3 elected members from each of the Constituent Councils.
- 3.2 Appointments to the Scrutiny Pool by the Constituent Councils will be made in accordance with the principles of political balance set out in Section 15(5) of the LGHA 1989.
- 3.3 Any elected member appointed to the Scrutiny Pool under these scrutiny arrangements who is also appointed to any Committee or Sub Committee of the GMCA cannot participate in the operation of the scrutiny arrangements on any issues which were taken at any meeting of the GMCA or any Committee or Sub Committee of the GMCA at which they were present.
- 3.4 The term of office for members of the Scrutiny Pool will be one year from the date of the annual council meeting of the Constituent Council that appoints them to the Scrutiny Pool unless:-
 - (a) they cease to be an elected member of the Constituent Council that appointed them;
 - (b) they wish to no longer participate in these arrangements; or
 - (c) the Secretary to AGMA is advised by any of the Constituent Councils that it wishes to change one or more of its appointees to the Scrutiny Pool in accordance with paragraphs 3.1-3.3 of this Clause 3.

- 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 the Scrutiny Pool members may decide.

4. Meetings of Scrutiny Pool Members

- 4.1 The members appointed to the Scrutiny Pool under Clause 3 above will hold at least one joint annual meeting and may convene additional joint meetings in accordance with these arrangements.
- 4.2 At the annual joint meeting the Scrutiny Pool members will:
- (a) elect a Chair and Vice Chair. The Chair and Vice Chair must come from different political groups.
 - (b) determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months.
 - (c) 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 Clause 4 will be 10, and must include representatives of at least 7 of the Constituent Councils.
- 4.4 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 Clause 4 will be decided by the Chair and notified to Constituent Councils for inclusion on their Council web sites.
- 4.6 Notice of the annual meeting and any other joint meetings held under this Clause 4 will be sent to each Scrutiny Panel member in accordance 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 Clause 4; however, any member of the Scrutiny Panel will be entitled to require an item to be placed on the agenda for the meeting.
- 4.8 Subject to paragraphs 4.1-4.7 of this Clause 4, meetings will proceed in accordance with the Rules of Procedure set out at Schedule 3 to the AGMA Operating Agreement.

5. Call in of decisions

5.1 Call in of decisions of GMCA and TfGMC

- (a) Members of the Scrutiny Pool appointed under this Protocol will have the power to call in:-
 - (i) any decision of the GMCA;
 - (ii) any major or strategic decision of the TfGMC which is taken by the TfGMC in accordance with the delegations set out in Part 3 Section B II of this Constitution.

5.2 Publication of Notice of Decisions

- (a) When:-
 - (i) a decision is made by the GMCA; or
 - (ii) a major or strategic decision is made by the TfGMC in accordance with the delegations set out in Part 3, Section B II of this Constitution;

the decision shall be published, including where possible by electronic means, and shall be available from the 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 Scrutiny Pool within the same timescale.

- (b) The notices referred to at subparagraph 5.2(a) above will bear the date on which they are published and will specify that the decision will come into force, and may then be implemented, as from 4.00 pm on the fifth day after the day on which the decision was published, unless 5 members of the Scrutiny Pool object to it and call it in.

5.3 Call-in of decisions of the GMCA, and the TfGMC

- (a) During the "Call-in" period specified at subparagraph 5.2(b) above the Secretary shall:-
 - (i) call-in a decision of the GMCA for scrutiny by a joint meeting of Scrutiny Pool members if so requested by any five members from the Scrutiny Pool, and shall then notify members of the GMCA of the call-in. The Secretary shall call a joint meeting of Scrutiny Pool members on such date as he/she may determine, where possible after consultation with the Chair of the Scrutiny Pool, and in any case within 2 weeks of the decision to call-in;

(ii) call in a major or strategic decision made by the TfGMC in accordance with the delegations set out in Part 3, Section B II of this Constitution for scrutiny by a joint meeting of Scrutiny Pool members if so requested by any five members from the Scrutiny Pool, and shall then notify members of the TfGMC of the call-in. The Secretary shall call a joint meeting of Scrutiny Pool members on such date as he/she may determine, where possible after consultation with the Chair of the Scrutiny Pool, and in any case within 2 weeks of the decision to call-in.

(b) If, having considered:-

- (i) a decision made by the GMCA; or
- (ii) a major or strategic decision made by the TfGMC in accordance with the delegations set out in Part 3, Section B II of this Constitution

the joint meeting of Scrutiny Pool members is still concerned about it, then it may refer it back to the GMCA or the TfGMC (as appropriate) for reconsideration, setting out in writing the nature of its concerns. If a decision is referred by a joint meeting of Scrutiny Pool members to the GMCA or the TfGMC (as appropriate), then the GMCA or the TfGMC (as appropriate) will reconsider the decision before adopting a final decision.

(c) If, following an objection to:-

- (i) a decision of the GMCA; or
- (ii) a major or strategic decision made by the TfGMC in accordance with the delegations set out in Part 3, Section B II of this Constitution;

the joint meeting of Scrutiny Pool members does not refer it back to the GMCA or the TfGMC (as appropriate) for reconsideration, the decision shall take effect on the date of the joint meeting of Scrutiny Pool members.

(d) The call-in procedure set out above, shall not apply where:-

- (i) the decision being taken by the GMCA; or
- (ii) the major or strategic decision made by the TfGMC in accordance with the delegations set out in Part 3, Section B II of this Constitution ;

is urgent.

(e) For the purposes of subparagraph 5.4(d) above a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interests of the GMCA, the

Constituent Councils, or the residents and/or businesses of Greater Manchester. The record of the decision and the notice by which it is made public shall state whether in the opinion of the decision making body, (having considered the advice of the Head of Paid Service and/or the Monitoring Officer and/or the Treasurer) the decision is an urgent one, and therefore not subject to call-in. The GMCA or the TfGMC (as appropriate) 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 scrutiny arrangements

- 6.1 The Constituent Councils 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 other bodies or agencies.
- 6.2 Members of the Scrutiny Pool 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.
- 6.3 Subject to prior consultation, 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.
- 6.4 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.
- 6.5 Dates and times for officer and member attendance at any meetings set up under these arrangements should be by agreement.
- 6.6 Members appointed under these arrangements may request the attendance of officers employed by the Constituent Councils 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 Constituent Council. If any request is declined by the Chief Executive, he/she must state the reasons for so doing.
- 6.7 When considering any matter in respect of which a Scrutiny 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 of 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 Scrutiny Pool will establish Scrutiny Panels to undertake agreed scrutiny reviews. Membership of the Scrutiny Panels will be determined at the annual meeting and the principle of political balance from across Scrutiny Pool members must be applied when membership is agreed.
- 7.2 Scrutiny Panels established by this Clause 7 shall include representatives from at least 7 of the Constituent Councils. Each Scrutiny 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 Scrutiny Panel must come from different political groups.
- 7.3 Scrutiny Panels 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 Pool members. Any Scrutiny Panel continuing for more than two years must be subject to confirmation by the Executive Board and/or the GMCA as appropriate.
- 7.4 The Executive Board and/or the GMCA may also, if they choose, request that a Scrutiny Panel drawn from amongst members appointed under Clause 3 of this Protocol be appointed to examine a specific issue in more detail and report back its findings to the Executive Board and/or the GMCA as appropriate.

8. Reviews and recommendations

- 8.1 The process of joint scrutiny will be an open and transparent process designed to engage the Constituent 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 or exempt information, in accordance with the relevant provisions of the LGA 1972 or LGA 2000.
- 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. The Scrutiny Pool will make specific efforts to engage with hard to reach groups.
- 8.5 The primary objective of any Scrutiny 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 a 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 in the forthcoming year and will submit this to the Executive Board and to the GMCA for agreement.

- 9.2 Contributions to the costs of the joint scrutiny arrangements shall be determined by apportioning the costs in such proportions as the Constituent Councils unanimously agree or, in default of such agreement, in proportion to the total resident population at the Relevant Date of the area of each Constituent Council as estimated by the Registrar General.

- 9.3 The budget will be required to meet all officer support to the joint scrutiny arrangements, including research support.

- 9.4 The decisions and recommendations of any Scrutiny Panels set up under these arrangements will be communicated to the Executive Board and/or the GMCA and/or the TfGMC and/or the TfGM as appropriate, other Scrutiny Pool members and Constituent Councils as soon as possible after resolution by those appointed to any such Scrutiny Panel.

10. Support and advice to 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.

11. Linking Sub-Regional Scrutiny with Local Scrutiny

- 11.1 The Scrutiny Officer of each Constituent Council will ensure that the work programmes and minutes relating to the work carried out by the Scrutiny Pool in scrutinising the Executive Board, GMCA, TfGMC and

TfGM are circulated appropriately within their own Constituent Council's scrutiny arrangements.

- 11.2 Each Constituent Council will nominate one of the 3 members of that Constituent Council who have been appointed to the Scrutiny Pool in accordance with paragraph 3.1 of this Protocol to act as that Constituent Council's "AGMA Scrutiny Link". The AGMA Scrutiny Link will be responsible for reporting back to their own Constituent Council on the scrutiny work carried out by the Scrutiny Pool in relation to the Executive Board, GMCA, TfGMC and TfGM. The AGMA Scrutiny Link will also be responsible for reporting to the Scrutiny Pool any issues identified locally by their own Constituent Council which may warrant scrutiny at a sub-regional level. The nomination of an AGMA Scrutiny Link and the way in which this role will be performed will be determined by each Constituent Council.