

West of England Partnership - Constitutional Arrangements

This document sets out the draft arrangements agreed in relation to:

Section 1 - Matters relating to both Joint Executive Committees and Scrutiny Arrangements including:

- Executive Forward Plan
- Call In procedures
- Openness and Transparency
- Schedule of meetings
- Agenda
- Meetings held in public session
- Public Participation

Section 2 - Matters Relating to Scrutiny including:

- Background
- Terms of Reference
- Work Programme
- Membership
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- Quorum and Voting Arrangements

Section 1 - Matters Relating to Joint Executive Committees and the Joint Scrutiny Arrangements

Executive Forward Plan

All decisions must be notified to each Component Council as soon as it is known when the decision is needed. The detail provided must meet the requirements of the Local Authorities (executive arrangements) (Access to Information)(England) regulations 2000, statutory instrument 2000 no 3272.

Each Council will be responsible for including decisions in its own Executive Forward Plan.

As a minimum, key decisions must be included with the Executive Forward Plan published on a rolling basis providing up to 4 months advance notice.

In order to meet the constitutional requirements of all Councils involved there must be the ability to include all decisions (not just key decisions) published in an Executive Forward Plan over a 12 month period (not just 4 months).

Once a decision has been taken by a Joint Executive Committee, the form of the decision notice shall meet the statutory requirements.

The Partnership will publicise decisions taken by a Joint Committee on its website and will send notification to the joint scrutiny committee members.

A decision cannot be implemented before the 5 day period for call in has expired. For clarity, the day the decision is published shall be counted as day zero, 5 clear days must then pass until the decision can be implemented.

Call In Arrangements

Within 5 clear days of notification of a decision being published on the West of England Partnership website, a decision of a West of England Partnership Joint Executive Committee can be called in.

Subject to the paragraph below, a decision taken by a Joint Executive Committee of the West of England Partnership which relates to a function which has been delegated to the Partnership by the component authorities can be called in by a component Council using that Council's call in procedures.

Where an authority has not delegated powers to the Partnership on any matters, then non-executive members of that authority may not call in decisions where they relate to the exercise of those powers and in relation to those matters.

Decisions called in will be processed and heard using the component authority's own arrangements for dealing with call in's. The component authority will be entitled to ask any relevant officer, either employed by or serving the WEP as well as its own Executive Councillors serving on the Joint Executive Committees of the Partnership, to attend its call in meeting to provide information and to explain the rationale behind any decision called in.

If a decision is called in, the decision will be placed on hold until the call in process is completed. The called in item shall be heard within 20 working days. The authority which has called the decision in shall notify the West of England partnership immediately who will notify each authority.

The component authority's call in meeting will decide either;

- to take no further action in relation to the call in;
- to refer the decision back to the Joint Executive Committee of WEP, setting out the nature of its concerns, or
- to refer the matter to the appropriate higher body (Council or Cabinet) within each authority for a wider debate. That body will complete the call in process within a further 20 working days of the first call in meeting. The outcome of the call in process will be reported back to WEP

The Joint Executive Committee of WEP will thoroughly consider all representations received as a result of a component authority's call in process, before taking a final decision on the matter concerned.

Openness and Transparency

Schedule of Meetings

A schedule of the formal public meetings of the West of England Joint Scrutiny Committee and the Joint Executive Committees will be published and made available on the West of England Partnership website.

Agenda

Agenda will be sent to members of each committee as appropriate and will be published to the West of England partnership.

Members of the committee will be sent agenda with at least 5 clear days notice.

Agenda for the Joint Executive Committees will also be sent to joint scrutiny members for information to facilitate effective scrutiny.

Meetings Held in Public Session

Meetings of the West of England Joint Scrutiny Committee and the Joint Executive Committees of the partnership will be held in public session conforming to the Local Government Act and Access to Information Act requirements.

Only reports exempt under the Local Government (Access to Information) (Variation) Order 2006 will be considered under exempt session.

Reports that are proposed to be considered under exempt session must be approved by the Proper Officer / Secretary to the committee.

Note – this does not prevent member information briefings being arranged which are not open to the public. However all decisions will be made in meetings open to the public.

Councillors who are not members of the committees are able to remain during sessions exempt to the public unless they have a personal and prejudicial interest.

Public Participation

The Chair of the meeting shall have regard to the following principles. However, in managing the meeting the Chair has the power to exercise discretion as required at the meeting.

The public and Councillors can attend meetings and are able to speak. Written notice of the intention to speak must be provided by noon the working day before the meeting.

Written notice of the intention to make a submission to the meeting must be provided by noon the working day before the meeting.

The public or other Councillors attending a meeting may ask questions of members of the committee. Written notice of the questions to be put is required 3 working days before the meeting.

Those submitting questions may ask one supplementary question. If more than 1 question is put the person must chose which original question they wish to ask the supplementary question for.

The Chair of the meeting has discretion to take statements, petitions and questions in an appropriate order (i.e. not necessarily in order of receipt).

No individual submission will normally be allowed more than 5 minutes time. The public forum session will last for up to 30 minutes, although the Chair, with the consent of the meeting, can extend this timescale.

Public forum items will normally be the first substantive item of business on the agenda.

Those making a submission do not have to speak or even attend the meeting at which the submission is being taken. However, if it is not presented at the meeting by someone, then it will not be read out unless either the person making the submission or the Chair specifically asks for this to happen. It will nevertheless be noted by members.

It is not normal practice to write to individuals afterwards. However, if someone making a submission requires an official response as to what happened to the submission at the meeting, the officer named on the agenda page should be provided with contact details and will provide a response within 7 working days.

Any submission or question must relate to the business of the body which is meeting.

Some matters are excluded from the scheme of public participation:

- An individuals circumstances where it would be inappropriate for the details to be aired in public
- Applications for legal consents where alternative procedures exist
- Contractual matters
- Matters which are or should be the subject of established appeal or complaints procedures
- Allegations against Councillors or officers
- No defamatory, offensive or frivolous submissions will be allowed

Note - by participating in public forum business, it will be assumed that consent is given to the recording in the minutes of the meeting the name and details of a submission. A copy of the full written submission will also be included with the agenda papers for the meeting which are placed in an official minute book (the public record) and will also be included on the West of England Partnership web site with the other documents for the meeting concerned.

Section 2 - Matters Relating to Scrutiny

Background

Each authority in the West of England sub-region shall establish their own scrutiny body comprising 3 non-executive members, with responsibility for the overview and scrutiny for the functions and actions of WEP.

Whilst the scrutiny bodies may meet individually in their own right and as and when necessary to consider a component authority's position on a particular

issue, it is proposed that they will meet in joint session on a regular basis to carry out joint strategic scrutiny of the West of England Partnership.

The joint meeting will be known as the West of England Joint Scrutiny Committee.

Note that it is not possible to establish a statutory joint committee at this time. This is subject to review as and when legislation changes.

Each component scrutiny body will comprise 3 members. Political makeup of each will be at the discretion of the component authorities. Substitute members may be appointed where a designated member is unable to attend.

Terms of Reference

The terms of reference of each component scrutiny body may vary at the discretion of component authorities but will all have a common thread, namely to scrutinise any relevant proposals being considered or action taken by the West of England Partnership.

The terms of reference for the West of England Joint Scrutiny Committee will be:

- scrutinise any relevant proposals from the West of England Partnership in relation to its activities (namely transport, planning, housing, waste management, skills & employment, economic development, culture and rural affairs) ;
- scrutinise actions taken and decisions made by the Executive Committees and other Executive bodies of the Partnership ;
- make reports or recommendations to the Partnership's Executive Committees and other Executive bodies as appropriate and/or the component authorities' respective executives or overview and scrutiny committees

The Committee may consider the full range of West of England Partnership issues: transport, planning, housing, waste management, skills & employment, economic development, culture and rural Affairs.

As a general rule and taking account of the limited resources available for servicing them, sub groups will only be contemplated where absolutely necessary and should be of a task and finish variety.

Where the Joint Scrutiny Committee is considering matters relating to the Partnership then all authorities should be involved in the (joint) scrutiny. In addition to holding the executive to account, the Joint Scrutiny Committee will also carry out the other functions of a scrutiny committee i.e. policy development, performance management and scrutiny of policy in place.

Where scrutiny is focussing on the activities of the Partnership's executive committees however, only those authorities involved in the executive committee activity should be involved in the scrutiny. For Councils who have not delegated powers to the Partnership, there will be no discharge of executive powers for their scrutiny body to scrutinise.

Work Programme

A work programme will be developed for approval by the Joint Scrutiny Committee

Membership

The three members who have been appointed by each component authority to their respective scrutiny body which will scrutinise WEP. Substitutes to be allowed. For the avoidance of doubt, a substitute takes the place of the committee member for the entire meeting.

Chair/Vice Chair

The Chair and Vice Chair of the Committee will be agreed at the annual meeting.

Expert Witnesses

It shall be for the Joint Committee to decide whether expert witnesses are necessary. Expert witnesses will only be sought where it is clear that there is a significant gap in the expertise which is readily available to the committee.

Expert witnesses can only be appointed in an advisory capacity and do not have voting rights.

Quorum and Voting Arrangements

As the Joint Scrutiny Committee is a combined meeting of the WEP scrutiny bodies of the 4 unitary authorities, a "quorum" will require that a minimum of 2 representatives per authority attend the meeting. In the event of one or more of the component scrutiny bodies not being quorate, a combined meeting may still take place but the minutes should indicate which scrutiny bodies were quorate and which were not.

Voting - meetings will aim for consensus. In the event of members considering it necessary to have a formal vote on a matter before them then each component authority's scrutiny body will vote separately, and the outcomes will be recorded in the minutes.

The Chair of the Joint Scrutiny Committee will not have a casting vote.

Where the Joint Scrutiny Committee is responding to consultation on proposals by a WEP executive Committee or Board, then the scrutiny report will make clear the outcome of any voting which took place.