

AGMA EXECUTIVE BOARD

25 JUNE 2010

REVIEW OF AGMA SCRUTINY ARRANGEMENTS

1. PURPOSE OF PAPER

- 1.1 The proposals for a Greater Manchester Combined Authority presented to the AGMA Executive Board in February and finally agreed unanimously on 29 March highlighted the following on scrutiny matters:-

It is proposed that there should be a review of scrutiny arrangements which take into account the views of district scrutiny committees and the AGMA Scrutiny Pool alongside the requirements of current or future legislation with detailed proposals to be reported back to the Executive Board in due course.

- 1.2 This paper provides a starting point for discussions on what the future shape of sub regional scrutiny might look like under a Combined Authority.

2. RECOMMENDATIONS

- 2.1 The Executive board are invited to

- (i) comment on the principles and proposals contained in this report; and
- (ii) subject to their views; agree to refer this matter to the AGMA Scrutiny pool for further work
- (iii) separately, refer this matter to individual authorities, given that the Combined Authority proposals agreed in March also stated that:-

"there should be a review of scrutiny arrangements which take into account the views of district scrutiny committees";

and

- (iv) agree to consider final proposals on this issue once these have been developed by the pool with appropriate support; and once more detail is known on the final shape and arrangements for the Combined Authority.

2. ROLE OF SCRUTINY IN AGMA

- 2.1 The role of sub regional scrutiny is currently defined in the AGMA constitution as follows:-

- monitoring the decisions of the Executive 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; and
- facilitating the exchange of information about the work of AGMA and to share information and outcomes from reviews.

2.2 Given the commitment in the Combined Authority proposals it is probably now time to refresh this approach. In particular it may be more appropriate to specifically bring out the aim of the scrutiny function to add value to the work of the Executive Board. This could be both in scrutinising the policies and programmes being developed and in contributing where appropriate to policy development; related to the priorities within the Greater Manchester strategy and the agreed Forward Plan.

3 SCRUTINY IN AGMA - CURRENT OPERATIONAL ARRANGEMENTS

3.1 AGMA currently has a Scrutiny Pool of 30 members (3 from each authority). There is also a separate Health Scrutiny Panel of 10 members (one from each authority) established under the Health and Social Care Act 2001. This latter separate panel recognises that local authorities have a duty to form joint health scrutiny committees to respond to statutory consultations by NHS bodies that cover more than one area.

3.2 The scrutiny function in AGMA is managed and serviced by Stockport MBC's Scrutiny section. A budget of £75k was agreed by the Executive Board in December 2008 to cover the operation of the function by Stockport. A work programme for the Pool is agreed and refreshed by the members each month. To a certain extent this mirrors the AGMA Executive Board's Forward Plan, but does not include all items. The Pool's Forward Plan also includes other areas which the Pool have themselves chosen to consider in more detail - sometimes in agreement with the Executive Board - most notably AGMA Unit Budgets.

4 SUPPORTING AND DEVELOPING THE SCRUTINY FUNCTION WITHIN A COMBINED AUTHORITY

4.1 There are a number of areas where it has been identified that some changes to current arrangements need to be considered in order to improve the effectiveness of the scrutiny function. Specifically the absence of any scrutiny of the transport function was the subject of significant discussion with DfT & CLG in the run up to finalising the Combined Authority proposals earlier this year.

4.2 More generally the desire for change has also emerged in discussions within the Scrutiny Pool when considering the Combined Authority proposals. This is both in terms of the function being able to provide support to the Executive Board; and also to provide an appropriate level of overview and scrutiny, as AGMA moves from a voluntary association to a combined authority with specific governance powers and responsibilities at a sub regional level. The

areas where it is considered review is necessary are set out in the rest of this section.

Officer Support and Advice for the Scrutiny Function

- 4.3 There is a need for more specific support to be provided to the scrutiny function when it is scrutinising the Policies and Programmes of the Executive Board. The pool needs to be able to call on levels of expertise at an appropriately senior level in order to be able to exercise their role.
- 4.4 Consequently it is suggested that lead Chief Executives should be directly responsible and accountable for responding to scrutiny requirements for their own areas of agreed lead responsibility as agreed by the Wider Leadership Team; and for delivering the reports etc which the Pool require.

Training and Development

- 4.5 Some pool members have identified this as an area where they believe more investment and application would be helpful. The challenge currently is that there is little available 'off the peg'; because the operation of sub regional scrutiny is fairly new. In fact AGMA is in many ways ahead of the game - others approach us for guidance on how to do it. As an illustration, the Centre for Public Scrutiny (CfPS) web site has very little on sub regional scrutiny working.
- 4.6 Consequently it is suggested that what is required - rather than generic development on the general principles of scrutiny - is something more bespoke about how our own city region arrangements work; to help pool members in how they scrutinise. This could be linked to the role for Chief Executive leads, by delivering this in connection with the reports on specific issues as suggested in 4.3 and 4.4 above.

Convergence between the Scrutiny Work Programme & AGMA's Forward Plan/GM Strategic Priorities/Commission work programmes

- 4.7 Currently, the scrutiny pool's programme is developed partly by reference to AGMA's Forward Plan, but also to the Pool members own preferences for areas they wish to examine in more detail. Any amendments to how this operates would need to be sensitive to the understandable desire from pool members that they should have some flexibility and discretion in the areas they study. There is also a practical consideration that the scope that can be covered by 30 people meeting once a month- even if they split into 2-3 panels - is going to be limited.
- 4.8 However even with those caveats there are still opportunities to refine the current system to make it more effective. These could include:-
- Giving Scrutiny pool members the responsibility for member level scrutiny of performance against GMSP priority targets and milestones

- include overt involvement of the pool in developing revisions to Commission work programmes before these are signed off by the Exec Board
- identifying in Commission work programmes specific areas where the pool would propose to consider issues in more detail
- identifying specific AGMA projects/policy areas where specific scrutiny involvement is requested by the Board in advance of decisions being taken

4.9 Such developments would also in part be a response to the desire of scrutiny members to be engaged as part of the policy development consultation process. Some Commissions are now starting to build in consulting the scrutiny pool as part of the consultation process in developing strategies, but this does not always happen as a matter of course.

Linking Sub Regional Scrutiny with Local Scrutiny

4.10 This is an area where, apparently, there is currently little linkage at all. Some practical and simple mechanisms could be adopted here:-

- ensuring AGMA scrutiny pool minutes and work programmes are circulated appropriately within local scrutiny operations,
- giving one AGMA scrutiny pool member from each authority the responsibility to report back locally on AGMA scrutiny work; and feed back from districts any issues identified locally which may warrant scrutiny at a sub regional level,
- providing some way of linking members on the AGMA scrutiny pool with local scrutiny committees to enable better liaison. How this would work would be a matter for each member authority locally, given that they will have their own local scrutiny structures and arrangements; and
- ensuring that AGMA scrutiny is covered in any joint scrutiny discussions between scrutiny officers - who already collaborate at a G Manchester level.

4.11 The plans for a Combined Authority also propose that each district's Combined Authority representative should answer questions on Combined Authority business at full Council meetings. Similarly, it is proposed that one of each district's TfGMC representatives be nominated to answer questions on TfGMC business. These proposals could be formally included in each Council's constitution to ensure this takes place.

Scrutiny of other AGMA wide bodies

4.12 Linked to the Combined Authority proposals, there will need to develop scrutiny of TfGMC as a joint committee of AGMA and TfGME as the Combined

Authority's delivery body. The combined authority paper agreed in March 2010 stated that:-

It is proposed that the remit of the existing AGMA Scrutiny Pool should be extended to enable it to exercise an overview and scrutiny role in relation to the CA, TfGMC and TfGME/GMPTE.

- 4.13 Separately it may also be worth considering the extent to which the scrutiny function could be extended to cover some other activities directly or indirectly linked to the 10 member authorities within AGMA. Could this include GMWDA where there is no scrutiny of decisions taken by the statutory authority at a member level? However the position of GM Police and GM Fire and Rescue is somewhat different; as the authorities linked to those two functions do - in effect - provide an accountability and oversight role.

5 TAKING THIS WORK FORWARDS

- 5.1 This paper is being shared in advance of the Executive Board with the joint Chairs of the Scrutiny Pool (councillors Simon Ashley and Dave Hibbert). Subject to their views and those of the Executive Board on 25 June this issue could then be considered by the full pool membership. As pool membership is due to be refreshed at the AGMA's AGM on 25 June; the July meeting of the pool - when confirmation of the Chairs for 2011/2 will be made - may be a suitable point to introduce these ideas to the overall pool membership. The name of the pool would also need to be changed in order to reflect what is intended in this report, that its remit be widened to include both Combined Authority and TfGMC issues.

Sir Howard Bernstein
Chair of Wider Leadership Group

Eamonn Boylan
Chief Executive, Stockport MBC (lead authority for support to AGMA Scrutiny Pool)

John Hawkins
AGMA Policy Unit

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