

**REPORT TO: WEST OF ENGLAND COMBINED AUTHORITY
OVERVIEW & SCRUTINY COMMITTEE**

DATE: 03 MAY 2022

**REPORT TITLE: CALL IN OF JOINT COMMITTEE GOVERNANCE
REVIEW DECISION**

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SCRUTINY MANAGER**

BACKGROUND INFORMATION

On 8th April 2022 the Joint Committee considered a report on the Joint Committee Governance Review.

The West of England Joint Committee RESOLVED:

1. The Joint Committee is to be re-established with new governance arrangements that make accountability clearer, and decision making more transparent. This includes the receipt of any relevant recommendations from the Local Enterprise Partnership Business Board, and any other relevant legacy matters that involve both the West of England Combined Authority area and the area of North Somerset Council.
2. Joint Committee will play its full role in the development of strategy for the West of England region as a whole, working with the LEP, Combined Authority and Western Gateway and other partners to advocate for the region with Government and other stakeholders.
3. That the four Unitary Authorities (Bristol City Council, South Gloucestershire Council, Bath and North East Somerset Council, North Somerset Council) agree to dissolve the existing Joint Committee arrangements subject to new Standing Orders being agreed by the Joint Committee, subject to Unitary Authority council governance processes.
4. To note the comments made by the Scrutiny and LEP Chairs, which will be considered as part of the report produced by Monitoring Officers setting out new

standing orders which be considered at the next meeting of the Joint Committee.

5. Monitoring Officers will produce new standing orders which be considered at the next meeting of the Joint Committee. The new standing orders will include provisions which detail arrangements for the management of Joint Committee meetings and agenda setting; election of a chair; the co-production of reports; voting arrangements; the relationship with the Combined Authority; and the role of the Combined Authority Mayor.
6. One Front Door funding administrative arrangements should continue with regards to relevant funds such as the Economic Development Fund and Resolving Infrastructure Fund.
7. To ensure clearer accountability of the Joint Committee and in line with Quality Assurance Framework, approve the principle that for those funds that are the responsibility of the 4 Unitary Authorities, for example the Economic Development Fund reports, will be commissioned by the Committee and signed-off by Unitary Authority (UA) CEOs in partnership with the CEO of the LEP before publication.
8. Note the Government White Paper "Levelling Up the United Kingdom", published on 2 February 2022, proposes changes to the current framework for the governance and funding of LEPs. To welcome the agreement of the LEP Board to establish a working group, comprising representatives from the Combined Authority, the LEP, North Somerset and a representative from the three other Unitaries to consider options and proposals regarding the future governance of the LEP to bring before the respective bodies in the early summer.
9. Note the letter received from the Department for Levelling Up, Housing and Communities regarding 'Integrating Local Enterprise Partnerships into local democratic institutions' on 31st March 2022. Note that bespoke arrangements to maintain West of England LEP will need to be developed and welcome the opportunity to be engaged in the development of a preferred option.
10. To provide greater transparency and accountability the Joint Committee will produce an annual report which will detail its activities and set out its priorities for the year ahead. Regular updates are to be provided at Joint Committee meeting regarding the work of the Western Gateway including engagement with Government and other key stakeholders.
11. Good governance and accountability require that the West of England Joint Committee should have a clear and distinguishable identity, distinct from the Combined Authority. The Joint Committee is to establish its own online presence whereby committee reports, and decisions can be clearly accessed

by the public. This will provide public access to the Joint Committee's standing orders and terms of reference to support the public's understanding of its role and purpose.

REASONS FOR CALL-IN

On 19th April 2022 Councillor Winston Duguid and Councillor Geoffrey Gollop submitted Call In proforma to the Democratic Services & Scrutiny Manager requesting a call-in of the decisions on the following grounds:

'At the meeting of the Joint Committee on 8/4/22 a decision was made to approve a paper on a joint committee governance review. This paper had not been through scrutiny. It was an agenda item at the last scrutiny meeting but regrettably, due to a mix up in communication, no one attended to present the paper and take questions.

In essence the four unitary authorities agreed a plan of action that will dissolve the existing joint committee arrangements subject to new standing orders agreed by the joint committee and subject to Unitary Authority governance processes. Clearly as the discussion unfolded in Committee the contents of the paper had not been agreed with the Combined Authority.

In requesting this call in we are very mindful of the context of this paper, and that at least in part, it is borne out of the continuing frustration in the Unitary Authorities senior leadership that they do not believe they are co-producing documents, that co working is too limited and needs to be genuine, and that disagreement needs to be discussed in pre meetings and hopefully ironed out before the public meetings.

Although laudable in its objectives of greater transparency and co -production the adoption of this paper could have far reaching consequences as it seeks to establish a clear and distinguishable identity for the joint committee, distinct from the C.A..It's not clear what the relationship would be between the two in the future ,it's not clear how it fits the current Devolution framework agreed with government, it's not clear how it fits with the recent Levelling Up White Paper and its direction and finally it's not clear whether it may delay the LEP being able to move to a fast track integration into the CA as outlined in a recent letter from HMG to the CA and chairman of the LEP.

So Scrutiny needs to see more evidence and specifically wants to understand inter alia: -

- *The proposals depend on the detail of the constitution and standing orders. When will these be available?*

- *Do these proposals break with the current devolution framework? The WECA chief Executive stated that they may put over £500m worth of future funding at risk.*
- *How do these proposals interact with the recent Levelling Up White Paper and the letter dated March 31st from the ministers?*
- *Do the joint committee believe that these proposals will hinder the LEP's integration into the CA moving forward in the first tranche date of the end of July, as indicated in the ministers' letter?*
- *The cost of setting up this distinct committee and what are the ramifications for staff working for the Joint Committee and the Combined authority.*
- *It is suggested that the chair of the new joint committee should not be the metro mayor, but instead it should be one of the four constituent authorities of the joint Committee. How have they got time to do this and are they going to start duplicating attendance of meetings and correspondence with Whitehall with the metro mayor? Will this not blur the representation and voice of the region?*
- *Is this the most effective and efficient route to go to maximise opportunities of funding from Whitehall and developing coherent, strategic plans that fit the needs of our residents, businesses, educational institutions, the Arts and other stakeholders? And is this the best route to go to address the issues of transport, housing, economic development and climate change across the region?*

We understand that the prescribed procedure is that the call in must occur within ten working days from today's date—so on or by May 3rd. We would suggest either Friday afternoon April 29th or May 3rd would be suitable dates. We are keen that we work at pace in scrutinising this issue, particularly in regard to the LEP's integration into the MCA, where being part of tranche 1 would seem to give the LEP more of a chance of influencing the outcome.'

CALL-IN MEETING

On receipt of a signed and completed pro-forma, the Statutory Scrutiny Officer will make arrangements for a meeting of the Combined Authority Overview and Scrutiny Committee to be held to consider the call-in. The date of the meeting will be determined by the Chair of the Overview and Scrutiny Committee and must be held as soon as practicable, and in any event within a maximum of 10 working days of receipt of the signed pro-forma. If the Chair is not available, the date of the meeting will be determined by the Vice-Chair of the Overview and Scrutiny Committee. If the Chair and Vice-Chair are not available, the date of the meeting will be set by the Statutory Scrutiny Officer.

The decision taking committee must be invited to attend the meeting of the Combined Authority Overview and Scrutiny Committee that will consider the call in.

As the purpose of the meeting is specifically to review a decision that has been taken (i.e. on the basis of the information available to the decision taking committee on the date that the decision was taken), there is no provision for

public questions, petitions or statements to be submitted to a meeting of an Overview and Scrutiny Committee that is convened for the purposes of considering a call-in.

The agenda papers for the Overview and Scrutiny Committee meeting that will consider a call-in must include:

- A copy of the call-in procedure (below).
- A copy of the submitted call-in proforma, which sets out in writing the reasons for the call-in (Appendix 1)
- Any written comments that the original decision taker may wish to submit in light of or responding to the issues raised by the callers-in. (to follow)
- A copy of (or link to) the original report considered by the decision taking committee. (Appendix 2)
- A copy of (or link to) any public participation items submitted to the decision taking committee in connection with the relevant agenda item that related to the decision taken – <https://westofengland-ca.moderngov.co.uk/documents/b1648/Statement%20and%20questions%2008th-Apr-2022%2015.00%20West%20of%20England%20Joint%20Committee.pdf?T=9>

CALL IN PROCEDURE

The Overview and Scrutiny Committee will follow this procedure in considering a call-in:

1. The councillors who submitted the call-in to be given an opportunity to explain why they have called-in the decision.
2. Members of the Overview and Scrutiny Committee to then ask any questions of the councillors who submitted the call-in.
3. The decision taker to then be given an opportunity to explain why the decision was taken and to respond to the issues raised by the call-in.
4. Members of the Overview and Scrutiny Committee to then ask any questions of the decision taker.
5. Members of the Overview and Scrutiny Committee to then discuss and review the decision taken, in light of the evidence submitted.

As part of this, the Committee may ask further questions of the councillors who submitted the call-in, or of the decision taker, or of specialist officers as necessary.

CALL IN OUTCOME

The Committee must then determine either:

- a. That no further action be taken (in which case, the decision shall stand, as

determined by the decision-taking committee). or

b. That the decision-taking committee be asked to reconsider the decision taken.

If the Overview and Scrutiny Committee determines to ask the decision-taker to reconsider the decision taken, they must state their reasons and also make any further recommendations that they feel the decision-taking committee should take into account in reviewing their decision.

The matter will be re-considered as soon as practicable by the decision taking committee in order that the decision taking committee can consider their final decision on the matter.

That final decision cannot be “called-in.”

Appendices:

List any appendices to the report:

Appendix 1 – Call In proforma

Appendix 2 – Joint Committee Governance Review report - <https://westofengland-ca.moderngov.co.uk/documents/s4649/AMENDED%20JOINT%20COMMITTEE%20GOVERNANCE%20REVIEW%20April%202022.pdf>

Appendix 3 (to follow) -any written comments that the original decision taker may wish to submit in light of or responding to the issues raised by the callers-in.

Background papers:

None

West of England Combined Authority Contact:

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