

PROTOCOL FOR JOINT SCRUTINY COMMITTEES

1.0 COVERAGE

- 1.1 Whilst this protocol deals with arrangements between two local authorities it is recognised that there may be occasions when more local authorities would be involved. Arrangements to deal with such circumstances would have to be determined and agreed separately, as and when appropriate.

2.0 PRINCIPLES FOR JOINT SCRUTINY

- 2.1 The basis of joint scrutiny will be co-operation and partnership with a mutual understanding of the following aims:

- To improve the visibility of overview and scrutiny regionally
- To work together on shared interests and to share resources and experiences where appropriate

- 2.2 The Local Authorities will be willing to share knowledge, respond to requests for information and carry out their duties in an atmosphere of courtesy and respect in accordance with their Codes of Conduct. Personal and prejudicial interest will be declared in all cases, in accordance with the Code of Conduct.

- 2.3 The scrutiny process will be open and transparent in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000 and meetings will be held in public. Only information that is expressly defined in regulations to be confidential or exempt from publication will be considered in private.

- 2.4 Different approaches to scrutiny reviews may be taken in each case. A Joint Committee will seek to act as inclusively as possible and will take evidence from a wide range of opinion. Attempts will be made to ascertain the views of hard to reach groups, young people and the general public.

3.0 DELEGATED SCRUTINY

- 3.1 Regulations enable a local authority to arrange for its overview and scrutiny functions to be undertaken by a committee from another local authority. Delegation may occur where a local authority believes that another may be better placed to consider a particular local priority and, importantly, the latter agrees to exercise that function.

Delegated Powers

- 3.2 When and where such delegation takes place, the full powers of overview and scrutiny shall be given to the delegated committee, but only in relation to the specific delegated function (i.e. a specific review).

Terms of Reference

- 3.3 In such circumstances, clear terms of reference, clarity about the scope and methods of scrutiny to be used must be determined between the affected local authorities. Formal terms of reference should be drafted and formally agreed by the respective Overview and Scrutiny Committees of the affected local authorities.
- 3.4 The Host authority (the authority undertaking the review exercise) will be responsible for conducting scrutiny in accordance with its own set procedures and will be expected to regularly communicate with the delegating authority (ies).

4.0 JOINT SCRUTINY COMMITTEES

Membership of a Joint Scrutiny Committee

- 4.1 Under the Local Government Act 2000 provisions, Overview and Scrutiny Committees must generally reflect the make up of full Council. Consequently, when establishing a Joint Scrutiny Committee, each participating local authority should ensure that those Councillors it nominates reflects its own political balance. However, the political balance requirements may be waived but only with the agreement of all the participating local authorities.
- 4.2 In accordance with the above, a Joint Committee will be composed of Councillors drawn from two local authorities in the following terms: -
- 7 Councillors; 4 from the Host authority and 3 from the participating authority
- 4.3 Each local authority should make a decision as to whether it should seek approval from its respective full Council or Executive to delegate authority to its relevant Overview and Scrutiny Committee (or another appropriate body) to nominate Councillors on a proportional basis to a Joint Scrutiny Committee.
- 4.4 From time to time and where appropriate, the Joint Scrutiny Committee may appoint non-voting co-optees for the duration of a review.

Choice of Lead Authority and Chair

- 4.5 Where a Joint Scrutiny Committee considers a review topic, the delegated (Host) authority would take the lead in terms of organising and Chairing the joint committee.
- 4.6 Selection of a Host authority, should where possible, be chosen by mutual agreement by the local authorities involved and take into account both capacity to service a Joint Scrutiny Committee and available resources. Additionally, the following criteria should guide determination of the Host Authority:
- The local authority within whose area local communities will be most affected; or if that is evenly spread;
 - The local authority within whose area the service being affected is predominantly based

Operating Procedures

- 4.7 The Joint Health Committee will conduct its business in accordance with the Overview and Scrutiny Committee Procedure Rules of the Lead Authority.
- 4.8 The Host Authority will service and administer the scrutiny exercise and liaise with the other affected local authorities.
- 4.9 The Host Authority will draw up a draft terms of reference and timetable for the scrutiny exercise, for approval by the Joint Scrutiny Committee at its first meeting. The Host Authority will also have responsibility for arranging meetings, co-ordinating papers in respect of its agenda and drafting the final report.

Meetings of the Joint Scrutiny Committee

- 4.10 At the first meeting of any new inquiry, the Joint Scrutiny Committee will determine:
- Terms of reference of the inquiry;
 - Number of sessions required;
 - Timetable of meetings & venue.

Reports of the Joint Health Scrutiny Committee

- 4.11 At the conclusion of an Inquiry the Joint Scrutiny Committee shall produce a written report and recommendations, which shall include:
- an explanation of the matter reviewed or scrutinised
 - a summary of the evidence considered
 - a list of the participants involved in the review or scrutiny; and

- any recommendations on the matter reviewed or scrutinised.

4.12 Reports shall be agreed by a majority of members of the Joint Scrutiny Committee.

4.13 Reports shall be sent to all relevant local authorities, along with any other bodies determined by the Joint Scrutiny Committee and Host Authority.

Minority reports

4.14 Where a member of a Joint Scrutiny Committee does not agree with the content of the Committee's report, they may produce a report setting out their findings and recommendations and such a report will form an Appendix to the Joint Scrutiny Committee's report.