



LEP - Joint Scrutiny Committee

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LEP Joint Scrutiny Committee - Terms of Reference

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Executive Summary

A Joint Scrutiny Committee has been established for the Lancashire Enterprise Partnership comprised of a nominated representatives from each of the Upper Tier Authorities and Districts Councils of Lancashire.

The Terms of Reference for the Joint Scrutiny Committee are set out for noting within this report.

Recommendation

The Members of the LEP Joint Scrutiny Committee are asked to note their Terms of Reference.

Background and Advice

National Framework Requirements for LEPs – Joint Scrutiny Committees

In January 2019 Government published a new National Local Growth Assurance Framework which applies to all Local Enterprise Partnerships in England.

The National Local Growth Assurance Framework is underpinned by "The Seven Principles of Public Life" (The Nolan Principles) and all LEPs should comply with the spirit of the principles.

One of the seven principles is regarding accountability and, as LEPs are considered to be utilising public funding, holders of public office (in this case the LEP) are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.



Scrutiny Arrangements – Requirement for LEPs

The National Framework states that LEPs should agree with their Accountable Body (Lancashire County Council) the appropriate scrutiny arrangements to ensure that decisions (taken by the LEP Board) have the necessary independent and external scrutiny in place.

In addition to any agreed internal scrutiny arrangements within the LEP, the LEP should participate in relevant Local Authority scrutiny arrangements to guarantee the effective and appropriate democratic scrutiny of their investment decisions. It has previously been agreed by the Leaders of Lancashire Local Authorities, to create a Joint Scrutiny Committee, comprised of all Local Authorities from the LEP area (Lancashire) and relevant representatives that can provide scrutiny from a business perspective, who meet to scrutinise and examine LEP decisions.

These arrangements will be clearly set out in the LEP Assurance Framework and on the LEP website and examined as part of an Annual Performance Review, carried out by the Communities and Local Growth Team; through this process, LEPs are monitored and regulated, ensuring compliance with Government requirements, as part of a moderation / regulation role.

LEP Scrutiny

LEP Scrutiny provides locally elected members, the opportunity to scrutinise the work of LEPs on behalf of the area's constituents. The principal purpose of Scrutiny is to influence the policies and decisions made in relation to the delivery of services undertaken using public funding, in this case by LEPs. A scrutiny committee should gather evidence on issues affecting local people and make recommendations to the LEP based on its findings. A scrutiny process provides an opportunity to investigate any issue which affects the local area or the area's inhabitants. However, effective scrutiny work relies on 'soft' influencing power, as the committee has no formal power to compel changes, but of course, the LEP Board welcomes the positive role scrutiny can play and intends to engage in the full spirit of partnership and collaboration.

For this reason, it is important to think about how the scrutiny process can be used to build a positive working relationship with those who are the subject of scrutiny's recommendations. To be effective, it should be seen in the role of a 'critical friend' to the LEP and it is important to identify areas where decisions could be improved and how to prevent any mistakes being made or repeated.

It is important to emphasise that the focus should be on forward thinking and making positive changes; such an approach will help to foster positive and constructive relationships between scrutiny, local councillors, LEP directors and officers. The purpose of scrutiny is ultimately to improve the lives of local people through improved public services.



Members of the LEP Joint Scrutiny Committee

At the time of writing this report, the following members have been confirmed by their respective authorities

Independent Private Sector Representative – To be confirmed
Blackpool Council – Councillor Paula Burdess
Blackburn with Darwen Borough Council – Councillor Zainab Rawat
Burnley Borough Council – Councillor Marcus Johnstone
Chorley Borough Council – Councillor Graham Dunn
Fylde Borough Council – Councillor Christopher Dixon
Hyndburn Borough Council – Councillor Glen Harrison
Lancashire County Council – County Councillor Cosima Towneley
Lancaster City Council – Councillor Dave Brookes
Pendle Borough Council – Councillor Mohammed Iqbal MBE
Preston City Council – To be confirmed
Ribble Valley Borough Council – To be confirmed
Rossendale Borough Council – Councillor Adrian Lythgoe
South Ribble Borough Council – Councillor James Flannery
West Lancashire Borough Council – Councillor Dave Evans
Wyre Council – Councillor Matthew Vincent

Lancashire Enterprise Partnership – Joint Scrutiny Committee
Governance Structure and Terms of Reference

Composition

1. The Joint Scrutiny Committee shall comprise of one elected representative from each of the 15 councils in Lancashire plus an Independent Private Sector Representative who will act as Chairman.
2. The Members of the Joint Scrutiny Committee, as at the date of adoption of these Terms of Reference, is as follows:

Independent Private Sector Representative
Blackpool Council
Blackburn with Darwen Borough Council
Burnley Borough Council
Chorley Borough Council
Fylde Borough Council
Hyndburn Borough Council
Lancashire County Council
Lancaster City Council
Pendle Borough Council
Preston City Council
Ribble Valley Borough Council
Rossendale Borough Council
South Ribble Borough Council
West Lancashire Borough Council
Wyre Council

Each council shall nominate one member each who must be a Councillor. Members from council authorities (that operate with Executive Arrangements) cannot nominate Members of their Executive as members of the Joint Scrutiny Committee. Existing Lancashire Enterprise Partnership Directors also cannot be members of the Joint Scrutiny Committee.

There are no requirements for the committee to adhere to political balance rules.

Members can nominate substitute representatives, with written notification provided to the Clerk in advance of the meeting, provided that they meet the criteria for membership as specified above. Substitutes will be counted towards the quorum and will be entitled to vote. The use of substitutes shall be by exception rather than rule.

In addition to the 15 Lancashire Council Members set out above there shall, in accordance with Government guidance for Local Enterprise Partnerships, be one representative from the business sector (nomination to be confirmed). The representative from the business sector cannot be an existing Lancashire Enterprise Partnership Director or Committee Member.



Observers

3. The Joint Scrutiny Committee may invite any persons it sees fit to attend meetings as observers. Observers shall be subject to the Lancashire Local Assurance Framework protocol on observer attendance at meetings.

Chairman and Deputy Chairman

4. The Joint Scrutiny Committee shall approve the appointment of the independent person to act as Chairman ("Chairman") in accordance with the fixed term as set out at point 7.
5. The Chairman shall not have a casting vote.
6. The Joint Scrutiny Committee shall appoint one of its number to act as Deputy Chairman ("Deputy Chairman") on an annual basis.
7. The appointment of the Chairman shall be for a fixed term of no longer than three years (plus in exceptional circumstances a further three years) in line with the fixed terms applicable to LEP Directors.

The role of the Chairman (and in his/her absence the Deputy Chairman)

8. The role of the Chairman (and in his/her absence the Deputy Chairman) shall be:
 - To set the Agendas for meetings, having regard to the advice of support officers.
 - To develop a draft Annual Work Programme, having regard to the advice of support officers.
 - To facilitate the smooth running of each meeting.
 - To ensure that Members of the Committee have an equal voice and an opportunity to discuss and debate items of interest.
 - To ascertain the sense of the meeting and ensure realistic recommendations are developed.
 - To ensure the committee maintains its independence.
 - To resolve any dispute in meetings through the exercise of his/her powers.
 - To be a point of contact with regard to scrutiny of the Lancashire Enterprise Partnership.
 - To lead the Committee in its role as critical friend to the Lancashire Enterprise Partnership; and
 - To be a champion for the role of scrutiny.



Quorum

9. The quorum for Joint Scrutiny Committee meetings shall be 3 and shall comprise, as a minimum, the Independent Chairman, one Upper Tier authority and one District Council.
10. If within 15 minutes from the time appointed for the holding of a Joint Scrutiny Committee meeting a quorum is not present, the meeting shall be adjourned. The Secretary shall arrange for the meeting to take place within 2 weeks and if at that meeting a quorum is not present within 15 minutes from the time appointed for holding the meeting the Members present shall be a quorum.

Secretary

11. The Company Secretary of the Lancashire Enterprise Partnership (or their nominee) shall serve as the Secretary ("The Secretary") to the Joint Scrutiny Committee.
12. The Secretary shall produce minutes of all meetings of the Joint Scrutiny Committee and will maintain a list of conflicts of interests, in accordance with the Lancashire Local Assurance Framework. Joint Scrutiny Committee agendas will include a standing item requiring declarations to be made in relation to specific items of business.

Declarations of interest

13. Declarations of interest will be made in accordance with Government Guidance.

Joint Scrutiny Committee Members are subject to the Code of Conduct for Elected Members adopted by the constituent authority that nominated them including the requirement to declare relevant interests at formal meetings of the Joint Scrutiny Committee. All Members, including the business sector representative are also subject to the Code of Conduct for Lancashire Enterprise Partnership Committee Members as set out in the Lancashire Local Assurance Framework.

Voting

14. In principle recommendations will be reached by consensus, but if a vote is required it will be by a simple majority of all members present.

Meeting Frequency

15. The Joint Scrutiny Committee shall meet at least twice a year in accordance with business needs as and when required.

Remit

16. The objective is to make positive recommendations for how future decisions of the LEP can be effectively implemented.



17. To increase transparency of the decisions made by the LEP and to give further assurance by providing an independent committee that is able to explore and interrogate the rationale for decisions taken by the Lancashire Enterprise Partnership with particular regard to investment decisions including, but not limited to, Growth Deal and Growing Places allocations.
18. To make reports or recommendations to the Lancashire Enterprise Partnership Board, and its Committees, as necessary with respect to the discharge of any functions which are undertaken by the Lancashire Enterprise Partnership.
19. To hold general strategy and policy reviews and to assist in the development of future strategies and policies of the Lancashire Enterprise Partnership and to make recommendations to the Lancashire Enterprise Partnership Board as appropriate.
20. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person whom the Committee considers would assist it in carrying out its functions.
21. To require any Lancashire Enterprise Partnership Chairman, Director or Officer nominated to attend any meeting of the Committee to explain the performance of the Lancashire Enterprise Partnership and / or any particular decision or series of decisions.
22. The Committee does not have the power to delay or refer back the LEP's decision, but it will be able to publicise its conclusions and to make recommendations for improvements to the LEP's decision making processes.

Governance Relationship with the Lancashire Enterprise Partnership

23. The Lancashire Enterprise Partnership is responsible for agreeing the Terms of Reference of the Joint Scrutiny Committee and has the power to vary the same.
24. The Joint Scrutiny Committee shall review its Terms of Reference on an annual basis, and as deemed necessary, and report their findings to the Lancashire Enterprise Partnership Board.
25. The Joint Scrutiny Committee shall make recommendations to the Lancashire Enterprise Partnership as appropriate.

Duty to attend, cooperate and respond

26. The Joint Scrutiny Committee may, as set out in its remit, require by invitation that any Lancashire Enterprise Partnership Chairman, Director or Officer nominated appear before it to explain (in relation to all aspects of the Committee's work) the performance of the Lancashire Enterprise Partnership and / or any particular decision or series of decisions.



Following each meeting of the Joint Scrutiny Committee, the Committee's recommendations will be submitted to the Lancashire Enterprise Partnership Board for consideration. The Board will be required to consider those recommendations at its next meeting and respond to the Joint Scrutiny Committee indicating what (if any) action the Board proposed to take. The response should be made within 28 days of the Board meeting and will be published.

Additional Scrutiny

27. The formation of this Joint Scrutiny Committee does not preclude any Lancashire Local Authority Scrutiny Committee requesting a review of the work of the Lancashire Enterprise Partnership in accordance with the Lancashire Local Assurance Framework but there shall be no Sub Committees formed of the Joint Scrutiny Committee.

Publication of Papers

28. The agendas and papers of the Joint Scrutiny Committee will be published on the Lancashire Enterprise Partnership website in accordance with the Lancashire Local Assurance Framework.

Meeting Arrangements

29. Meetings of the Joint Scrutiny Committee shall be webcast from an appropriate venue capable of facilitating webcast broadcast.