

Transport for the North Constitution

Terms of Reference of the Scrutiny Committee

20 Scrutiny Committee

20.1 The Order of the Secretary of State made on the 22nd January 2018 contains provisions relating to Scrutiny of the decisions of Transport for the North. These Arrangements reflect those provisions.

20.2 The Scrutiny Arrangements will be reviewed annually to ensure that they remain effective.

20.3 References in these Arrangements to major and strategic decisions of Transport for the North taken in accordance with the delegations set out in Part 3 of this Constitution include major and strategic decisions taken by Committees and sub-committees of Transport for the North in accordance with such delegations.

Objectives of Scrutiny

20.4 These arrangements have been established to act as a focus for the scrutiny and challenge of Transport for the North, and for investigating matters of strategic importance to residents, those travelling within the combined administrative area covered by the Constituent Authorities and other stakeholders. The role of these arrangements will include:

- a) reviewing the decisions of the Transport for the North Board;
- b) reviewing the decisions of Transport for the North which are taken in accordance with the delegations set out in Parts 3 and 4 of this Constitution;
- c) making reports or recommendations to the Transport for the North Board with respect to the discharge of its functions;
- d) making reports and recommendations to the Transport for the North Board on matters relating to transport to, from or within Transport for the North's area;
- e) making recommendations to the Transport for the North Board in advance of any decisions that Transport for the North Board proposes to take.

Operation of Scrutiny Arrangements

20.5 Each of the Constituent Authorities shall be entitled to appoint one Member and one Substitute Member to the Scrutiny Committee. Appointees to the Scrutiny Committee must be a member of the appointing Constituent Authority or in the case of a Combined Authority, one of the Constituent Authorities of the Combined Authority but may not be Members of the Transport for the North Board or the Rail North Committee (including substitute and co-opted members). The term of office for members of the Scrutiny Committee will be one year from the date of the annual council meeting of the Constituent Authority that appoints them to the Scrutiny Committee unless:

- a) They cease to be an elected member of the Constituent Authority that appointed them;
- b) They wish to no longer participate in these arrangements; or

c) The Monitoring Officer to Transport for the North is advised by any of the Constituent Authorities that it wishes to change one or more of its appointees to the Scrutiny Committee.

20.6 Any person may be co-opted as a Co-opted Scrutiny Member to participate in these arrangements from all or any of the associated authorities or from such other organisations as Transport for the North may decide. Unless Transport for the North decides otherwise, such Co-opted Scrutiny Members shall be non-voting members.

Meetings of Scrutiny Committee

20.7 The members appointed to the Scrutiny Committee under Clause 20.5 above will hold at least one annual meeting and may convene additional joint meetings in accordance with these arrangements.

20.8 At the annual meeting, the Scrutiny Committee members will:

- a) Appoint a Chair and two Vice Chairs;
- b) Determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months;
- c) Agree to establish Scrutiny Panels from amongst their number in order to carry out reviews;
- d) Agree to carry out agreed areas of review and scrutiny.

20.9 The quorum for the annual meeting and any other meetings held under Clause 20.7 will be five and must include representatives of at least five of the Constituent Authorities.

20.10 The principle of decision making at any such joint meeting shall be that, wherever possible decisions will be made by agreement, without the need for a vote. If a vote is necessary, it will be decided by a simple majority of those present. The provisions relating to weighted votes set out in Clause 6 and appendix 2 shall not apply to the Scrutiny Committee or to Scrutiny Panels.

20.11 The venue for each annual meeting and any other Scrutiny Committee meetings held under this Clause 4 will be decided by Transport for the North as part of the approved Calendar of Meetings and shall be notified to Constituent Authorities for inclusion on their Council web sites.

20.12 Notice of the annual meeting and any other Scrutiny Committee meetings held under Clause 20.7 will be sent to each Scrutiny Committee member in accordance with the requirements of the Local Government Act 1972. For Members who are Members of one of the Constituent Authorities Notice will be sent to the principal place of business of that Authority. Members agree to receive notice of all meetings by e-mail.

20.13 The Chair will approve the agenda for each annual meeting and any other Scrutiny Committee meetings held under Clause 20.7; however, any member of the Scrutiny Committee will be entitled to require an item to be placed on the agenda for the meeting.

20.14 Different approaches to scrutiny reviews may be taken in each case but members will seek to act in an inclusive manner and will take evidence from a wide range of opinion. In particular, the Chair will consider requests from members of the public to speak at meetings of the Committee provided the request has been made in writing to the Monitoring Officer not less than 48 hours

before the date of the meeting. Members of the public, if allowed to speak, shall be allowed up to 3 minutes to address the Committee.

20.15 Each Scrutiny Panel established under paragraph 20.25 shall determine its own calendar of meetings and the venue for each meeting.

20.16 Subject to paragraphs 20.8 – 20.14, meetings will proceed in accordance with the Rules of Procedure set out at Part 5 of the Constitution.

Powers of the Scrutiny Committee

20.17 The Scrutiny Committee has the power to:

- a) To review and scrutinise decisions made, or other action taken by Transport for the North;
- b) To make reports or recommendations with respect to the discharge of the functions of Transport for the North;
- c) To make reports or recommendations on transport matters that affect the area of Transport for the North or inhabitants of the area or other stakeholders;
- d) To require members or officers of Transport for the North to attend meetings of the Committee to answer questions;
- e) To invite other persons to attend meetings of the Committee.

Key principles for the operation of the scrutiny arrangements

20.18 Transport for the North and the Constituent Authorities will work together to maximise the exchange of information and views, to minimize bureaucracy and make best use of the time of members and officers of other bodies or agencies.

20.19 Members of the Scrutiny Committee will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Constituent Authorities or elsewhere and will not duplicate the work of existing bodies or agencies.

20.20 Subject to prior consultation, Transport for the North will respond positively to requests for information, or for the attendance of a member or officer at any meetings set up under these arrangements.

20.21 While it is ultimately for Transport for the North to decide who it considers the most appropriate person(s) to speak on its behalf at any meetings set up under these arrangements, consideration will be given to meeting specific requests.

20.22 Dates and times for officer and member attendance at any meetings set up under these arrangements should be by agreement.

20.23 Members appointed under these arrangements may require the attendance of officers employed by Transport for the North to answer questions and give evidence at any meetings set up under these arrangements. All such requests must be made via the Monitoring Officer of Transport for the North. If any request is declined by the Monitoring Officer, he/she must state the reasons for so doing.

20.24 When considering any matter in respect of which a Scrutiny Committee member appointed under these arrangements is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of any deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

Scrutiny Panels

20.25 The annual meeting of members of the Scrutiny Committee will establish Scrutiny Panels to undertake agreed scrutiny reviews.

20.26 Membership of the Scrutiny Panels will be determined at the annual meeting.

20.27 Scrutiny Panels established by Clause 20.25 shall include representatives from at least 5 of the Constituent Authorities. Each Scrutiny Panel shall appoint a Chair and Vice Chair from amongst its members.

20.28 Scrutiny Panels established under Clause 20.25 must be appointed to carry out specific scrutiny tasks and be time limited. Their continuation will be subject to confirmation at each annual meeting of the Scrutiny Committee.

20.29 Transport for the North may also, if it chooses, request that a Scrutiny Panel drawn from amongst members appointed to the Scrutiny Committee be appointed to examine a specific issue in more detail and report back its findings to Transport for the North.

Reviews and Recommendations

20.30 The process of scrutiny will be an open and transparent process designed to engage the Constituent Authorities, their residents and other stakeholders.

20.31 Meetings will be held in public unless the meeting decides to convene in private to discuss confidential or exempt information, in accordance with the relevant provisions of the Local Government Act 1972.

20.32 The terms of reference, timescale and outline of any review will be agreed by the Scrutiny Committee at their annual meeting.

20.33 Different approaches to scrutiny reviews may be taken in each case but members will seek to act in an inclusive manner and will take evidence from a wide range of opinion.

20.34 The primary objective of any Scrutiny Panel established under these arrangements will be to reach consensus on its recommendations, but where a minimum number of two members express an alternative to the majority view, they will be permitted to produce a minority report.

20.35 Voting if needed will be by a show of hands and a simple majority will be required to approve any recommendation.

20.36 A completed Scrutiny Review shall be forwarded to Transport for the North for consideration. Transport for the North shall consider the findings of a Scrutiny Review at the next available meeting and the decision of Transport for the North on the findings of a Scrutiny Review will be reported back to the next available meeting of the Scrutiny Committee.

Budget and Administration

20.37 The Scrutiny Budget will be agreed as part of Transport for the North's annual budgetary processes.

20.38 The budget will be required to meet all officer support to the scrutiny arrangements, including research support.

20.39 The decisions and recommendations of any Scrutiny Panels set up under these arrangements will be communicated to the Transport for the North Board, and other Scrutiny Committee members as soon as possible after resolution by those appointed to any such Scrutiny Panel.

20.40 Any external expenditure shall be procured and managed through and in accordance with Transport for the North's adopted financial processes.

Support and advice to scrutiny arrangements

20.41 Members appointed to any Scrutiny Panel under these arrangements may ask individuals or groups to assist it on a review by review basis and may ask independent professionals for advice during the course of reviews. Such individuals or groups will not be members of the Scrutiny Panel and will not be able to vote.

20.42 Members appointed to any Scrutiny Panel under these arrangements may invite any other person to attend their meetings to answer questions or give evidence; however, attendance by such persons cannot be mandatory.