

Appendix 2

Chapter 6 – Overview and Scrutiny Committee

Part 1 – Functions (From 8 May 2017)

1. Governance

1.1 The Combined Authority has appointed an Overview and Scrutiny Committee.

2. Functions

2.1 The Committee shall have the power to:

(a) review or scrutinise decisions made, or other action taken, in connection with:

- (i) the discharge of any functions which are the responsibility of the Combined Authority;
- (ii) the discharge by the Mayor of any general functions;

(b) make reports or recommendations to the Combined Authority Board:

- (i) with respect to the discharge of any functions that are the responsibility of the authority;
- (ii) on matters that affect the authority's area or the inhabitants of the area.

(c) make reports or recommendations to the Mayor:

- (i) with respect to the discharge of any general functions;
- (ii) on matters that affect the authority's area or the inhabitants of the area.

2.2 The power of Committee under paragraph 2.1(a) includes the power to review or scrutinise a key decision made but not implemented and to:

- (i) direct that a decision is not to be implemented while it is under review by the Committee, and
- (ii) recommend that the decision be reconsidered.

2.3 In the exercise of its functions set out in the constitution the power of the Committee shall include the doing of anything which is calculated to facilitate, or is conducive or incidental to the discharge of those functions.

3. Membership

3.1 The Combined Authority must appoint at least one member from each of the Constituent Councils to the Committee. The membership of the Committee taken as a whole shall reflect so far as reasonably practicable the balance of political parties for the time being prevailing among Members of the Constituent Councils collectively.

- 3.2 The Combined Authority may appoint at least one substitute Member from each Constituent Council. The substitute members shall be from the same political party as the member being substituted to maintain the political balance.
- 3.3 A change in the party political composition of any of the Constituent Authorities shall require a review of the membership of the Committee in order to determine whether any amendment to its membership is required. If the review requires a change in membership, Constituent Councils will be advised of any changes they will need to make to their appointments at the earliest opportunity.
- 3.4 The Overview and Scrutiny Committee may not include any Member or Substitute Member of the Combined Authority including the Mayor nor any Officer of the Combined Authority or of any of the Constituent Councils.
- 3.5 Within the period of 28 days of the appointment being made to the Committee, the Combined Authority shall publish a notice on its website which:
 - (a) states that it has made an appointment;
 - (b) identifies each Member of the Committee who has been appointed and any Substitute Members; and
 - (c) specifies the term of office of those appointed.
- 3.6 The term of office shall be one year from the date of the Annual Meeting of the Constituent Councils that appointed them to the Committee unless:
 - (a) they cease to be an elected member of the Constituent Councils that appointed them;
 - (b) they no longer wish to participate in the scrutiny arrangements and communicate this in writing to the Proper Officer of their Constituent Councils; or
 - (c) the Combined Councils is advised by any of the Constituent Authorities that it wishes to change one or more of its appointees to the Committee.

4. Chair and Vice-Chair

- 4.1 The Committee shall appoint the Chair and Vice-Chair of the Committee and the Chair and Vice-Chair will be elected members of one of the Constituent Councils.
- 4.2 The Committee must ensure that the person appointed as the Chair is an “appropriate person” who is an elected member of one of the Constituent Councils but is not a member of the registered political party of which the Mayor is a member.
- 4.3 Where the Mayor is not a member of a registered political party, a person may not be appointed as Chair if that person is:
 - (a) a member of the registered political party which has the most representatives among the members of the Constituent Councils on the Combined Authority, or

- (b) where two or more parties have the same number of representatives, a member of any of those parties.

5. Working Groups

- 5.1 The Committee may appoint informal non-decision making working groups to contribute to and inform the scrutiny process.

Part 2 – Procedure Rules

1. Access to meetings

- 1.1 The public may attend meetings and have access to agenda, reports and minutes in accordance with the Access to Information rules set out in this constitution.

2. Meetings

- 2.1 The Committee shall meet at least once a year.
- 2.2 An extraordinary meeting of the Committee may be called by:
 - (a) the Chair of the Committee; or
 - (b) any five members of the Committee;
 - (c) the Chief Executive.

3. Quorum

- 3.1 No business is to be transacted at a meeting of the Committee unless at least two-thirds of the total number of Members (10 Members) on the committee are present.

4. Voting

- 4.1 Each Member of the Committee appointed from the Constituent Councils is to have one vote and no member (including the Chair) is to have a casting vote.
- 4.2 Any questions that are to be decided by the Committee are to be decided by a simple majority of the members present and voting. If a vote is tied on any matter it is deemed not to have been carried.

5. Conflicts of Interest

- 5.1 Members must comply with the Member Code of Conduct within this Constitution.

5.2 No Member of the Committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the decision making body which made that decision.

5.3 Such a Member may only attend the Committee to:

- (a) make representations;
- (b) answer questions; or
- (c) give evidence about the decision.

6. Work Programme

6.1 The Committee will set its own work programme.

7. Requests to Overview and Scrutiny

7.1 The Mayor or Combined Authority Board may ask the Committee to review any of its functions or assist in developing budget and policy proposals.

6. Reference of Matters to Committees

6.1 Any of the following may request a matter to be included on the agenda of the Overview and Scrutiny Committee provided it is relevant to the functions of the Combined Authority and not an excluded matter:

- (a) any member of the Overview and Scrutiny Committee;
- (b) any member of the Combined Authority; and
- (c) any member of a Constituent Council of the Combined Authority.

6.2 An “excluded matter” means any matter which is a local crime and disorder matter

6.3 The request must be submitted to the Monitoring Officer who will arrange for the item to be placed on the agenda of the next available meeting. The request should state why the Member considers it appropriate for the Committee to exercise any of these powers in relation to the matter and the Committee must have regard to these reasons.

6.4 If the Committee decides not to exercise any of its powers to review or scrutinise decisions made, or other action taken, in connection with:

- (a) the discharge of any functions which are the responsibility of the authority;
- (b) in connection with the discharge by the Mayor of any general functions;

It must notify the Member of its decision; and the reasons for it.

6.5 The Committee must provide the Member with a copy of any report or recommendations which it makes in connection with the matter.

7. Attendees

7.1 The Committee shall have the power to:

- (a) require Members (including the Mayor and Deputy Mayor) or Officers of the Combined Authority to attend before it to answer questions, or provide information about any matter within its terms of reference;
- (b) invite other people, including members of the public, to attend meetings of the Committee to give evidence.

7.2 Where the Committee requires a Member, Officer or others to attend, the Monitoring Officer shall inform them in writing giving at least 5 clear working days' notice of the meeting. The notice will state:

- (a) the date of the meeting they are required to attend;
- (b) the nature of the item; and
- (c) whether they must produce any papers for the Committee.

7.3 A Member or Officer must comply with any notice they are given.

7.4 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, the Committee shall consult with the Member or Officer to arrange an alternative date.

7.5 A person is not obliged to answer any question which he or she would be entitled to refuse to answer in relation to court proceedings.

8. Publishing Reports or Recommendations

8.1 The Committee may publish any report or recommendations but

- (a) must exclude any confidential information; and
- (b) may exclude any relevant exempt information.

8.2 Where information is excluded, the Committee:

- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information; and
- (b) must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

9. Notice

- 9.1 The Committee may by notice require the Combined Authority or the Mayor within two months of receiving any report or recommendations, to:
- (a) consider the report or recommendations;
 - (b) respond to the Committee indicating what (if any) action the Combined Authority or the Mayor proposes to take;
 - (c) publish the response, if the Overview and Scrutiny Committee has published the report or recommendations.
- 9.2 The Combined Authority or the Mayor shall comply with any notice given.

10. Publishing a Response

- 10.1 In publishing the response, the Combined Authority or the Mayor:
- (a) must exclude any confidential information; and
 - (b) may exclude any relevant exempt information.
- 10.2 Where information is excluded, the Combined Authority or the Mayor:
- (a) may replace so much of the document as is necessary to exclude the exempt or confidential information with a summary which does not disclose that information; and
 - (b) if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

11. Call-in of Combined Authority and Mayoral Decisions

- 11.1 The power of the Overview and Scrutiny Committee to review or scrutinise a key decision made but not implemented includes:
- (a) the power to direct that the decision is not to be implemented while it is under review by the Committee for a period not exceeding 14 days from the date the direction is issued, and
 - (b) the power to recommend that the decision be reconsidered.
- 11.2 Subject to the consent of the Combined Authority to the proposals and arrangements, the Committee must publish details of how it proposes to exercise its powers in relation to the review and scrutiny of key decisions made but not yet implemented and its arrangements in connection with those powers.

Publication of Decisions

- 11.3 The Monitoring Officer shall publish details of key decisions of the Mayor, the Combined Authority and Officers on the Combined Authority website and to all Members of the Committee. Where the decision is made at a meeting, this shall

be no later than the close of business on the third clear working day following the day of the meeting at which the decision was made.

11.4 A decision on a matter dealt with under the urgency provisions set out in the Access to Information rules may be implemented immediately.

11.5 Any other decision of the Mayor, Combined Authority or an Officer may be implemented after 5.00pm of the fifth clear working day after the publication of the decision, unless it is called-in.

Process

11.6 Five members of the Overview and Scrutiny Committee may call-in a key decision of the Mayor, the Combined Authority Board or an Officer for Scrutiny by notifying the Monitoring Officer.

11.7 On receipt of a call-in request, the Monitoring Officer shall:

(a) notify the Mayor, Members of the Combined Authority or Officer of the call-in; and

(b) call a meeting of the Overview and Scrutiny Committee to scrutinise the decision.

Scrutinising the Decision

11.8 The Committee must scrutinise the decision within 10 clear working days of the Monitoring Officer receiving the request for call-in. If it does not meet within this time or does not conclude its scrutiny of the decision, the decision will automatically take effect at the end of the period.

11.9 Where the Committee has scrutinised a decision, it may:

(a) endorse the decision; or

(b) refer the decision back to the Mayor, Combined Authority or the Officer for reconsideration, setting out, in writing the nature of its concerns.

11.10 A decision which has been endorsed by the Committee may be implemented immediately.

11.11 Where a decision has been referred back, the Mayor, the Combined Authority or Officer shall hold a meeting to reconsider the decision no later than 10 days after the date on which the recommendations of the Committee were received by the Combined Authority unless it is dealt with under the urgency provisions within the Constitution, where the matter becomes urgent.

11.12 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Combined Authority's, Constituent Councils or the public's interests.

11.13 A decision which has been recommended for re-consideration may not be implemented.

Re-considering the Decision

11.14 The Chair of the Overview and Scrutiny Committee or their nominee may attend any meeting that is re-considering the decision, to present the report or recommendations.

11.15 The Mayor, Combined Authority or the Officer may confirm, amend or rescind the decision.

11.16 A decision which has been confirmed or amended may be implemented immediately.

12. Linking Sub-regional Scrutiny with Local Scrutiny

12.1 The Scrutiny Officer of each Constituent Council will ensure that the work programme and minutes relating to the work carried out by the Combined Authority's Overview and Scrutiny Committee are circulated appropriately within their own Constituent Authorities' scrutiny arrangements.

13. Additional Rights of Access to Documents for Members of Overview and Scrutiny

13.1 Additional rights of access to documents for Members of the Overview and Scrutiny Committee are set out in the Access to Information rules.

14. Scrutiny Officer

14.1 The Combined Authority shall appoint a "Scrutiny Officer" to

(a) promoting the role of the Committee, and

(b) providing support and guidance:

(i) to the Committee, its working groups and its members, and

(ii) to members of the Combined Authority and to the Mayor in relation to the functions of the Overview and Scrutiny Committee).

14.2 The Combined Authority may not designate as the scrutiny officer any officer of a constituent council of the Combined Authority.