

West Yorkshire Combined Authority

Scrutiny Standing Orders

1 Appointment of committees and sub-committees

- 1.1 The Combined Authority shall appoint one or more overview and scrutiny committees.
- 1.2 An overview and scrutiny committee may appoint one or more sub-committees to discharge any of its functions.¹

2 Membership

- 2.1 The Combined Authority shall appoint at least one member of each constituent council² and of the non-constituent council³ to any overview and scrutiny committee.
- 2.2 The majority of members of any overview and scrutiny committee or sub-committee must be members of the constituent councils.
- 2.3 The number of members of each of the constituent councils appointed to any overview and scrutiny committee must be such that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils when taken together.
- 2.4 The Combined Authority may appoint a **substitute member** for each member of an overview and scrutiny committee to act in the absence of that member at a meeting of an overview and scrutiny committee, any sub-committee of an overview and scrutiny committee or working group to which that member is appointed. The substitute member may only act in the absence of a member:
 - for whom they are the designated substitute, and
 - where the member will be absent for the whole of the meeting.
- 2.5 A substitute member may not exercise any special powers or duties exercisable by the member for whom they are substituting⁴.

¹ A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it in accordance with standing order 1.2.

² These are the City of Bradford Metropolitan District Council, Calderdale Council, Kirklees Metropolitan Council, Leeds City Council and the City of Wakefield Metropolitan District Council.

³ This is the City of York Council.

⁴ Except in respect of any voting rights extended to that member.

- 2.6 No member of the Combined Authority nor of the Leeds City Region Enterprise Partnership (the LEP) Board may be a member or **substitute member** of an overview and scrutiny committee or sub-committee.
- 2.7 Within 28 days of any appointment to any overview and scrutiny committee, the Head of Legal and Governance Services will publish a notice about the appointment⁵ on the Combined Authority's web-site.

3 Voting

- 3.1 Each member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from a constituent council has one vote.
- 3.2 Any member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from the non-constituent council is non-voting unless the Combined Authority has resolved to give such a member voting rights.
- 3.3 All questions coming or arising before an overview and scrutiny committee or an overview and scrutiny sub-committee shall be decided by a simple majority of the members present and voting on the question.
- 3.4 No member of an overview and scrutiny committee or sub-committee has a casting vote.
- 3.5 If a vote is tied on any matter it is deemed not to be carried.

4 Chair

- 4.1 The Combined Authority will appoint the Chair of any overview and scrutiny committee⁶.
- 4.2 The Chair of any overview and scrutiny sub-committee will be appointed by the appointing overview and scrutiny committee.

5 Conflicts of Interest

- 5.1 No member of an overview and scrutiny committee nor of a sub-committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the committee or sub-committee which made the decision.

⁵ In accordance with Article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017/18.

⁶ This must be an independent person or an appropriate person, as defined by **Schedule 5A Local Democracy Economic Development and Construction Act 2009**.

5.2 Such a member may only attend the overview and scrutiny committee or sub-committee to:

- make representations,
- answer questions, or
- give evidence about the decision.

6 Quorum

6.1 At least **two-thirds** of the total number of members of any overview and scrutiny committee or sub-committee must be present at a meeting before business may be transacted.

7 Working Groups

7.1 An overview and scrutiny committee or sub-committee may appoint a working group to contribute to and inform the scrutiny process.

8 Work Programme

8.1 Each overview and scrutiny committee or sub-committee will set its own work programme.

9 Reference of matters to an overview and scrutiny committee or sub-committee

9.1 The Combined Authority or any of its committees may ask an overview and scrutiny committee to review any matter or assist in developing budget and policy proposals.

9.2 In accordance with standing order 9.3 below:

- a) any member of an overview and scrutiny committee may refer to the committee any matter which is relevant to the functions of the committee,
- b) any member of an overview and scrutiny sub-committee may refer to a sub-committee any matter which is relevant to the functions of the sub-committee,
- c) any member of the Combined Authority may refer to an overview and scrutiny committee any matter which is relevant to the function of the committee and is not an excluded matter,⁷ and
- d) any member of a constituent council or the non-constituent council may refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is

⁷ An excluded matter means any matter which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an Order made for the purposes of Section 9FC of the Local Government Act 2000.

not an excluded matter⁸.

- 9.3 Any reference must be made in writing to the Scrutiny Officer who will ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.
- 9.4 Where a matter is referred to an overview and scrutiny committee by any member under standing order 9.2 c) or d) above, in considering whether to review or scrutinise a matter referred to the committee, the committee must have regard to any representations made by the member referring the matter as to why it would be appropriate for the committee to review or scrutinise the matter. If the committee decides not to review or scrutinise the matter, it must notify the member of its decision and the reasons for it.
- 9.5 An overview and scrutiny committee must provide a member with any copy of any report or recommendations which it makes in connection with any matter referred to it by the member⁹ under standing order 9.2 c) or d) above, subject to standing order 12.4 below.

10 Meetings

- 10.1 There shall be at least **four** ordinary meetings of any overview and scrutiny committee in each year.
- 10.2 An extraordinary meeting of an overview and scrutiny committee may be called by:
- the Chair of the committee; or
 - any **5** members of the committee from at least **2** constituent councils

11 Attendees

11.1 Members and officers

- 11.1.1 An overview and scrutiny committee or sub-committee may require any member of the Combined Authority¹⁰ or an officer¹¹ of the Combined Authority to attend before it to answer questions¹² or to provide information about any matter within its terms of reference.

⁸ See footnote above.

⁹ Subject to provisions relating to confidential and exempt information.

¹⁰ The expectation is that this would be a Member of the Combined Authority, or a Chair of any Combined Authority committee or sub-committee.

¹¹ The expectation is that this would be the Combined Authority's Managing Director or any other senior officer who has exercised delegated authority in respect of an issue being considered by the committee or sub-committee, or their nominee.

¹² A person is not obliged to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

11.1.2 Where a committee or sub-committee requires a member or officer to attend, the Scrutiny Officer shall inform the member or officer in writing giving at least 5 clear working days' notice of the meeting. The notice will state:

- the date of the meeting they are required to attend,
- the nature of the item, and
- whether they must produce any papers for the committee.

11.1.3 A member or officer must comply with any notice they are given.

11.1.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the overview and scrutiny committee shall consult with the member or officer to arrange an alternative date.

11.2 Others

11.2.1 An overview and scrutiny committee or sub-committee may invite other people¹³ to attend any meeting to

- address it,
- provide information,
- discuss issues of local concern, and/or
- answer questions.

11.3 General principles

11.3.1 Each member of an overview and scrutiny committee or sub-committee must be given the opportunity to ask attendees questions, contribute and speak.

11.3.2 Attendees assisting the committee must be treated with respect and courtesy.

12 Reports and recommendations

12.1 Reports and recommendations of an overview and scrutiny committee or sub-committee

12.1.1 An overview and scrutiny committee or sub-committee may make reports or recommendations to the Combined Authority¹⁴.

¹³ Including any co-opted member of any Combined Authority committee; members and officers from constituent councils, the non-constituent council or other councils within the Leeds City Region; any member of the LEP Board; members of the public; any other stakeholders, advisors or assessors. The committee may pay any advisers, assessors and witnesses a reasonable fee and expenses.

¹⁴ All references to the Combined Authority in standing order 12 should be taken as including a

12.1.2 If an overview and scrutiny committee or sub-committee cannot agree a final report, a minority report may be prepared and submitted as an appendix to the majority report.

12.1.3 The overview and scrutiny committee or sub-committee may publish any report or recommendations, subject to standing order 12.4.

12.3 Notice

12.3.1 An overview and scrutiny committee or sub-committee may by notice require the Combined Authority within 2 months of receiving any report or recommendations or (if later) the notice, to:

- consider the report or recommendations,
- respond to the overview and scrutiny committee or sub-committee indicating what (if any) action the Combined Authority proposes to take,
- publish the response, if the overview or scrutiny committee or sub-committee has published the report or recommendations, subject to standing order 12.4 below.

12.3.2 The Combined Authority must respond to a report or recommendations made by an overview and scrutiny committee or a sub-committee as a result of a referral made in accordance with standing order 9, within 2 months beginning with the date on which the Combined Authority received the notice, and subject to standing order 12.4 below.

12.4 Publishing a document: confidential and exempt information

12.4.1 Standing order 12.4.2 applies to:

- the publication of any document comprising a report or recommendations of an overview and scrutiny committee or sub-committee, or a response of the Combined Authority to any such report or recommendations, and
- the provision of a copy of such a document to a member under standing order 9.5 above.

12.4.2 In publishing the document the overview and scrutiny

reference to Transport Committee where relevant, as this committee has authority to consider and respond to reports and recommendations on behalf of the Combined Authority. The Scrutiny Officer shall in consultation with the Chair of an overview and scrutiny committee determine whether a report or recommendation shall be considered by the Transport Committee or by the Combined Authority.

committee, sub-committee or the Combined Authority must exclude any confidential information¹⁵; and may exclude any relevant exempt information¹⁶. When providing a copy of a document, the overview and scrutiny committee, sub-committee or the Combined Authority may exclude any confidential information or relevant exempt information.

12.4.3 Where information is excluded, the overview and scrutiny committee, sub-committee or the Combined Authority:

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

13 Call-in of decisions

13.1 Scope

13.1.2 The following decisions may be called-in for scrutiny:

- any **decision of the Combined Authority¹⁷ or the Transport Committee**, and
- any **Key Decision taken by an officer**,

with the exception of any decision which the decision-maker has resolved is urgent¹⁸.

13.2 Call-in Process

13.2.1 **Five members of the overview and scrutiny committee** to include **at least one member from two different Constituent Councils** may call-in a decision eligible for call-in by notifying the Scrutiny Officer by 4pm on the **fifth working day** following publication under standing order 13.2.2 or 13.2.3.

13.2.2 The Head of Legal and Governance Services shall publish details¹⁹ of **the Combined Authority and Transport Committee decisions** eligible for call-in within **2 clear**

¹⁵ This has the meaning given by section 100A(3) of the Local Government Act 1972.

¹⁶ This means exempt information of a description specified in a resolution of the overview and scrutiny committee or sub-committee or the Combined Authority which applied to the proceedings, or part of the proceedings at any meeting at which the report was or recommendations were considered.

¹⁷ **including in relation to the Combined Authority's role as the accountable body for the LEP.**

¹⁸ A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Combined Authority's, any constituent council's or the public's interests. Nor will any decision relating to approving or amending governance arrangements be open to call-in.

¹⁹ to members of the overview and scrutiny committee.

working days of a meeting.

13.2.3 Any **Key Decision taken by an officer** will be published as a written record of an officer decision within **2 clear working days** of the decision being made.

13.3 Implementing decisions

13.3.1 An urgent decision may be implemented immediately²⁰.

13.3.2 Any other decision of the Combined Authority or the Transport Committee, or Key Decision taken by an officer may be implemented after **midday** of the **sixth clear working day** after the publication of the decision, unless it is called-in.

13.4 Action on receipt of a call-in request

13.4.1 On receipt of a call-in request, the Scrutiny Officer shall:

- notify the decision-maker²¹ of the call-in,
- consult with the Chair of overview and scrutiny committee about whether to issue a direction under standing order 13.4.2 below, and
- call a meeting of the overview and scrutiny committee, to scrutinise the decision.

13.4.2 Where a decision is called-in, the Scrutiny Officer, in consultation with the Chair of the overview and scrutiny committee may direct that the decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, for a period not exceeding 14 days from the date on which the direction is issued.

13.5 Scrutinising a decision

13.5.1 The overview and scrutiny committee must scrutinise the decision within 14 days of the Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if earlier.

13.5.2 Where an overview and scrutiny committee has scrutinised a decision, it may:

- endorse the decision, or
- recommend that the decision is re-considered by the Combined Authority or the Transport Committee²².

²⁰ The Scrutiny Officer must report such decisions to the next available meeting of the relevant overview and scrutiny committee, together with the reasons for urgency.

²¹ That is, each member of any relevant committee/the relevant officer.

²² The Scrutiny Officer shall in consultation with the Chair of the overview and scrutiny committee

13.5.3 A decision which has been endorsed by an overview and scrutiny committee may be implemented immediately following the endorsement.

13.5.4 Any decision which is recommended for re-consideration may not be implemented while any direction under 13.4.2 is of effect, except in accordance with standing order 13.6.4 below.

13.6 Re-considering the decision

13.6.1 The Combined Authority or the Transport Committee must meet to reconsider any decision not later than 10 days after the date on which the recommendations of an overview and scrutiny committee are received.

13.6.2 The Chair of the overview and scrutiny committee or their nominee may attend the meeting which is re-considering the decision, to present the report or recommendations.²³

13.6.3 The Combined Authority or Transport Committee may confirm, amend or rescind the decision. A response should be made in accordance with standing order 12.3.

13.6.4 A decision which has been confirmed or amended by the Combined Authority or Transport Committee may be implemented immediately.

14 Guidance of the Secretary of the State

14.1 An overview and scrutiny committee or sub-committee must have regard to any guidance issued by the Secretary of State²⁴.

15 Statutory Scrutiny Officer

15.1 Any references in these standing orders to the Scrutiny Officer are to the officer designated as such by the Combined Authority.

15.2 The Combined Authority shall not appoint an officer of any constituent council as Scrutiny Officer for the Combined Authority.

determine whether a report or recommendation relating to a decision of an officer or the Transport Committee is considered by the Transport Committee (where the decision falls within its terms of reference) or the Combined Authority. A report or recommendation relating to a decision of the Combined Authority shall be considered by the Combined Authority.

²³ The Chair must notify the Scrutiny Officer that they intend to attend the meeting 3 clear working days before the meeting.

²⁴ Under Local Democracy, Economic Development and Construction Act 2009 Schedule 5A paragraph 2(9)

15.3 The functions of the Scrutiny Officer are:

- to promote the role of any overview and scrutiny committee or sub-committee,
- to provide support and guidance to any overview and scrutiny committee or sub-committee and its members, and
- to provide support and guidance to members of the Combined Authority in relation to the functions of any overview and scrutiny committee or sub-committee.

16 Additional rights of access to documents

16.1 Additional rights of access to documents for members of any overview and scrutiny committee or sub-committee are set out in the Access to Information Annex to the Combined Authority's Procedure Standing Orders.

17 Public notice of proposed Key decisions

17.1 Provisions relating to the public notice of proposed Key Decisions are set out in the Access to Information Annex to the Combined Authority's Procedure Standing Orders.

18 Interpretation

18.1 The chair of an overview and scrutiny committee meeting or sub-committee meeting shall make any final decision at that meeting about:

- how the Scrutiny Standing Orders should be interpreted with respect to the conduct of the meeting, or
- any question of procedure not provided for by the Scrutiny Standing Orders.

18.2 The Head of Legal and Governance Services shall make any final decision about how to interpret any Scrutiny Standing Order outside of a formal committee or sub-committee meeting.