

West Yorkshire Combined Authority Scrutiny Standing Orders

Modifications to Procedural Standing Orders are set out in an interim addendum to Standing Orders, to reflect Regulations issued under the Coronavirus Act 2020. The Regulations make provision for the conduct of local authority meetings held before 7 May 2021, by enabling meetings to be held remotely and removing the requirement for the annual meeting in 2020.

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

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.

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.
- 2.6 No member of the Combined Authority nor of the Leeds City Region Enterprise Partnership (the LEP) Board⁵ 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 appointment⁶ 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 committee⁷.

⁴ Special powers or duties include any chairing responsibilities. A substitute may exercise any voting rights exercisable by the member for whom they substitute.

⁵ Substitutes for members of the Combined Authority and the LEP Board are also precluded from being a member or substitute of an overview and scrutiny committee or sub-committee.

⁶ In accordance with Article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017/18.

⁷ This must be an independent person or an appropriate person, as defined by Schedule 5A Local

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.

5.2 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, including by making recommendations.

8 Work Programme

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

9 Scrutiny of the LEP

9.1 The LEP and the Combined Authority (as the accountable body for the LEP) have agreed that the Combined Authority's scrutiny arrangements extend to the LEP, in accordance with these Standing Orders.

9.2 The LEP has agreed to share information with any overview and scrutiny committee or sub-committee, so that the committee or sub-committee can provide robust scrutiny and advice.

9.3 The contribution of the LEP to any meeting of an overview and scrutiny committee or sub-committee will be recorded with the

outcome in the minutes of the meeting.

10 Reference of Matters to an Overview and Scrutiny Committee or Sub-Committee

- 10.1 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.
- 10.2 In accordance with Standing Order 10.3 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;⁸ 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 not an excluded matter⁹.
- 10.3 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.
- 10.4 Where a matter is referred to an overview and scrutiny committee by any member under Standing Order 10.2 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.
- 10.5 An overview and scrutiny committee must provide a member with any

⁸ 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.

⁹ See footnote above.

copy of any report or recommendations¹⁰ which it makes in connection with any matter referred to it by the member under Standing Order 10.2 c) or d) above.

10.6 The LEP may seek input from an overview and scrutiny committee on any issue relating to policy and strategy development or otherwise. Any such request must be put forward to the Scrutiny Officer in the first instance, who will ensure that the matter is included in the agenda for, and discussed at a meeting of an overview and scrutiny committee or sub-committee.

11 Meetings

11.1 There shall be at least **four** ordinary meetings of any overview and scrutiny committee in each year.

11.2 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

12 Attendees

12.1 Members and officers

12.1.1 An overview and scrutiny committee or sub-committee may require any member of the Combined Authority¹¹ or an officer¹² of the Combined Authority to attend before it to answer questions¹³ or to provide information about any matter within its terms of reference.

12.1.2 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

¹⁰ Subject to provisions relating to confidential and exempt information

¹¹ The expectation is that this would be a Member of the Combined Authority, or a Chair of any Combined Authority committee or sub-committee.

¹² The expectation is that this would be the Combined Authority's Managing Director or other senior officer who has exercised delegated authority in respect of an issue being considered by the committee or sub-committee, or their nominee.

¹³ 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.

committee.

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

12.1.4 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.

12.2 Others

An overview and scrutiny committee or sub-committee may invite other people¹⁴ to attend any meeting to

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

12.3 General Principles

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

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

13 Reports and Recommendations

13.1 Reports and Recommendations of an Overview and Scrutiny Committee or Sub-Committee

13.1.1 An overview and scrutiny committee or sub-committee may make reports or recommendations to the Combined Authority¹⁵.

13.1.2 If an overview and scrutiny committee or sub-committee cannot agree a final report, a minority report may be prepared

¹⁴ 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.

¹⁵ All references to the Combined Authority in Standing Order 13 should be taken as including a reference to any relevant committee with 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 such a committee or by the Combined Authority.

and submitted as an appendix to the majority report.

13.1.3 The overview and scrutiny committee or sub-committee may publish any report or recommendations, subject to Standing Order 13.3.

13.1.4 Where in the opinion of the overview and scrutiny committee, any report or recommendation relates significantly to any LEP activity or to LEP governance, the report or recommendation shall also be submitted to the LEP Board for consideration in a timely manner. Any response of the LEP Board shall be reported back to the overview and scrutiny committee or sub-committee which made the report or recommendation¹⁶.

13.1.5 Where in the opinion of the overview and scrutiny committee, any report or recommendation is of particular significance to any partner council over and above any other partner council, the report or recommendation shall also be submitted to that partner council for consideration. Any response of that partner council shall be reported back to the overview and scrutiny committee or sub-committee which made the report or recommendation.

13.2 Notice

13.3.1 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 13.3 below.

13.3.2 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 10, within 2 months beginning

¹⁶ Where a notice has been served on the Combined Authority in accordance with Standing Order 13.2, any response of the LEP Board provided under Standing Order 13.1.4 shall also be reported to the Combined Authority.

with the date on which the Combined Authority received the notice, and subject to Standing Order 13.3 below.

13.3 Publishing a Document: Confidential and Exempt Information

13.3.1 Standing Order 13.3.2 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 10.5 above.

13.3.2 In publishing the document the overview and scrutiny committee, sub-committee or the Combined Authority must exclude any confidential information¹⁷; and may exclude any relevant exempt information¹⁸. 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.

13.3.3 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.

14 Call-In of Decisions

14.1 Scope

The following decisions may be called-in for scrutiny:

¹⁷ This has the meaning given by section 100A (3) of the Local Government Act 1972.

¹⁸ 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.

- any **decision of the Combined Authority¹⁹ or of any decision-making committee of the Combined Authority²⁰**, and
- any **Key Decision taken by an officer**,

with the exception of any decision which the decision-maker has resolved is urgent²¹.

14.2 Call-In Process

14.2.1 **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 14.2.2 or 14.2.3.

14.2.2 The Head of Legal and Governance Services shall publish details²² of **the Combined Authority** and any **committee decisions** eligible for call-in within **2 clear working days** of a meeting.

14.2.3 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.

14.3 Implementing Decisions which are Eligible for Call-In

14.3.1 An urgent decision²³ may be implemented immediately²³.

14.3.2 Any other decision of the Combined Authority or a 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.

14.4 Action on Receipt of a Call-In Request

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

¹⁹ Including in relation to the Combined Authority's role as the accountable body for the LEP.

²⁰ With the exception of the Governance and Audit Committee

²¹ 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.

²² To members of the overview and scrutiny committee.

²³ 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.

- notify the decision-maker²⁴ of the call-in,
- consult with the Chair of overview and scrutiny committee about whether to issue a direction under Standing Order 14.4.2 below, and
- call a meeting of the overview and scrutiny committee, to scrutinise the decision.

14.4.2 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.

14.5 Scrutinising a Decision

14.5.1 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.

14.5.2 Where an overview and scrutiny committee has scrutinised a decision, it may recommend that the decision is re-considered by the Combined Authority or the committee²⁵. Any decision which is recommended for re-consideration may not be implemented while any direction under 14.4.2 is of effect, except in accordance with Standing Order 14.6.4 below.

14.5.3 The Scrutiny Officer will notify the decision-maker²⁶ of the outcome of the scrutiny by the overview and scrutiny committee, within **2 clear working days** of the meeting. Where the decision has not been recommended for re-consideration, it may be implemented on receipt of this notification.

14.6 Re-Considering the Decision

14.6.1 The Combined Authority or the committee must meet to reconsider any decision not later than **10 days** after the date on which the recommendations of an overview and scrutiny

²⁴ That is, each member of the Combined Authority, of any relevant committee or the relevant officer.

²⁵ The Scrutiny Officer shall in consultation with the Chair of the overview and scrutiny committee determine whether a report or recommendation relating to a decision of an officer or a committee is considered by the 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.

²⁶ Notification of the outcome shall be provided to each individual member of the Combined Authority or of any relevant committee, or to the relevant officer.

committee are received.

14.6.2 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.²⁷

14.6.3 The Combined Authority or the committee may confirm, amend or rescind the decision. A response should be published in accordance with Standing Order 13.3.

14.6.4 A decision which has been confirmed or amended by the Combined Authority or the committee may be implemented immediately.

15 Guidance of the Secretary of State

15.1 An overview and scrutiny committee or sub-committee must have regard to any guidance issued by the Secretary of State²⁸.

16 Statutory Scrutiny Officer

16.1 Any references in these Standing Orders to the Scrutiny Officer are to the officer designated as such by the Combined Authority.

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

16.3 The statutory 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.

16.4 The Scrutiny Officer shall also facilitate appropriate scrutiny of LEP decision-making and achievements.

17 Additional Rights of Access to Documents

17.1 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

²⁷ The Chair must notify the Scrutiny Officer that they intend to attend the meeting 3 clear working days before the meeting.

²⁸ Under Local Democracy, Economic Development and Construction Act 2009 Schedule 5A paragraph 2(9)

Standing Orders.

18 Public Notice of Proposed Key Decisions

18.1 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.

19 Interpretation

19.1 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.

19.2 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.