

Part 2 - Articles

Article 8 – Overview and Scrutiny

Overview and Scrutiny

- 8.1 The Combined Authority must appoint one or more overview and scrutiny committees¹. An overview and scrutiny committee may appoint one or more sub-committees to carry out any of its functions².
- 8.2 The Combined Authority's arrangements must ensure that the overview and scrutiny committee has power (or its overview and scrutiny committees have power between them) to:
- review or scrutinise any decision made or other action taken by the Combined Authority in connection with exercising any Non-Mayoral Function,
 - make reports or recommendations to the Combined Authority with respect to exercising any Non-Mayoral Function,
 - review or scrutinise decisions made or other action taken by the Mayor in connection with exercising any Mayoral General Function,
 - make reports or recommendations to the Mayor with respect to exercising any Mayoral General Function, and
 - make reports or recommendation to the Combined Authority or the Mayor on matters that affect the Combined Authority's Area or its inhabitants.

Call-in of Decisions

- 8.3 The power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power³ to call-in a decision; that is:
- direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and
 - recommend that the decision be reconsidered.

Accountability Mechanisms

- 8.4 An overview and scrutiny committee or sub-committee may require the Mayor or any other Combined Authority Member or an officer of the Combined Authority to attend before it to answer questions⁴.

¹ Paragraph 1 of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009.

² Paragraph 2 of Schedule 5A of the 2009 Act.

³ Paragraph 1(4) of Schedule 5A of the 2009 Act.

⁴ Paragraph 2 of Schedule 5A of the 2009 Act.

- 8.5 An overview and scrutiny committee or sub-committee may require the Combined Authority or the Mayor to respond to any report or recommendation – see further Scrutiny Standing Orders in Part 4 of the Constitution.⁵

Proceedings

- 8.6 An overview and scrutiny committee and any sub-committee will follow the Scrutiny Standing Orders in Part 4 of the Constitution.

Membership

- 8.7 The Combined Authority shall appoint at least one elected member of each Constituent Council and the Non-Constituent Council to each overview and scrutiny committee⁶.
- 8.8 The majority of members of any overview and scrutiny committee or sub-committee must be elected members of the Constituent Councils⁷.
- 8.9 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.⁸
- 8.10 Neither the Mayor nor any other Combined Authority Member may be a member of an overview and scrutiny committee or sub-committee⁹.
- 8.11 Within 28 days of any appointment to any overview and scrutiny committee, the Deputy Director Legal, Governance & Compliance will publish a notice about the appointment¹⁰ on the Combined Authority's website.

Voting

- 8.12 Each member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from a Constituent Council, has one vote.¹¹
- 8.13 Any member of an overview and scrutiny committee not from a Constituent Council is non-voting unless the Combined Authority has resolved to give such a member voting rights.¹²

⁵ Article 7 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

⁶ Paragraph 4(2) of Schedule 1 of the West Yorkshire Combined Authority Order 2014 as amended

⁷ Article 3 of the 2017 Order

⁸ Article 4 of the 2017 Order

⁹ Paragraph 2(3) of Schedule 5A of the 2009 Act

¹⁰ Article 4 of the 2017 Order

¹¹ Article 3(3) of the 2017 Order

¹² Article 4(3) of the 2014 Order

- 8.14 A simple majority of the members present and voting is required to determine any question, and no member has a casting vote. If a vote is tied it is deemed not to have been carried.¹³

Chair

- 8.15 The Combined Authority will appoint the Chair¹⁴ of any overview and scrutiny committee.
- 8.16 The Chair must be:
- an independent person¹⁵, or
 - an appropriate person who is a member of one of the Constituent Councils (that is, a person who is not a member of a registered political party of which the Mayor is a member)¹⁶.

Quorum

- 8.17 For business to be transacted at a meeting, two thirds of the total number of members of the committee or sub-committee must be present.

Scrutiny Officer

- 8.18 The Combined Authority must designate one of its officers as a Scrutiny Officer, to:
- promote the role of any Combined Authority overview and scrutiny,
 - provide support and guidance to any overview and scrutiny committee and its members, and
 - provide support and guidance to Combined Authority Members in relation to the functions of any overview and scrutiny committee.
- 8.19 The Combined Authority cannot designate as Scrutiny Officer any officer of a Constituent Council¹⁷.

¹³ Article 3 of the 2017 Order.

¹⁴ Paragraph 3 of Schedule 5A of the 2009 Act.

¹⁵ As defined by Article 5 of the 2017 Order.

¹⁶ Paragraph 3 of Schedule 5A of the 2009 Act. 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 member of the registered party which has the most representatives among the members of the Constituent Councils on the Combined Authority, or, where two or more parties have the same number of representatives, a member of any of those parties - Article 5 of the 2017 Order.

¹⁷ Article 9(3) of the 2017 Order.

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