

# Part 4 – Procedure Rules

## Section 4.6 – Scrutiny Standing Orders

### 1. Membership

- 1.1. Members of an overview and scrutiny committee are appointed in accordance with Article 8 (Overview and Scrutiny) in Part 2 of the Constitution.
- 1.2. A member of any overview and scrutiny committee may substitute for any member of a different overview and scrutiny committee from the same party and district.
- 1.3. Where a member has no substitute alternate from the same party and district on another overview and scrutiny committee, an additional substitute from the same party and district may be nominated and appointed to act as their substitute.
- 1.4. A Substitute may only act in the absence of a member where the member will be absent for the whole of the meeting.
- 1.5. A Substitute may not exercise any special powers or duties exercisable by the member for whom they are substituting<sup>1</sup>.

### 2. Voting

- 2.1. Each member of an overview and scrutiny committee, or of any overview and scrutiny sub-committee, appointed from a Constituent Council has one vote.
- 2.2. 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.
- 2.3. 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.
- 2.4. No member of an overview and scrutiny committee or sub-committee has a casting vote.
- 2.5. If a vote is tied on any matter, it is deemed not to be carried.

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<sup>1</sup> Special powers or duties include any chairing responsibilities. A substitute may exercise any voting rights exercisable by the member for whom they substitute.

### **3. Chair**

- 3.1. The Combined Authority will appoint the Chair of any overview and scrutiny committee, see further Article 8 (Overview and Scrutiny) in Part 2 of the Constitution<sup>2</sup>.
- 3.2. The Chair of any overview and scrutiny sub-committee will be appointed by the appointing overview and scrutiny committee.

### **4. Conflicts of Interest**

- 4.1. 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.
- 4.2. 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.

### **5. Quorum**

- 5.1. 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.

### **6. Working Groups**

- 6.1. 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.

### **7. Work Programme and referral of matters to an Overview and Scrutiny Committee or Sub-Committee**

- 7.1. Each overview and scrutiny committee or sub-committee will set its own work programme.
- 7.2. The Combined Authority, any of its committees or the Mayor may ask an overview and scrutiny committee to review any matter or assist in developing budget and policy proposals, provided that the request is 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.

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<sup>2</sup> The Combined Authority may appoint the Deputy Chair of an overview and scrutiny committee, but if no such appointment is made, the committee may appoint a Deputy Chair.

7.3. The following matters may be referred to an overview and scrutiny committee:

- a) A member of an overview and scrutiny committee may refer to the committee any matter which is relevant to the functions of the committee,
- b) A 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) A Combined Authority Member 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; 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 matter.

7.4. Where a matter is referred to an overview and scrutiny committee by any member under Standing Order 7.3 (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.

7.5. 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 member under Standing Order 7.3 (c) or (d) above.

7.6. 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.

## **8. Scrutiny of the LEP**

8.1. 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.

8.2. 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.

8.3. 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.

## 9. Meetings

- 9.1. Overview and scrutiny committees will schedule regular meetings and meet as often as required to effectively discharge their functions.
- 9.2. An extraordinary meeting of an overview and scrutiny committee may be called by:
- the Chair of the committee, or
  - any five members of the committee from at least two different Constituent Councils.

## 10. Attendees

- 10.1. An overview and scrutiny committee or sub-committee may require the Mayor or any other Combined Authority Member or an officer<sup>3</sup> of the Combined Authority to attend before it to answer questions<sup>4</sup> or to provide information about any matter within its terms of reference.
- 10.2. Where a committee or sub-committee requires the Mayor or any other Combined Authority Member or officer to attend, the Scrutiny Officer shall inform that person 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.
- 10.3. The Mayor, any other Combined Authority Member, or officer must comply with any notice they are given.
- 10.4. Where, in exceptional circumstances, the person is unable to attend on the required date, the overview and scrutiny committee shall consult with the person to arrange an alternative date.
- 10.5. An overview and scrutiny committee or sub-committee may invite other people<sup>5</sup> to attend any meeting to:
- address it,

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<sup>3</sup> The expectation is that this would be the Combined Authority's Chief Executive or other senior officer who has exercised delegated authority in respect of an issue, or their nominee.

<sup>4</sup> 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.

<sup>5</sup> Including any Co-optee; 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.

- provide information,
  - discuss issues of local concern, and/or
  - answer questions.
- 10.6. Each member of an overview and scrutiny committee or sub-committee will be given the opportunity to ask attendees questions, contribute and speak.
- 10.7. Attendees assisting the committee must be treated with respect and courtesy.

## **11. Reports and Recommendations**

- 11.1. An overview and scrutiny committee or sub-committee may make reports or recommendations to the Combined Authority<sup>6</sup> or the Mayor.
- 11.2. 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.
- 11.3. An overview and scrutiny committee or sub-committee may publish any report or recommendations, subject to Standing Order 13.
- 11.4. Where in the opinion of an 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 recommendation<sup>7</sup>.
- 11.5. Where in the opinion of an overview and scrutiny committee, any report or recommendation is of particular significance to any Constituent Council or the Non-Constituent Council over and above any other Council, the report or recommendation shall also be submitted to that Council for consideration. Any response of that Council shall be reported back to the overview and scrutiny committee or sub-committee which made the report or recommendation.

## **12. Notice**

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

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<sup>6</sup> All references to the Combined Authority in Standing Order 11 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.

<sup>7</sup> Where a notice has been served on the Combined Authority in accordance with Standing Order 12, any response of the LEP Board shall also be reported to the Combined Authority.

- respond to the overview and scrutiny committee or sub-committee indicating what (if any) action the Combined Authority or the Mayor 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 below.
- 12.2. The Combined Authority or the Mayor must respond to a report or recommendations made by an overview and scrutiny committee or a sub-committee, within 2 months beginning with the date on which the Combined Authority or Mayor received the notice, and subject to Standing Order 13 below.
- ### 13. Publishing a Document: Confidential and Exempt Information
- 13.1. Standing Order 13.2 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 or the Mayor to any such report or recommendations.
- 13.2. In publishing the document the overview and scrutiny committee, sub-committee, the Combined Authority or the Mayor must exclude any confidential information<sup>8</sup> and may exclude any relevant exempt information<sup>9</sup>, see further the Access to Information Rules in Part 4 of the Constitution.
- 13.3. When providing a copy of a document, the overview and scrutiny committee, sub-committee, the Combined Authority or the Mayor may exclude any confidential information or relevant exempt information.
- 13.4. Where information is excluded, the overview and scrutiny committee, sub-committee, the Combined Authority or Mayor:
- 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. The following decisions may be called-in for scrutiny:

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<sup>8</sup> This has the meaning given by section 100A (3) of the Local Government Act 1972.

<sup>9</sup> 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 Authority<sup>10</sup> or of any decision-making committee of the Combined Authority<sup>11</sup>, and
- any Key Decision taken by the Mayor, other Combined Authority Member (on behalf of the Mayor) or an officer.

with the exception of:

- any decision which the decision-maker has resolved is urgent<sup>12</sup>.
- any decision relating to approving or amending governance arrangements.

14.2. **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 14.3 or 14.4.

14.3. The Deputy Director Legal, Governance & Compliance shall publish details<sup>13</sup> of any decision taken at a meeting of **the Combined Authority or committee** eligible for call-in within **2 clear working days** of a meeting.

14.4. Any other **Key Decision taken by the Mayor, a Combined Authority Member** (on behalf of the Mayor) **or** taken by **an officer** will be published as a written record within **2 clear working days** of the decision being made, see further Article 13 (Decision Making) in Part 2, and the Access to Information Rules in Part 4 of the Constitution.

## 15. Implementing and Scrutinising Decisions which are Eligible for Call-In

15.1. An urgent decision may be implemented immediately<sup>14</sup>.

15.2. Any other decision of the Combined Authority or a committee, or Key Decision taken by the Mayor, any other Combined Authority Member (on behalf of the Mayor) or an officer may be implemented after **midday** of the **sixth clear working day** after the publication of the decision, unless it is called-in.

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

- notify the decision-maker<sup>15</sup> of the call-in,

<sup>10</sup> Including in relation to the Combined Authority's role as the accountable body for the LEP.

<sup>11</sup> With the exception of the Governance and Audit Committee.

<sup>12</sup> 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.

<sup>13</sup> To members of the relevant overview and scrutiny committee.

<sup>14</sup> 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.

<sup>15</sup> That is, (for Non-Mayoral Functions) each Combined Authority Member, or the members of the relevant committee or the relevant officer, or (for Mayoral General Functions) the Mayor or other Combined Authority Member or officer.

- consult with the Chair of the relevant overview and scrutiny committee about whether to issue a direction under Standing Order 15.4 below, and
  - call a meeting of the overview and scrutiny committee, to scrutinise the decision.
- 15.4. Where a decision is called-in, the Scrutiny Officer, in consultation with the Chair of the relevant overview and scrutiny committee, may direct that the decision is not to be implemented while it is under review or scrutiny by an overview and scrutiny committee, for a period not exceeding 14 days from the date on which the direction is issued.
- 15.5. An 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.
- 15.6. Where an overview and scrutiny committee has scrutinised a decision, it may recommend that the decision is re-considered by the decision-maker<sup>16</sup>. Any decision which is recommended for re-consideration may not be implemented while any direction under this Standing Order is of effect, except in accordance with Standing Order 15.7 below.
- 15.7. The Scrutiny Officer will notify the decision-maker<sup>17</sup> 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.
- 15.8. The decision-maker must reconsider any decision not later than 10 days after the date on which the recommendations of an overview and scrutiny committee are received.
- 15.9. The Chair of the overview and scrutiny committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations<sup>18</sup>.
- 15.10. The decision-maker may confirm, amend or rescind the decision. Their response should be published in accordance with Standing Order 13.

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<sup>16</sup> 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 in respect of Non-Mayoral Functions 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. In relation to Mayoral General Functions, the Mayor should be asked to consider any report or recommendation.

<sup>17</sup> Notification of the outcome shall be provided to each Combined Authority Member, or of any relevant committee, or to the relevant officer.

<sup>18</sup> The Chair must notify the Scrutiny Officer that they intend to attend the meeting 3 clear working days before the meeting. The Mayor should invite the Chair or their nominee to present the report or recommendations to them.



- 15.11. A decision which has been confirmed or amended by the decision-maker may be implemented immediately.

## **16. Guidance of the Secretary of State**

- 16.1. An overview and scrutiny committee or sub-committee must have regard to any guidance issued by the Secretary of State<sup>19</sup>.

## **17. Statutory Scrutiny Officer**

- 17.1. Any references in these Standing Orders to the Scrutiny Officer are to the officer designated as such by the Combined Authority, see further Article 12 (Officers) at Part 2 of this Constitution.
- 17.2. The Combined Authority shall not designate an officer of any Constituent Council as Scrutiny Officer for the Combined Authority.
- 17.3. 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.
- 17.4. The Scrutiny Officer shall also facilitate appropriate scrutiny of LEP decision-making and achievements.

## **18. Additional Rights of Access to Documents**

- 18.1. 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 Rules in Part 4 of the Constitution.

## **19. Public Notice of Proposed Key Decisions**

- 19.1. Provisions relating to the public notice of proposed Key Decisions are set out in the Access to Information Rules in Part 4 of the Constitution.

## **20. Interpretation**

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

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<sup>19</sup> Under Local Democracy, Economic Development and Construction Act 2009 Schedule 5A paragraph 2(9).

- 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.

20.2. The Deputy Director Legal, Governance & Compliance shall make any final decision about how to interpret any Scrutiny Standing Order outside of a formal committee or sub-committee meeting.

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