

4.5 Overview and Scrutiny Procedural Rules

1. The Combined County Authority must appoint one or more overview and scrutiny committees whose proceedings shall operate in accordance with the Terms of Reference (Overview and Scrutiny) in **Part 3** of the Constitution.

2. Membership

2.1 Members of an overview and scrutiny committee are appointed in accordance with the Terms of Reference (Overview and Scrutiny) in **Part 3** of the Constitution.

2.2 The Combined County Authority shall appoint at least two elected members of each Constituent Council to each overview and scrutiny committee.

2.3 The majority of members of any overview and scrutiny committee or sub-committee must be elected members of the Constituent Councils.

2.4 Neither the Mayor nor any other Combined County Authority Member or substitute member may be a member of an overview and scrutiny committee or sub-committee.

2.5 Within 28 days of any appointment to any overview and scrutiny committee, the Combined County Authority Monitoring Officer will publish a notice about the appointment on the Combined County Authority website setting out:

- that it has made an appointment,
- identifying each member of the committee who has been appointed
- specifying the period for which the members of the committee have been appointed.

2.6 The Combined County Authority has determined that it shall have a single Overview and Scrutiny Committee which shall be appointed by the Combined County Authority and shall have a total of 8 Constituent Council members comprising of 2 members from each Constituent Council. These will be the voting members of the Committee.

2.7 The Combined County Authority has determined that there will be 4 Non-Constituent non-voting members appointed to the Committee by the designated nominating bodies (2 appointments each).

2.8 In appointing members to the Overview and Scrutiny Committee the Combined County Authority must ensure 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.

3. Remuneration

3.1 The Combined County Authority may (subject to the consideration of recommendations of an independent remuneration panel) agree to pay allowances to members of the overview and scrutiny committee/s.

4. Chairing

4.1 The Combined County Authority will appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.

4.2 The Chair (and any Vice Chair) must be:

- an independent person, 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).

5. Quorum

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

6. Voting

6.1 Each member of the Overview and scrutiny Committee or of an Overview and Scrutiny Sub-Committee appointed from a Constituent Council has one vote.

6.2 Any member of an Overview and Scrutiny Committee (or sub-committee) not from a Constituent Council is non-voting unless the Combined County Authority has resolved to give such a member voting rights.

6.3 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.

7. Conflicts of Interest

7.1 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.

7.2 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.

8. Working Groups (Deep Dives)

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

9. Work Programme and referral of matters to an Overview and Scrutiny Committee or Sub-Committee

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

9.2 The Combined County 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.

9.3 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,
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- (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 County 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.

9.4 Where a matter is referred to an overview and scrutiny committee by any member under Standing Order 8.3 (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.

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 member under Standing Order 8.3 (c) or (d) above.

10. Meetings

10.1 Overview and scrutiny committees will schedule regular meetings and meet as often as required to effectively discharge their functions.

10.2 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.

11. Attendees

11.1 An overview and scrutiny committee or sub-committee may require the Mayor or any other Combined County Authority Member or an officer of the Combined County Authority to attend before it to answer questions or to provide information about any matter within its terms of reference.

- 11.2 Where a committee or sub-committee requires the Mayor or any other Combined County 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.
- 11.3 The Mayor, any other Combined County Authority Member, or officer must comply with any notice they are given.
- 11.4 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.
- 11.5 An overview and scrutiny committee or sub-committee may invite other people to attend any meeting to:
- address it,
provide information,
 - discuss issues of local concern, and/or
 - answer questions.
- 11.6 Each member of an overview and scrutiny committee or sub-committee will be given the opportunity to ask attendees questions, contribute and speak.
- 11.7 Attendees assisting the committee must be treated with respect and courtesy.

12. Reports and Recommendations

- 11.1 An overview and scrutiny committee or sub-committee may make reports or recommendations to the Combined County Authority 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.
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- 11.3 An overview and scrutiny committee or sub-committee may publish any report or recommendations, subject to Standing Order 14.
- 11.4 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.

13. Notice

- 13.1 An overview and scrutiny committee or sub-committee may by notice require the Combined County Authority or the Mayor 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 County 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 14 below.
- 13.2 The Combined County 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 County Authority or Mayor received the notice, and subject to Standing Order 14 below.

14. Publishing a Document: Confidential and Exempt Information

- 14.1 Standing Order 14.2 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 County Authority or the Mayor to any such report or recommendations.
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- 14.2 In publishing the document, the overview and scrutiny committee, sub-committee, the Combined County Authority or the Mayor must exclude any confidential information and may exclude any relevant exempt information.
- 14.3 When providing a copy of a document, the overview and scrutiny committee, sub-committee, the Combined County Authority, or the Mayor may exclude any confidential information or relevant exempt information.
- 14.4 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.

15. Call-in of decisions

- 15.1 The power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power to call-in a decision; that is to:
- 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
- 15.2 The following decisions may be called-in for scrutiny:
- any decision of the Combined County Authority or of any decision-making committee of the Combined County Authority, and
 - any Key Decision taken by the Mayor, other Combined County Authority Member (on behalf of the Mayor) or an officer.

with the exception of:

- any decision which the decision-maker has resolved is urgent
 - any decision relating to approving or amending governance arrangements.
- 15.3 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 Monitoring Officer or the Statutory Scrutiny Officer by 4pm on the fifth working day following publication under Standing Order 15.4 or 15.5.
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- 15.4 The Monitoring Officer shall publish details of any decision taken at a meeting of the Combined County Authority or committee eligible for call-in within 2 clear working days of a meeting.
- 15.5 Any other Key Decision taken by the Mayor, a Combined County 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 6 (Decision Making) in **Part 2**, and the Access to Information Rules in **Part 4** of the Constitution.
- 15.6 When submitting a request for a call-in Members must set out the reasons for the call-in, such as how the decision has not been taken in line with the Combined County Authority decision-making principles set out in **Article 6** of **Part 2** of the constitution.

Implementing call-in of eligible decisions

- 15.7 An urgent decision may be implemented immediately.
- 15.8 Any other decision of the Combined County Authority or a committee, or Key Decision taken by the Mayor, any other Combined County 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.
- 15.9 On receipt of a call-in request, the Statutory Scrutiny Officer shall:
- notify the decision-maker of the call-in,
 - consult with the Chair of the relevant overview and scrutiny committee about whether to issue a direction under Standing Order 15.10 below,
 - and
 - call a meeting of the overview and scrutiny committee, to scrutinise the decision
- 15.10 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.
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- 15.11 An overview and scrutiny committee must scrutinise the decision within 14 days of the Monitoring Officer or Statutory Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if earlier.
- 15.12 Where an overview and scrutiny committee has scrutinised a decision, it may recommend that the decision is re-considered by the decision-maker. 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 15.13 below.
- 15.13 The Statutory Scrutiny Officer will notify the decision-maker 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.
- 15.14 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.
- 15.15 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.
- 15.16 The decision-maker may confirm, amend, or rescind the decision. Their response should be published in accordance with Standing Order 13.
- 15.17 A decision which has been confirmed or amended by the decision-maker may be implemented immediately.
- 15.18 An urgent decision 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.

17. Statutory Scrutiny Officer

- 17.1 Any references in these Standing Orders to the Statutory Scrutiny Officer are to the officer designated as such by the Combined County Authority, see further [Article 5 \(Officers\)](#) 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 Statutory 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 County Authority in relation to the functions of any overview and scrutiny committee or sub-committee.

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. Interpretation

- 19.1 The Chair of an overview and scrutiny committee meeting or sub-committee, in consultation with the Monitoring Officer (or their representative) and the Statutory Scrutiny Officer (or their representative) 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 Monitoring Officer 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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