

West Yorkshire Combined Authority

Scrutiny Standing Orders

1. Appointment of committees and sub-committees

- 1.1 The 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 Authority shall appoint members of each of the Constituent Councils and the non-constituent Council 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 No member of the Authority or of the Leeds City Region Enterprise Partnership Board 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 Head of Legal and Governance Services will publish a notice about the appointment² on the 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.

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 In accordance with Article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017/68

- 3.2 Any member of an overview and scrutiny committee or sub-committee, appointed from the non-constituent Council is non-voting, unless the Authority has resolved to give such a member voting rights.
- 3.3 All questions coming or arising before an overview and scrutiny committee or 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 Authority will appoint the Chair of any overview and scrutiny committee.
- 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 or 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.

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 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 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 matter³
- 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 matter⁴.

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.

³ 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.

⁴ See footnote above.

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 member⁵ 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 5 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 Authority or officer⁶ to attend before it to answer questions⁷ or provide information about any matter within its terms of reference.

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.

⁵ Subject to provisions relating to confidential and exempt information.

⁶ The expectation is that this would be a Member of the Authority, or a Chair of any committee or sub-committee, or a senior officer.

⁷ 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.

11.2 Others

11.2.1 An overview and scrutiny committee or sub-committee may invite other people⁸ 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 Authority⁹.

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 Authority within 2 months of receiving any report or recommendations or (if later) the notice, to:

⁸ Including members of the public, stakeholders, members and officers from Constituent Councils, other advisors or assessors. The committee may pay any advisers, assessors and witnesses a reasonable fee and expenses.

⁹ All references to the Authority in this standing order should be taken as including a committee of with authority to consider and respond to reports and recommendations on behalf of the Authority. The Scrutiny Officer shall in consultation with the Chair of the overview and scrutiny committee determine whether a report or recommendation shall be considered by a relevant committee or the Authority.

- consider the report or recommendations;
- respond to the overview and scrutiny committee or sub-committee indicating what (if any) action the 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 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 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 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 committee, sub-committee or the Authority must exclude any confidential information¹⁰; and may exclude any relevant exempt information¹¹. When providing a copy of a document, the overview and scrutiny committee, sub-committee or the 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 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.

¹⁰ This has the meaning given by section 100A(3) of the Local Government Act 1972.

¹¹ This means exempt information of a description specified in a resolution of the overview and scrutiny committee or sub-committee or the Authority which applied to the proceedings, or part of the proceedings at any meeting at which the report was or recommendations were considered.

13. Call-in of decisions

13.1 Scope

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

- **any decision of the Authority 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 urgent¹².

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 Scrutiny Officer shall publish details¹³ of **the Authority and Transport Committee decisions** eligible for call-in within 2 clear 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 immediately¹⁴.

13.3.2 Any other decision of the 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.

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

- notify the decision-maker¹⁵ of the call-in,

¹² A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Authority's, Constituent Councils' or the public's interests. Nor will any decision relating to approving or amending governance arrangements be open to call-in.

¹³ to Overview and Scrutiny Members.

¹⁴ 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.

¹⁵ That is, each member of any relevant committee/the relevant Officer.

- consult with the Chair of overview and scrutiny committee about whether to issue a direction under standing order 13.4.3 below, and
- call a meeting of the overview and scrutiny committee, to scrutinise the decision.

13.4.3 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 the 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 Authority or the Transport Committee¹⁶.

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 13.4.3 is of effect, except in accordance with standing order 13.6.4 below.

13.6 Re-considering the decision

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

¹⁶ 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 the Transport Committee is considered by the Transport Committee (where the decision falls within its terms of reference) or the Authority. A report or recommendation relating to a decision of the Authority shall be considered by the Authority.

- 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.¹⁷
- 13.6.3 The Authority or Transport Committee may confirm, amend or rescind the decision. A response should be made in accordance with standing order 12.4.
- 13.6.4 A decision which has been confirmed or amended by the 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 State.¹⁸

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 Authority.
- 15.2 The Authority shall not appoint an officer of any Constituent Council as scrutiny officer for the Authority.
- 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;
 - to provide support and guidance to members of the 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 Authority's Procedure Standing Orders.

¹⁷ The Chair must notify the Scrutiny Officer that they intend to attend the meeting 3 clear working days before the meeting.

¹⁸ Under Local Democracy, Economic Development and Construction Act 2009 Schedule 5A paragraph 2(9)

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 Authority's Procedure Standing Orders.