

4.6 - Scrutiny Standing Orders

1. Membership

Members of the overview and scrutiny committee are appointed in accordance with Article 7 (Overview and Scrutiny) in Part 2 of the Constitution.

In appointing members to the overview and scrutiny committee, the Combined Authority will have regard to any nominations made by the Constituent Councils and ensure that the members of the committee nominated by the Constituent Councils reflect, as far as is reasonably practicable, the balance of political parties across Hull and East Yorkshire.

The Combined Authority may appoint a **substitute member** (to be known as a "deputy" or "deputy member") for each member of overview and scrutiny committee, from the same party and Council as the member, to act in the absence of that member at a meeting of the committee.

A deputy member may only act in the absence of a member for whom they are the designated substitute or a member from the same political party and Council, and where the member will be absent for the whole of the meeting.

A deputy member may not exercise any special powers or duties exercisable by the member for whom they are substituting but may be appointed to a working group or be assigned scrutiny duties by the scrutiny committee in their own right

Neither the Mayor nor any other Combined Authority Member (or Substitute Member), a member of any decision-making committee or any Executive Member of a Constituent Council may be a member of the overview and scrutiny committee.

2. Voting

Each member of the overview and scrutiny committee appointed from a Constituent Council has one vote.

All matters coming before a committee meeting shall be decided by a simple majority of the members present and voting on the question, in accordance with the Procedure Standing Orders.

No member of the committee has a casting vote.

If a vote is tied on any matter, it is deemed not to be carried.

3. Chair and Vice Chair(s)

The Combined Authority will appoint the Chair of the overview and scrutiny committee, in accordance with Article 7 (Overview and Scrutiny) in Part 2 of the Constitution.

Where the Combined Authority does not appoint the Chair of the overview and scrutiny committee, the committee may appoint its own Chair.

The committee may appoint up to two Vice Chairs, in accordance with Article 7 (Overview and Scrutiny) in Part 2 of the Constitution.

The Chair(s) and Vice Chair(s) of any sub-committee will be appointed by the appointing overview and scrutiny committee.

A Vice Chair may exercise any of the powers and duties of the Chair of the overview and scrutiny committee in their absence, as directed by the Chair.

In the absence (or vacancy) of both the appointed Chair and Vice Chair(s) at a committee meeting, the overview and scrutiny committee may select any member present to chair that meeting.

4. **Conflicts of Interest**

No member of the 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.

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.

This does not prevent any such member being counted in the quorum of the meeting.

5. **Quorum**

At least two-thirds of the total number of members of the overview and scrutiny committee must be present at a meeting for business to be transacted.

The committee may delay the start of a meeting for up to 15 minutes beyond the scheduled time to allow for quorum to be met. If the meeting is still not quorate after that time, the meeting must be cancelled, rescheduled or held as an informal discussion session.

Business includes:

- Approving minutes.
- Approving reports and recommendations
- Appointment of working groups, sub-committees, chairs and vice chairs.

6. **Working Groups**

The overview and scrutiny committee may appoint a temporary or permanent working group to contribute to and inform the scrutiny process, including by making recommendations.

7. Work Programme and referral of matters to the Overview and Scrutiny Committee

- 7.1 The committee will set its own work programme in accordance with its Terms of Reference.
- 7.2 The Combined Authority, any of its committees or the Mayor may ask the committee to review any matter or assist in developing budget and policy proposals, provided that the request is made in writing to the Chair or Scrutiny Officer, who will ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee.
- 7.3 The following matters may be referred to the overview and scrutiny committee:
 - (a) a member of the committee may refer to it any matter which is relevant to the functions of the committee,
 - (b) a Combined Authority Member or member of any Combined Authority committee may refer to the overview and scrutiny committee any matter which is relevant to the function of the committee and is not an excluded matter; and
 - (c) any member of a Constituent Council may refer to the 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 the committee by any member under Standing Order 7.3 (b) or (c) 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 The 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 (b) or (c) above.

8. Meetings

- 8.1 The overview and scrutiny committee will schedule regular committee meetings and meet as often as required to effectively discharge its functions.
- 8.2 An extraordinary meeting of the committee may be called by:
 - the Chair of the committee, or
 - one third of the total number of members of the committee including at least one member from each Constituent Council.

9. Attendees

- 9.1 The overview and scrutiny committee may require the Mayor, any other Combined Authority Member or an officer of the Combined Authority to attend before it to

answer questions or to provide information and submit reports about any matter within its terms of reference.

- 9.2 Where a committee requires the Mayor or any other Combined Authority Member or officer to attend, the Scrutiny Officer shall inform that person or their office in writing giving at least five 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 or information for the committee,
 - which officers may also attend.
- 9.3 The Mayor, any other Combined Authority Member, or officer must comply with any reasonable notice they are given.⁵
- 9.4 Where, in exceptional circumstances, the person is unable to attend on the required date, the Scrutiny Officer shall consult with the person to arrange an alternative date.
- 9.5 The committee may invite any other person to attend any meeting to:
 - address it,
 - provide information and submit reports,
 - discuss issues of local concern, and/or
 - ask and answer questions.
- 9.6 Each member of the committee will be given the opportunity to ask attendees questions, contribute and speak.
- 9.7 Attendees assisting the committee must be treated with respect and courtesy.

10. Reports and Recommendations

- 10.1 The overview and scrutiny committee may make reports or recommendations to any decision-maker including the Combined Authority, the Mayor, any decision-making committee or decision-making officer.
- 10.2 If the committee cannot agree a final report, a minority report may be prepared and submitted as an appendix to the majority report by the dissenting members present, if they number at least one-third of the total number of voting members appointed from the Constituent Councils.
- 10.3 The committee may publish any report, statement or recommendations, subject to Standing Order 12, according to its own processes.
- 10.4 Where in the opinion of the committee, any report or recommendation is of particular significance to any 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 scrutiny committee which made the report or recommendation.

11. Notice

11.1 The overview and scrutiny committee may, by notice, require the decision-maker in question within two months of receiving any report or recommendations or (if later) the notice, to:

- consider the report or recommendations,
- respond to the committee indicating what (if any) action they propose to take,
- publish the response, if the committee has published the report or recommendations, subject to Standing Order 12 below.

11.2 A decision-maker must respond to a report, or recommendations made by the committee, within two months beginning with the date on which they received the notice, and subject to Standing Order 12 below.

12. Publishing a Document: Confidential and Exempt Information

12.1 Standing Order 12.2 applies to the publication of any document comprising a report or recommendations of the overview and scrutiny committee, or a response of a decision-maker to any such report or recommendations.

12.2 In publishing the document, the committee or decision-maker must exclude any confidential information and may exclude any relevant exempt information, see further the Access to Information Rules in Part 4 of the Constitution.

12.3 When providing a copy of a document, the committee or decision-maker may exclude any confidential information or relevant exempt information.

12.4 Where information is excluded, the committee or decision-maker:

- 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.

13. Call-In of Decisions

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

- any decision of the Combined Authority or of any decision-making committee of the Combined Authority, 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
- any decision relating to approving or amending governance arrangements.

- 13.2 **One-third of the total voting members of the overview and scrutiny committee to include at least one member from each of the two Constituent Councils** may call-in a decision eligible for call-in by submitting a completed and signed “**call-in pro forma**” to the Scrutiny Officer by midday 12.00 pm on the **fifth clear working day** following publication under Standing Order 13.3 or 13.4.
- 13.3 The Monitoring Officer shall publish details of any decision taken at a meeting of the **Combined Authority or committee** eligible for call-in within **two clear working days** of a meeting.
- 13.4 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 **two 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.

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

- 14.1 An urgent decision may be implemented immediately.
- 14.2 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 only after **midday 12.00 pm of the sixth clear working day** after the publication of the decision, unless it is called-in.
- 14.3 On receipt of a call-in request, the Scrutiny Officer shall notify the Chair of the overview and scrutiny committee and the decision-maker of the call-in.
- 14.4 Where a decision is called-in, 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 committee, for a period not exceeding 10 working days from the date on which the direction is issued. The Monitoring Officer may extend this period in exceptional circumstances in the interests of fairness in coordination with the committee and decision-maker.
- 14.5 The committee must scrutinise the decision within 10 working days of the Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if different. The Monitoring Officer may extend this period in exceptional circumstances in the interests of fairness in coordination with the committee and decision-maker.
- 14.6 Members who have submitted a call-in notice must attend, or nominate a representative to attend, the meeting scrutinising the decision which has been called-in.
- 14.7 Where the 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 14.8 below.

- 14.8 The Scrutiny Officer will notify the decision-maker of the outcome of the scrutiny by the committee within **two 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.
- 14.9 The decision-maker must reconsider any decision not later than 10 working days after the date on which the recommendations of the committee are received.
- 14.10 The Chair of the committee or any other members nominated to do so and, where applicable, a representative of the dissenting members who have appended a “minority report” must attend any meeting which is reconsidering the decision, to present the report or recommendations
- 14.11 The decision-maker may confirm, amend or rescind the decision. Their response should be published in accordance with Standing Order 12.
- 14.12 A decision which has been confirmed or amended by the decision-maker may be implemented immediately.

15. Guidance of the Secretary of State

- 15.1 The Combined Authority and the committee must have regard to any guidance issued by the Secretary of State.

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, see further Article 12 (Officers) at Part 2 of this Constitution.
- 16.2 The statutory functions of the Scrutiny Officer are:
 - to promote the role of the overview and scrutiny committee,
 - to provide support and guidance to the committee and its members, and
 - to provide support and guidance to members and officers of the Combined Authority in relation to the functions of the committee.

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 Rules in Part 4 of the Constitution.
- 17.2 The Chair or in their absence, a Vice Chair of the committee, shall have a standing invitation to attend meetings of the Combined Authority as a non-voting observer.

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 Rules in Part 4 of the Constitution.

19. Interpretation

19.1 The Chair, or acting chair, of the overview and scrutiny 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 explicitly 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 meeting or any question of procedure not explicitly provided for by the Scrutiny Standing Orders.