



Combined County Authority Board

Thursday, 11 July 2024 11.00 am

Council Chamber, Derby City Council, The Council House, Corporation Street,
Derby, DE1 2FS

AGENDA

Open to the Public and Press

- | | | |
|----------|---------------------------------|-------|
| 1 | Election of Chair | 1 - 4 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interest | |
| 4 | Public Participation | |

Members of the public may ask questions if they have given notice and provided the text of the question to Governance Services (governance@eastmidsdevo.org.uk) no later than 5pm on Thursday 4 July 2024 and include the name and address of the questioner and the name of the Member to whom the questioner would like the question put.

The total time set aside for such questions and answers will be limited to 30 minutes with no extension of time, and questions not dealt with in this time will be dealt with by written responses.

- | | | |
|----------|--|--|
| 5 | The East Midlands Combined County Authority | |
|----------|--|--|

The Deputy Chief Executive will provide an introduction to the powers and functions of the East Midlands Combined County Authority and its devolution deal.

A presentation will be provided on the day

- | | | |
|----------|---|--|
| 6 | The role of Overview & Scrutiny at a Combined County Authority | |
|----------|---|--|

The Centre for Governance & Scrutiny will provide a session on the strategic nature of delivering the Overview & Scrutiny function at a Combined County Authority.

A presentation will be provided on the day.

7 Approach to delivering Overview & Scrutiny at East Midlands Combined County Authority

The Director of Law & Governance (Monitoring Officer) will lead a discussion on the core roles of Combined County Authority level Overview & Scrutiny and the approach to delivering the function to be taken at East Midlands Combined County Authority.

8 Overview & Scrutiny Committee Terms of Reference

5 - 18

The Director of Law & Governance (Monitoring Officer) will present written report setting out the Terms of Reference for the Overview & Scrutiny Committee.

NOTE FOR THE PUBLIC: Members of the public are advised that they can watch proceedings via the East Midlands Combined County Authority website by visiting www.eastmidlands-cca.gov.uk

Seating is available in the Council Chamber for those wishing to attend in person and will be allocated on a first-come, first-serve basis.

Membership

The East Midlands Combined County Authority Overview & Scrutiny Committee comprises the following members:

Constituent Council Members:

Councillor Dhindsa	Derby City Council
Councillor Poulter	Derby City Council
Councillor Swann	Derbyshire County Council
Councillor Dixon	Derbyshire County Council
Councillor Gardiner	Nottingham City Council
Councillor Power	Nottingham City Council
Vacancy	Nottinghamshire County Council
Vacancy	Nottinghamshire County Council

Non-Constituent Members:

Councillor Hughes	D2 Strategic Leadership Board
Councillor Gillott	D2 Strategic Leadership Board
Mayor Abrahams	N2 Economic Prosperity Committee
Councillor Brennan	N2 Economic Prosperity Committee

If any member requires advice on declaring an interest in any item on the agenda, then please contact the Monitoring Officer, if possible before the day of the meeting.

Jodie Townsend
Director of Law & Governance and Monitoring Officer

Published 3 July 2024

If you have any queries about this meeting, please contact communications@eastmidsdevo.org.uk



*making our region more prosperous, sustainable, and fairer,
helping our people and businesses to create and seize opportunities*

Overview & Scrutiny Committee		
Date	11 July 2024	
Report Title	Election of Chair of the Overview & Scrutiny Committee	
Report Author	Jodie Townsend, Interim Director Law & Governance and Monitoring Officer	
Public Report	Yes	
Recommendation(s) for action or decision:		
The Overview & Scrutiny Committee is recommended to:		
A	Elect a Chair of the Overview & Scrutiny Committee	

1. Purpose

1.1 To appoint a Chair of the Overview & Scrutiny Committee for 2024/25

2. Background

2.1 The Combined County Authority agreed a version 1.0 governance framework at its meeting on 20 March 2024 that included a single Overview & Scrutiny Committee, in line with best practice and following engagement with other Mayoral Combined Authorities on their approach to delivering the Overview and Scrutiny function.

2.2 During the development of the governance framework, Constituent Council Leaders were engaged on whether they supported the Chair of the Overview & Scrutiny Committee being an independent person in accordance with provision made under paragraph 3 of Schedule 5A to the 2009 Act(1), or an appropriate person in accordance with provision made under paragraph 3(4)(b) of Schedule 5A to the 2009 Act.

2.3 Constituent Council Leaders were in unanimous agreement that the governance framework include as Chair of the Overview & Scrutiny Committee an ‘appropriate person’.

Legislation

2.4 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) (Amendment) Regulations 2024, provides the legislative framework around Overview and Scrutiny Committees.

2.5 The key detail within this legislation is set out in the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017, the amended legislation allows for this to be applied to Combined County Authorities.

2.6 The legislation refers to eligibility for the position of Chair of an Overview & Scrutiny Committee.

Constitution of the East Midlands Combined County Authority

2.7 The constitution states that the Chair will be an 'appropriate person' (not of the same political party as the Mayor) in line with regulation 5 of the amended Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

2.8 As a result, no Labour Party Councillors can be the Chair of the Overview & Scrutiny Committee.

3. Process for electing a Chair

3.1 The Overview & Scrutiny Committee shall appoint a Chair from its membership. They must be a member from a Constituent Council by legislation and the EMCCA Constitution. The Chair must be nominated for the position by a member and then seconded by another member. If there is more than one candidate the Committee will take a vote of its Constituent Council members, a simple majority of the members present and eligible for voting is required to determine the result.

3.2 The Committee may, however, wish to consider deferring the decision on electing a Chair until the next meeting in order to allow for the full membership of the Committee to make the decision. The inclusion of appointments from Nottinghamshire County Council would likely include at least one additional eligible candidate for the position. To do so is a decision for the Committee

3.3 If the Committee was minded to defer the decision, then committee members would be asked to appoint a Chair for this meeting in order to lead enactment of business identified in the agenda. The Monitoring Officer can provide further advice on appointing a Chair at the Committee meeting

4. Key considerations in electing a Chair

4.1 You may want to consider the following regarding the role of Chair which is set out in the statutory scrutiny guidance:

- The Chair plays a key leadership role on the committee and within the organisation as they are largely responsible for establishing its profile, influence, and ways of working.
- When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve. Combined County Authorities may also want to consider the balance of committee members drawn from each constituent council.
- Authorities should not take into account a member's perceived level of support for or opposition to a particular political party.
- The attributes authorities should and should not consider when selecting individual committee members (set out in 2 bullets above) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.
- Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.
- The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined authorities and combined county authorities whose chair is an "appropriate person" should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair.

4.2 The Chair of the committee would be expected to take on additional responsibilities, which include:

- Working with officers to develop the work programme on behalf of the committee, taking into account the upcoming work of EMCCA and areas where scrutiny must be carried out (i.e. the annual budget).

- Chairing committee meetings effectively so that members can carry out their roles efficiently.
- Facilitating strong team-working between committee members during formal meetings, informal meetings and other meetings.
- Monitoring the progression of Deep Dives established by the committee.
- Monitoring and supporting Overview & Scrutiny Rapporteurs

4.3 A role profile for the position of Chair of the Overview & Scrutiny Committee has not yet been developed, however it would likely include the following:

- Providing leadership and direction to the Scrutiny Function
- Supporting the Statutory Scrutiny Officer in delivering their statutory role
- Managing the Committee work programme
- Leading on Joint Scrutiny
- Leading on the development of the EMCCA Scrutiny function
- Delivering effective meeting management
- Proactively drive the development of the function and committee members skillsets
- Ensure the activity of the Committee and its members adhere to the EMCCA values

5. Appendices

5.1 There are no appendices to this report.

6. Implications

Financial Implications

5.1 An allowance of £9500 exists for the position of Chair of the Overview & Scrutiny Committee and an allowance of £1000 per annum for Committee members. The total cost of these allowances (and any on costs) will be funded from the Combined County Authority budget.

Legal Implications

5.2 The arrangements for the operation of the Overview and Scrutiny function adhere to legislative requirements and the governance framework set out in the constitution.

Other Significant Implications

5.3 No other implications are identified in this report.

Background Papers

5.4 [The East Midlands Combined County Authority Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

5.5 [The Combined Authorities \(Overview and Scrutiny Committees, Access to Information and Audit Committees\) Order 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

5.6 [Scrutiny Protocol - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

This page is intentionally left blank



*making our region more prosperous, sustainable, and fairer,
helping our people and businesses to create and seize opportunities*

Overview & Scrutiny Committee		
Date	11 July 2024	
Report Title	Overview & Scrutiny Committee Terms of Reference	
Report Author	Jodie Townsend, Interim Director Law & Governance and Monitoring Officer	
Public Report	Yes	
Recommendation(s) for action or decision:		
The Overview & Scrutiny Committee is recommended to:		
A	Note and consider the Overview and Scrutiny arrangements set out in section 3 of this report	
B	Note and consider the Terms of Reference set out in section 4 of this report	

1. Purpose

- 1.1 To note and consider the arrangements put in place for the operation of the Overview & Scrutiny Committee
- 1.2 To note and consider the terms of reference for the Overview & Scrutiny Committee

2. Background

- 2.1 The Combined County Authority is required to have at least one Overview & Scrutiny Committee within its governance framework.

3. Overview & Scrutiny Arrangements

- 3.1 The Combined County Authority agreed a version 1.0 governance framework at its meeting on 20 March 2024 that included a single Overview & Scrutiny Committee, in line with best practice and following engagement with other Mayoral Combined Authorities on their approach to delivering the Overview and Scrutiny function.
- 3.2 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 provides the legislative framework around Overview and Scrutiny Committees. In November 2023, guidance in the form of a Scrutiny Protocol was also issued by the Government, a link to both of these documents can be found within the background papers section of this report below.
- 3.3 The governance arrangements for the Overview & Scrutiny Committee are set out below.

Meeting Cycle

- 3.4 Engagement with Mayoral Combined Authorities identified the benefit of scheduling informal Overview & Scrutiny Committee meetings alongside formal meetings. The calendar of meetings, approved by the Combined County Authority on 17 June, includes dates for both informal and formal meetings of the Overview & Scrutiny Committee.
- 3.5 The purpose of the informal meetings is to provide a scheduled opportunity for the Committee to meet to prepare for the formal Committee meetings. These meetings would take place via Teams rather than in person, taking into account the significant geography and travel requirements of the EMCCA area. They would be provided with supporting papers and officer support and attendance as required.
- 3.6 The core purpose of the informal meeting would be to review key strategic performance data and information in order to identify areas for focus at the formal meeting of the Overview & Scrutiny Committee. This opportunity will enable the Committee to discuss report requirements for formal agenda items, identify key lines of enquiry and key individuals required for that agenda item when formally discussed.
- 3.7 The informal meetings also provide an additional opportunity for the Committee to build relationships between its membership and receive briefings on EMCCA activity and functions to help improve knowledge and understanding of the role of the Combined County Authority.
- 3.8 The subsequent formal meetings would undertake the formal and public activity of the Committee, based around its core roles.
- 3.9 Meetings have been scheduled for as follows:

Informal Overview & Scrutiny Committee Meetings	Formal Overview & Scrutiny Committee Meetings
19 September 28 November 8 January 27 February	31 October 12 December 23 January 27 March

Procedure Rules

- 3.10 The Combined County Authority adopted Overview and Scrutiny Procedure Rules on 20 March 2024 which are set out in the constitution, they are attached to this report at Appendix A.
- 3.11 Committee membership is asked to note these Procedure Rules and to provide comment and feedback on their content.

Work Programme

- 3.12 The Procedure Rules refer to the Overview & Scrutiny Committee setting its own work programme.
- 3.13 It is suggested that the work programme be a focus on discussion at the scheduled informal meeting of the Committee on 19 September, to facilitate this officer will engage Committee membership on the approach to determining the work programme prior to the 19 September.
- 3.14 Committee membership is encouraged to consider the presentations provided at the 11 July meeting, and to think about what they may wish to suggest be included in the work programme.

Rapporteurs

- 3.15 It is proposed that the Committee consider the appointment of Rapporteurs, these appointments would be of Committee members to shadow Portfolio Leads and the work of the relevant Portfolio Committee. Such a role would seek to ensure awareness of thematic activity and better enable Overview & Scrutiny involvement in pre-decision scrutiny, identifying policy gaps and contributing to thematic strategy proposals.
- 3.16 It is proposed that a discussion on Rapporteur positions take place at the scheduled informal meeting on 19 September as it is anticipated that Board would have approved Portfolio Lead roles by this time.

4. Terms of Reference

- 4.1 The terms of reference for the Overview & Scrutiny Committee are attached at Appendix B. Committee membership is asked to note and consider the terms of reference and provide feedback on the content.

5. Appendices

- 5.1 Overview & Scrutiny Committee Procedure Rules
- 5.2 Overview & Scrutiny Committee Terms of Reference

6. Implications

Financial Implications

- 5.1 An allowance of £9500 exists for the position of Chair of the Overview & Scrutiny Committee and an allowance of £1000 per annum for Committee members. The total cost of these allowances (and any on costs) will be funded from the Combined County Authority budget.

Legal Implications

- 5.2 The arrangements for the operation of the Overview and Scrutiny function adhere to legislative requirements and the governance framework set out in the constitution.

Other Significant Implications

- 5.3 No other implications are identified in this report.

Background Papers

- 5.4 [The East Midlands Combined County Authority Regulations 2024 \(legislation.gov.uk\)](https://legislation.gov.uk)
- 5.5 [The Combined Authorities \(Overview and Scrutiny Committees, Access to Information and Audit Committees\) Order 2017 \(legislation.gov.uk\)](https://legislation.gov.uk)
- 5.6 [Scrutiny Protocol - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Appendix A: Overview and Scrutiny Procedure Rules

The following Overview and Scrutiny Procedure Rules are detailed in section 4.4 of the Constitution of the East Midlands Combined County Authority.

4.4 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 Overview and Scrutiny Committee 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.

7. 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

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

- 8.1 Each overview and scrutiny committee or sub-committee will set its own work programme.
- 8.2 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.
- 8.3 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 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.

8.4 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.

8.5 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.

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 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.

10.2 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.

10.3 The Mayor, any other Combined County 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 to attend any meeting to:

- address it,
- 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 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.
- 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 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 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 13 below.
- 12.2 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 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 County 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 County Authority or the Mayor must exclude any confidential information and may exclude any relevant exempt information.
- 13.3 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.
- 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 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

- 14.2 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.

- 14.3 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 14.4 or 14.5.

- 14.4 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.

- 14.5 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.

- 14.6 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

- 14.7 An urgent decision may be implemented immediately.
- 14.8 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.
- 14.9 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 14.10 below,
 - and
 - call a meeting of the overview and scrutiny committee, to scrutinise the decision

- 14.10 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.
- 14.11 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.
- 14.12 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 14.13 below.
- 14.13 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.
- 14.14 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.
- 14.15 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.
- 14.16 The decision-maker may confirm, amend or rescind the decision. Their response should be published in accordance with Standing Order 13.
- 14.17 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 An overview and scrutiny committee or sub-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 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.

The Combined Authority shall not designate an officer of any Constituent Council as Scrutiny Officer for the Combined Authority.

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.

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.

18. Interpretation

18.1 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.

18.2 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

Document version control

Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

5E. Overview & Scrutiny Committee

Terms of Reference

This is a regulatory committee of the Combined County Authority; these are Committees that the Combined County Authority must have by law.

The function of the Overview & Scrutiny Committee is to:

- review or scrutinise any decision made, or other action taken, in connection with any Non-Mayoral Function or Mayoral Function of the Combined County Authority.
- make reports or recommendations to the Combined County Authority, with respect to any Non-Mayoral Function of the Combined Authority.
- make reports or recommendations to the Mayor, with respect to any Mayoral Function of the Combined County Authority.
- make reports or recommendations to the Combined County Authority or the Mayor on any matter that affects the Combined County Authority's Area or the inhabitants of the Combined County Authority's Area

The Combined County Authority must appoint one or more overview and scrutiny committees whose proceedings shall operate in accordance with these terms of reference and the Scrutiny Standing Orders detailed in **Part 4** of the Constitution.

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

Membership

The membership of the Overview & Scrutiny Committee shall consist of:

Voting Membership:

- 2 representatives from each Constituent Council

Non-Voting Membership

- District & Borough representatives appointed by D2 Strategic Leadership Board (nominating body) x 2
- District & Borough representatives appointed by N2 Economic Prosperity Committee (nominating body) x 2

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.

For the purposes of political balance considerations, the members of the committee as a whole refers to the voting members of the Committee.

Chairing the Committee

The Combined County Authority will appoint the Chair of the Committee.

The Chair will be an 'appropriate person' (not of the same political party as the Mayor) in line with regulation 5 of the amended Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.

Quorum

The quorum will be two thirds of voting members of the Committee (5 voting members)

Voting

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote.

Frequency

There will be a minimum of four Overview & Scrutiny Committee meetings each municipal year, meetings shall be held in public with provision for Public Forum.

Functions

The Overview & Scrutiny Committee has the following key tasks to deliver in fulfilling its functions:

- hold the Mayor, Lead Members and the Combined County Authority Board to account for the delivery of priority objectives
- hold the Mayor to account for delivery of Mayoral Priorities
- undertake pre-Scrutiny of Board decision-making
- utilise the Call-In power if decisions have not been taken in accordance with the principles of decision-making set out in the Constitution
- undertake policy review when approached to undertake or if gap/ issue identified through performance review and decision-making accountability
- undertake Strategic Performance Review of Corporate KPIs
- hold focused meetings on cross-cutting matters and/or issues of significant concern
- undertake focused budget scrutiny on MTFP alignment/ delivery and consultation
- undertake deep dives or establish scrutiny task and finish or working groups as and when required
- appoint Rapporteurs to shadow lead member portfolios and/ or advisory committees

Review

The terms of reference are to be reviewed on an annual basis by the Overview & Scrutiny Committee

The role and arrangements of the Overview & Scrutiny Committee will be reviewed on an annual basis by the Combined County Authority

Document version control	
Version:	1.0
Date:	20 March 2024
Document approved by:	EMCCA Board
To be of effect from:	20 March 2024

This page is intentionally left blank