

Section(s)	Brief description of changes	Implications of changes and other salient factors
<p>Functions of overview and scrutiny committee (Paragraph 2(1)-(10), Sch 1A LURA 2023, Sch 5AA LDEDCA 2009)</p>	<p>Arrangements for scrutiny must ensure that the committee(s) have power to investigate matters of local interest, and the power to make reports on the discharge of functions that are the responsibility of the combined (county) authority (C(C)A) or the mayor, to review or scrutinise decisions relating to those matters, and to make reports and recommendations.</p> <p>A “matter of local interest” is something that relates to the area and that relates to the C(C)A functions (a matter of mayoral competence).</p> <p>Arrangements must also allow scrutiny committees to review the policy outcomes from the discharge of functions by the mayor and the C(C)A and the effectiveness of action in achieving outcomes.</p> <p>Arrangements to scrutinise the above matters (including reports and recommendations) <i>must</i> assess and report on value for money.</p> <p>Arrangements must also cover the right to call in decisions. Overview and scrutiny committees must publish their call-in arrangements, which must be agreed by the C(C)A.</p>	<p>This reflects a clarification of scrutiny’s core remit – tying that remit closely to areas of mayoral competence. The legislative effect technically restricts the functions of scrutiny as currently set out in the 2016 Act (and LURA 2023) and is more directive in terms of the way in which scrutiny is expected to undertake its work.</p> <p>The <i>requirement</i> to report on value for money is new and reflects previous commentary on the establishment of Local Public Accounts Committees. To use this suggests an important role both in pre-decision scrutiny and in the medium/long-term evaluation of decisions already made.</p> <p>It will be allowed for scrutiny to look at matters that fall outside of mayoral competence but reports and recommendations must be focused on the mayor and C(C)A.</p>
<p>As above, subs (11)</p>	<p>If the OSC makes a recommendation to the CCA or mayor and the CCA or mayor do not intend to give effect to the recommendation, reasons must be given.</p>	<p>New arrangements which introduce a duty to give reasons on the part of the mayor and C(C)A where it is proposed to reject recommendations,</p>

		in part or in full. These arrangements did not previously exist.
<p>Overview and scrutiny committees: supplementary provisions, Financial penalties (Para 3(6-16), Para 7)</p>	<p>Paragraph 3 introduces provisions to allow a CCA to:</p> <ul style="list-style-type: none"> • Require a “key person” (defined in Para 10) is attend to answer questions; • Require a “key person” to provide it with information and documents. <p>Regulations may set out the detailed of information provision arrangements.</p> <p>Other people may be invited to attend, or to provide information.</p> <p>The usual legal exceptions to the information provision requirement are present.</p> <p>Paragraph 7 introduces financial penalties for failure to attend committee meetings, answer questions or provide information. Financial penalties will be subject to regulations. Such a penalty is only imposed on persons who are required to comply, which in the first instance include people designated as “key persons” in paragraph 10 but may not be limited to people with that designation. Regulations may also make provision for the level of such penalties.</p> <p>Paragraph 10 specifies that a “key person” is the mayor, deputy mayor, mayoral commissioner, officer of the CCA, a member of the CCA with particular policy responsibilities (presumably a cabinet member) or another person designated by regulations (see below).</p>	<p>The introduction of stronger requirements to attend meetings, and to provide information, is backed by the presence of financial penalties. The detailed design of a system to impose these penalties (and appeals against them) will be provided in Regulations.</p> <p>These arrangements should be seen alongside the requirement placed on C(C)As to respond to reports and recommendations, set out in Paragraph 2(11).</p>

<p>Termination of office for failure to attend meetings (Para 8)</p>	<p>Mayors, deputy mayors and mayoral commissioners will cease to hold office (ie be removed from post) if they fail to attend six consecutive compulsory OSC meetings in a 12-month period. A meeting is “compulsory” if the person has been required to attend.</p>	<p>The power to terminate office is limited to just these three classes of individual and is supplementary to the arrangements for financial penalties.</p>
<p>Power to make further provision about overview and scrutiny committees (Para 4)</p>	<p>Sets out regulation-making powers for Government to cover:</p> <ul style="list-style-type: none"> • Membership and voting rights for committee members • Payment of allowances (which will be required); • Chairing arrangements (which will be the same as at present); • Appointment of scrutiny officers – arrangements <i>must</i> provide for C(C)As to appoint two scrutiny officers; • How, and by whom, matters may be “referred” to an OSC; • Requirements of “persons” to respond to reports and recommendations; • Publication of reports, recommendations and responses; • Information provision by the C(C)A or others; • The legal time period for call-in. <p>Regulations may also make provision for the civil penalties that apply in the case of key persons who do not comply with requirements set out in paragraph 3.</p> <p>Regulations must also set out OSCs’ involvement of “independent experts” in their work – including how the work of independent experts will be taken</p>	<p>These arrangements were previously contained in the bespoke orders that accompanied the establishment of each C(C)A. The regulations will put these on a consistent, national footing but in doing so, the legislative effects for different C(C)As may be different.</p> <p>Chairing, membership and allowances are expected not to differ too much from current arrangements. Government wants to maintain the principle that the majority of members will be elected members (see below).</p> <p>The requirement for two scrutiny officers is notable because it is a requirement that the two officers so designated are ones carrying out the day-to-day duties of scrutiny support, which is different to the “statutory scrutiny officer” rules applying elsewhere.</p> <p>The requirement to engage with “independent experts” could be seen as a development (and a formalisation) of co-option arrangements that exist elsewhere. Whether the expectation is that combined authorities will establish a standing “panel” of experts, or something looser, is unclear at the moment – as is a sense of what exactly they will be expected to contribute, and how. Expert support, and involvement is one of the needs we identified when we were</p>

	<p>account of. Independent experts may need to be remunerated.</p>	<p>developing plans for local public accounts committees, and we anticipate that it is likely to be of most use in making assessments on value for money.</p>
<p>Petitions (Para 6)</p>	<p>Introduces new petition arrangements. This is not a generalised petitioning power but a specific power for local people to petition an overview and scrutiny committee to look at something.</p> <p>A local elector can “start a petition” calling on the overview and scrutiny committee to exercise its functions in a certain way. Certain matters are cause for a petition to be rejected. Petitions can be electronic and non-electronic.</p> <p>The threshold beyond which a petition must be considered by an OSC is 0.1% of the total number of local electors in the area. The committee can take account of its own resources in deciding whether to act on a petition.</p> <p>There are process requirements relating to publication of decision-making on petitions. Regulations may make further provision.</p>	<p>The introduction of a right to petition an OSC to look at an issue (where it is within its powers to do so) is a new measure without a counterpart either in the current combined authority framework or in the rules applying to local authorities.</p>