

Teess Valley Combined Authority Overview and Scrutiny Committee

Agenda

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Date: Wednesday, 15th September, 2021 at 10:00 am

Venue: Cavendish House, Teesdale Business Park, Stockton-On-Tees, TS17 6QY

Membership

Cllr Stephenson (Chair) (Stockton-on-Tees Borough Council)
Cllr Hobson (Vice Chair) (Middlesbrough Council)
Cllr Barlow (Stockton-on-Tees Borough Council)
Cllr Branson (Middlesbrough Council)
Cllr Harker (Darlington Borough Council)
Cllr Harrison (Hartlepool Borough Council)
Cllr Hobson (Middlesbrough Council)
Cllr Jones (Darlington Borough Council)
Cllr Jones (Redcar and Cleveland Borough Council)
Cllr Loynes (Hartlepool Borough Council)
Cllr Renton (Darlington Borough Council)
Cllr Riordan (Stockton-on-Tees Borough Council)
Cllr Smith (Redcar and Cleveland Borough Council)
Cllr Wells (Redcar and Cleveland Borough Council)

AGENDA

PUBLIC

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2 Declarations of interest

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Overview & Scrutiny Committees - Statutory Powers/Legislation



Tees Valley Combined Authority Overview and Scrutiny Committee

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6 Meetings & Forward Plan

Forward Plan attached [Page 29]

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Sharon Jones
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Tees Valley Combined Authority Declaration of Interests Procedures

1. The purpose of this note is to provide advice and guidance to all members (the Mayor, elected and co-opted members, substitute members and associate members) of the Combined Authority Cabinet, Sub-Committees and Local Enterprise Partnership Board, on the procedure for declaring interests. The procedure is set out in full in the [Combined Authority's Constitution](#) under the "Code of Conduct for Members" (Appendix 8).

Personal Interests

2. The Code of Conduct sets out in full, the principles on the general conduct of members in their capacity at the Combined Authority. As a general principle, members should act impartially and should not use their position at the Combined Authority to further their personal or private interests.
3. There are two types of personal interests covered by the constitution:
 - a. "disclosable pecuniary interests". In general, a disclosable pecuniary interest will involve any financial interests, such as paid employment or membership of a body, interests in contracts, or ownership of land or shares. Members have a pecuniary interest in a matter where there is a reasonable likelihood or expectation that the business to be considered will affect your well-being or financial position, or the well-being or financial position of the following persons:
 - i. a member of your family;
 - ii. any person with whom you have a close association;
 - iii. in relation to a) and b) above, their employer, any firm in which they are a partner, or a company of which they are a director;
 - iv. any person or body in whom persons described in a) and b) above have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - v. any body as described in paragraph 3 b) i) and ii) below.
 - b. Any other personal interests. You have a personal interest in any business of the Combined Authority where it relates to or is likely to affect:
 - i. any body of which you are a member (or in a position of general control or management) and to which you are appointed or nominated by the Combined Authority;
 - ii. any body which:
 - exercises functions of a public nature;
 - is directed to charitable purposes;
 - one of whose principle purposes includes influencing public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management).

Declarations of interest relating to the Councils' commercial role

4. The constituent councils of the Combined Authority are closely integrated with its governance and financial arrangements, and financial relationships between the Combined Authority and Councils do not in themselves create a conflict of interest for Council Leaders who are also Combined Authority Cabinet members. Nor is it a conflict

of interest if the Combined Authority supports activities within a particular council boundary. Nevertheless, there are specific circumstances where the Cabinet is considering entering into direct contractual arrangements with a council, for example in relation to a particular commercial investment project, or in which that council is a co-funder. In these circumstances a non-pecuniary declaration of interest should be made by the Council Leader or their substitute.

Procedures for Declaring Interests

5. In line with the Code of Conduct, members are required to adhere to the following procedures for declaring interests:

Register of Interests

6. Each member is required to complete a register of interests form with their personal interests, within 28 days of their appointment to the Combined Authority. If no declaration is received from elected members within 28 days the matter may be referred to the Head of Paid Service of your local authority and Leader of the political group you represent on your council for action. If a Declaration is not submitted within an appropriate timescale you may be prevented from attending committee meetings.
7. Details of any personal interests registered will be published on the Combined Authority's website, with the full register available at the Combined Authority's offices for public inspection. The form will be updated on an annual basis but it is the responsibility of each member to notify the Monitoring Officer of any changes to the register throughout the year. Notification of a change must be made to the Monitoring Officer within 28 days of becoming aware of that change.

Declaration of Interests at Meetings

8. The Combined Authority will include a standing item at the start of each meeting for declaration of interests. Where members are aware that any of their personal interests are relevant to an item of business being considered at a meeting they are attending, they must declare that interest either during the standing item on the agenda, at the start of the consideration of the item of business, or when the interest becomes apparent, if later.
9. Where members consider that their interest could be considered by the public as so significant that it is likely to prejudice the members' judgement then they may not participate in any discussion and voting on the matter at the meeting, but may attend the meeting to make representations, answer questions or give evidence relating to the business, before it is discussed and voted upon.
10. If the interest is a disclosable pecuniary interest (as summarised in paragraph 3a) then the member must leave the meeting room during discussion and voting on the item of business, but may make representations, give evidence and answer questions before leaving the meeting room. Failure to comply with the requirements in relation to disclosable pecuniary interests is a criminal offence.

Sensitive Information

11. Members can seek the advice of the monitoring officer if they consider that the disclosure of their personal interests contains sensitive information.

Tees Valley Combined Authority Overview and Scrutiny Committee

**Microsoft Teams meeting
Thursday, 11th March, 2021 at 10:00 am.**

Present:

Cllr Stephenson (Chair) (Stockton-on-Tees Borough Council)
Cllr Hobson (Vice Chair) (Middlesbrough Council)
Cllr Barlow (Stockton-on-Tees Borough Council)
Cllr Harker (Darlington Borough Council)
Cllr Jeffrey (Redcar and Cleveland Borough Council)
Cllr Jones (Redcar and Cleveland Borough Council)
Cllr Culley (Darlington Borough Council)
Cllr Renton (Darlington Borough Council)
Cllr Riordan (Stockton-on-Tees Borough Council)
Cllr Rooney (Middlesbrough Council)
Cllr Wells (Redcar and Cleveland Borough Council)

Officers:

Gary Macdonald - Group Director of Finance and Resources
Alison Fellows - Group Director of Commercial and Delivery
Chris Beck - Director of Business and Skills
Peter Judge - Group Chief Legal Officer (Monitoring Officer)
Sharon Jones - Governance & Scrutiny Officer
Sally Henry - Governance Officer

Also in attendance:**Apologies for absence:**

Cllr Rathmell (Middlesbrough Council)
Cllr Loynes (Hartlepool Borough Council)
Cllr Jones (Darlington Borough Council)

OSC Declarations of interest

27/20 Cllr Culley declared an interest as a TIAL reserve Board Member.

OSC Minutes

28/20 Minutes of last meeting and matters arising

The Chair informed the Committee that she has contacted The Mayor regarding 2 matters. Firstly regarding Chair & Vice Chair of this Committee being allowed to remain in Cabinet meetings for confidential items. Secondly to request that a member of this Committee is given a seat on the Freeport Board once it is established. No response has been received to either of these requests as of yet. These will be chased again with the Mayor's office.

OSC 21/20 - A response was provided to a Member question relating to Airline subsidy information. This was circulated to Members as a follow up action, but it is felt this does not answer the question that was asked. Further information on airline incentivisation to be provided. Action AF.

OSC 21/20 – The minute states that Devolution funding is not the only pot with flexibility. This needs to be amended to state Devolution funding is the only pot with total flexibility.

Resolved that with the amendments made as noted the minutes of the meeting on 7th January 2021 were agreed as a true record.

OSC **Group Chief Executive Update**

29/20 A report was provided detailing the key activity of the Combined Authority since the last meeting.

Discussion took place around the following areas:

Number of jobs to be created across Tees Valley in line with the Investment Plan - Reports regarding Investment Plan progress are point in time reports so currently numbers of jobs reported will relate to the construction and set up stage but as projects progress the numbers will change as we move to outputs and operational stages. Announcements regarding job numbers give the total anticipated numbers but these should be broken down into the different stages of construction and operation. The impact of Covid has meant jobs have been lost in areas where it wasn't expected but there is a lot of work ongoing to try to retain and create jobs. Foundations are being put in place via Teesworks, clean growth, offshore wind etc. to help us to create more jobs and to make these jobs accessible at all levels. Teesworks academy has been set up to link future jobs to current training courses so when the jobs arrive the right people are available locally to fill these.

Buy local Tees Valley - How is success of the businesses that have signed up to this being measured? Data will be reviewed and shared with the Committee following the meeting. Action CB.

The Cultural Development & Innovation Fund - more information regarding which businesses have benefitted from the fund will be circulated after the meeting. Action AF.

Tees Valley-wide Creative Education Partnership - more information to be provided on the expected future costs of this project. Action AF.

Resolved that the detail of the report is noted.

OSC **Investment Plan Delivery Update - Q2**

30/20 An Investment Plan delivery update paper was circulated.

Discussion took place around the following areas:

The target within the Investment Plan to create 25,000 jobs - Press report figures for newly created jobs add up to more than the 25,000 target but TVCA will continue to report against this target as that's what was set at the start of the plan. It's possible that figures may stagger over the next few years, but reporting will continue to show the target, and how we are performing against that. It will be factually correct at each point in time. We are only in year 2 of the Investment plan so it is still very early days and there are the consequences of

the Covid pandemic and economic recovery plans to consider. TVCA will continue to develop proposals and business cases to work towards achieving the 25,000 jobs target.

Apprenticeships - The number of apprenticeships created has been provided. Data regarding the number of dropouts against these figures is to be circulated following the meeting. Action CB

Resolved that the detail of the report is noted.

OSC **Delegated Decisions**

31/20 A report was circulated detailing the Delegated Decisions made by the Combined Authority since the last meeting.

Resolved that the details of the report are noted.

OSC **Meetings & Forward Plan**

32/20 The next meeting is set to take place on 20th May, which is post election.

STDC quarterly monitoring report is an agenda item for May. It was agreed that this report should incorporate delivery against planned progress. Action GM.

Resolved that the detail is noted

OSC **Freeport Bid**

33/20 The Chair passed a resolution to exclude the press and public under paragraph 3 of schedule 12A of the Local Government Act 1972.

A paper regarding the Freeport Bid and supporting documents were circulated to the Committee. A presentation was delivered to explain the detail of the Freeport bid.

Resolved that the detail of the report is noted.

AGENDA ITEM 3**REPORT TO THE TEES VALLEY COMBINED AUTHORITY
OVERVIEW & SCRUTINY COMMITTEE****15TH SEPT 2021****REPORT OF MONITORING OFFICER****OVERVIEW & SCRUTINY COMMITTEE – STATUTORY POWERS/LEGISLATION****SUMMARY**

At the request of the Committee, this report outlines legal basis and role of the Overview and Scrutiny Committee ('**O&SC**' or '**Committee**'), with an explanation of the powers of the Committee.

RECOMMENDATIONS

It is recommended that the O&SC note the details of the report.

DETAIL**INTRODUCTION**

1. The concept of Overview and Scrutiny Committee was introduced in 2000 linked to a move to greater executive leadership of local authorities, to ensure that members of an authority who were not included in the executive had the opportunity to hold the executive accountable for decisions and actions that affect the community.
2. The Legal basis for the Overview and Scrutiny Committee in relation to Combined Authorities can be found in the Local Democracy, Economic Development and Construction Act 2009 (Schedule 5A) and the Combined Authorities (Overview and Scrutiny Committees Access to Information and Audit Committees) Order 2017. There is also formal Guidance which was issued by the Ministry of Housing Communities and Local Government in May 2019.
3. The Legislation is supplemented with MHCLG Statutory Guidance issued in May 2019 (the '**Guidance**')
4. The overall purpose of this framework is to enable the O&S Committee to play an important role in holding the authority's decision makers to account and is considered fundamentally important to the successful functioning of local democracy. (See Ministerial Forward to the Guidance).

5. It is also important to consider the scope of the remit of the O&SC in the context of the role, in relation to the decision making of the Combined Authority. Whilst the remit extends to the decisions of the Combined Authority including the decisions in relation to funding given by the Combined Authority and its role the Combined Authority takes in monitoring those investments, the O&SC's reach ends with the Combined Authority's decisions and does not extend inside some of the principal funding recipients such as the South Tees Development Corporation and Teesside International Airport.
6. The role and importance of the Committee is clear, and there are various tools used in supporting the Committee in this role. The support of the Monitoring Officer, Scrutiny Officer and planning tools are discussed, as are the Committee's legal powers.

THE ROLE OF THE OVERVIEW & SCRUTINY COMMITTEE

7. Effective Scrutiny is described in the Guidance as having the following attributes:
 - To provide constructive 'critical friend' challenge
 - To amplify the voices and concerns of the public
 - To be led by independent people who take responsibility for their role
 - To drive improvement in public services.

LEGISLATION AND STATUTORY GUIDANCE

8. Requirements for Combined Authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
9. The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 (the **2017 Order**).
10. The Guidance recognises that, as democratically elected bodies, authorities have a degree of flexibility about how the guidance is applied and it states that authorities 'must have regard to' to it . The Guidance explains "[this] does not mean that the sections of statutory Guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to, in a particular case." This said TVCA seeks to meet all of the Guidance recommendations.
11. The Guidance covers each of the following matters, which are discussed in more detail below:
 - a. Organisational Culture
 - b. Resourcing
 - c. Selecting Committee Members
 - d. Powers to Access information
 - e. Planning Work; and
 - f. Evidence Sessions

ROLE OF THE COMMITTEE ‘...MATTERS RELEVANT TO THE FUNCTIONS OF THE COMMITTEE’

12. The role and remit of the Committee is fully set out in the TVCA Constitution (Part 3) but its functions derive from Schedule 5A of Local Democracy, Economic Development and Construction Act 2009 (paragraph 1) and they are reproduced, as they appear in that Act, below throughout the 2017 Order the expression ‘matters relevant to the functions of the Committee’ is used. This expression is important as it goes to the heart of the role of the Committee. The functions are:

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the authority (1(2)(a));
- to make reports or recommendations to the authority with respect to the discharge of any functions that are the responsibility of the authority. (1(2)(b));
- to make reports or recommendations to the authority on matters that affect the authority's area or the inhabitants of the area (1(2)(c));
- to review or scrutinise decisions made, or other action taken, in connection with the discharge by the mayor of any general functions; (1(3)(a));
- to make reports or recommendations to the mayor with respect to the discharge of any general functions; (1(3)(b));
- to make reports or recommendations to the mayor on matters that affect the authority's area or the inhabitants of the area (1 (3) (c));
- In relation to the power to review or scrutinise a decision made but not implemented (sub-paragraph (2)(a) and (3)(a)) the:
 - power to direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee (up to maximum of 14 days, and
 - power to recommend that the decision be reconsidered.
- These powers are interpreted to extend to doing anything which is calculated to facilitate, or is conducive or incidental to the discharge of those functions ((1)(8)).

13. In practice, the legislation (the 2017 Order) provides an additional power to the Committee's Chair that Key decisions (covered by paragraph 11 of the 2017 order) cannot be made with less than 5 clear days' notice without their consent (Order paragraph 13 – cases of special urgency).

14. The Committee will note that its remit is not constrained to 'Key decisions' However there is a specific mechanism in the legislation to ensure these – most important decisions to the Authority – are proactively brought to the attention of the Committee and the wider community. These mechanisms are:

- a. The inclusion and publication of a Forward Plan detailing key decisions for at least 28 days before the decision is made.
 - b. The notification of the Chair of the Committee if shorter notice is necessary.
 - c. Notice and publication of papers at least 5 days before the decision is made
 - d. A decision notice being prepared, published and circulated to the committee promptly after the decision is made
 - e. A 5 day pause on the implementation of key decisions to allow time for call in.
 - f. The opportunity for a call-in process.
15. Whilst the remit of the Committee is not constrained to Key Decisions, it is constrained to examining only the decisions of the Combined Authority. The role of the Committee does not extend to the decisions of other bodies, even when they are significantly funded or closely related to the Authority. As such, it is legitimate for the Committee to examine TVCA's decisions in relation to its funding and the monitoring of its funding of those organisations. However, these organisations have their own organisation and governance and the remit of the Committee does not extend beyond the decisions of the Combined Authority.

ORGANISATIONAL CULTURE

16. The O&SC makes a valuable contribution to the robustness of the Combined Authority's decision making and the confidence the public has in its decisions. The Guidance describes the Committee's role as 'critical friend' role to the executive decision makers and amplifying the voices and concerns of the public. The tools to discharge this are provided in the legislation and, of course, transparency and access to the meetings and papers of the O&SC by the press and public are a significant part in underlining this contribution.
17. The Guidance encourages the Committee to have clarity and focus, in the context of the role and constitution of the combined authority and encourages that care is taken to establish the approach as "critical friend' not a de facto 'opposition'" (Guidance page 9). It encourages members to adopt an 'independent mind set' (Guidance page 11).
18. To achieve this, it is important that the Committee has access to the necessary support and impartial advice. The Committee has regular access to the TVCA Statutory Officers' and to the Committee's own Scrutiny Officer, who works with the Chair to ensure the forward work plan of the Committee is monitored and managed. The Committee also has legal powers access, to otherwise confidential information, and the right to call Authority Officers and the Mayor to give evidence and request the attendance of others. All of these rights are contained in the Combined Authority's (Overview and Scrutiny Committees, Access to information and Audit Committees) Order 2017 and are discussed in more detail below.
19. As with all of the Combined Authority's Committees, the press and public are entitled to attend the meetings and to access the Committee's papers unless the Committee

moves that the press and public should be excluded in accordance with the procedures set out in the Local Government Act 1972.

RESOURCES AND SELECTING COMMITTEE MEMBERS

20. The Committee has access to a Scrutiny Officer. At TVCA this officer sits within the Monitoring Officer's line management chain, to ensure the independence of the role and to provide a route for additional resources as required to support the Committee's work.
21. The Committee also has access to any Officer of the Combined Authority and can also call for the attendance of the Mayor. The Guidance specifically highlights the important role of the Combined Authority's Statutory Officers' ensuring that the Committee receives high quality impartial advice.
22. The Guidance encourages good quality members and Chair who can promote the Committee and maintain the correct balance to ensure a 'critical friend role' is maintained rather than descending into a role as 'de facto opposition'.

ENHANCED RIGHTS TO ACCESS INFORMATION

23. The 2017 Order provides enhanced rights of access to the Committee members. This allows access to documents which would otherwise be exempt or contain confidential information, where these relate to a decision under scrutiny. The law recognises there might be instances where it is correct that information be withheld from Committee members but in those circumstances, a written statement needs to be provided setting out the reasons for withholding the information.
24. The rights in the 2017 Order relate to information and documents held by the Authority and does not extend to permitting Committee members to attend any part of cabinet or any other meeting from which the press or public have been excluded in accordance with the Rules of the Local Government Act 1972.
25. There are of course rights for Committee members to obtain documents under the Freedom of Information Act 2000 or the Environment Regulations 2015 in line with the rights of every member of the public.

PLANNING THE COMMITTEE'S WORK

26. One of the Key Roles of the Scrutiny Officer is to work with the Chair to plan the Committee's annual cycle of work and to ensure that the Committee's attention is focussed on matters of key importance. Clearly there will need to be some flexibility in the programme to allow for urgent and short-term issues which might arise. The value of a structured work programme ensures the Committee are properly informed and able to exercise their other responsibilities in a fully informed way.

EVIDENCE SESSIONS

27. The Committee can also seek evidence formally on any subject and provide reports and recommendations to the Combined Authority. As discussed above, the Committee can insist on the attendance of Combined Authority staff and the Mayor, and can also invite other organisations to give evidence (although they cannot

compel them to attend). This allows the Committee to prepare reports and recommendations to the Combined Authority or Mayor, when such reports are made, they can also require the Combined Authority or Mayor to consider and respond to the report and or recommendation. If this occurs the response must be provided within 2 months.

FURTHER INFORMATION

28. Committee Members may find the following information useful:

- a. A copy of a presentation on the role remit and legal basis of the O&SC, that was provided by the Monitoring Officer to the then members of the Committee on 8th December 2020, is attached as **Appendix 1**.
- b. There is a useful plain English guide to the role of O&SC in Combined Authorities published by the Centre for Public Scrutiny at [Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf](https://www.cfgs.org.uk/overviews/overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf) ([cfgs.org.uk](https://www.cfgs.org.uk))
- c. The MHCLG Statutory Guidance (May 2019), can be found at: [Overview and scrutiny: statutory guidance for councils and combined authorities - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/402122/Overview_and_scrutiny_statutory_guidance_for_councils_and_combined_authorities_-_GOV.UK.pdf) (www.gov.uk)

FINANCIAL IMPLICATIONS

29. There are no financial implications to this report.

LEGAL IMPLICATIONS

30. All relevant legislation governing Combined Authority Overview & Scrutiny Committees are referred to in this report.

RISK ASSESSMENT

31. There is no risk associated with this report.

CONSULTATION & COMMUNICATION

32. This report has been requested by the Tees Valley Combined Authority Overview & Scrutiny Committee in advance of the next meeting where the Monitoring Officer will be in attendance.

EQUALITY & DIVERSITY

33. There are no equality and diversity implications to this report.

LOCAL ENTERPRISE PARTNERSHIP

34. This item has not been considered at the LEP meeting.

Name of Contact Officer: Peter Judge

Post Title: Group Chief Legal Officer (Monitoring Officer)

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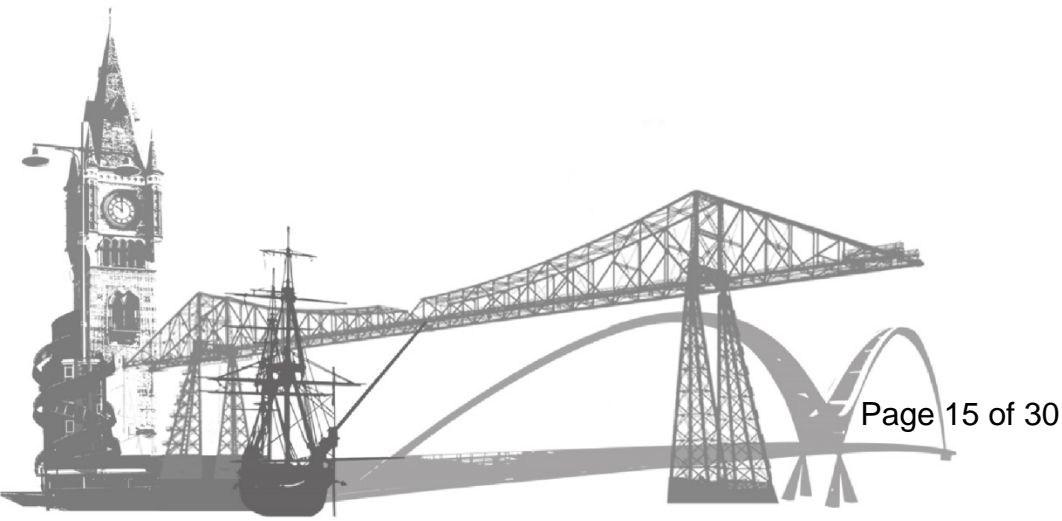
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TEES VALLEY
COMBINED
AUTHORITY

TEES VALLEY MAYOR

OVERVIEW & SCRUTINY COMMITTEE INFORMAL BRIEFING SESSION



8th December 2020

Role of the Committee

The Overview and Scrutiny Committee is an important part of TVCA decision making and is responsible for holding the Combined Authority to account by:

- Testing and challenging decisions - ‘critical friend’;
- Providing advice (in the form of reports and recommendations);
- Being a forum for public and political scrutiny;
- Voice of the public;
- Providing public confidence in decisions about the use of public assets and money;
- Pausing decisions to allow for further consideration;
- Engaging members of the public;
- Drive to improve public services

Decision Making

The recent CLG Effectiveness of Overview and Scrutiny Report highlighted the importance of creating a culture whereby scrutiny is recognised as playing a productive part in the decision making process.

The Overview & Scrutiny Committee makes up part of the overall decision making of TVCA. It is a mechanism that allows outcomes to be continuously improved, creating an overall productive culture.

Decisions of the Combined Authority, unless otherwise delegated, are taken by the Cabinet.

<https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/369/369.pdf>

Supporting the Committee

- The **Scrutiny Officer** has the responsibility for **promoting the role of the Committee** and **providing support and guidance** to the committee, members and the Combined Authority. This includes activities such as:
 - providing, or managing, administrative work
 - undertaking research
 - analysing data
 - preparing reports.
- The **Monitoring Officer** of the Combined Authority has legal duties to the Combined Authority. The Monitoring Officer will provide advice and support good governance to assist the committee, in line with the Constitution.

Work Planning

- **Immediate:** Decisions and those planned within 28 days.
 - Forward Plan – 28 days +
 - General Exemption 5 days + (with special notice)
 - Special Urgency – within 5 days (with consent)
- **Longer term:**
 - **SO Action Log:** Chair and Members can keep in view those matters and decisions they would like to focus their attention on.
 - This is supplemented by the Scrutiny officer's work with the chair and the committee to monitor **themes or other matters of interest** or concern over a longer time horizon.
 - Regular **briefings from Portfolio holders** are provided to the Committee throughout each municipal year to give a continued overview of key areas of activity and progress made.

Legislation

There are 2 primary pieces of Legislation that govern Combined Authority Overview & Scrutiny Committees.

- Local Democracy, Economic Development and Construction Act 2009
– <https://www.legislation.gov.uk/ukpga/2009/20/contents>
- The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017
<https://www.legislation.gov.uk/uksi/2017/68/contents/made>

Also May 2019 – Statutory Guidance:

<https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

2009 Act, Schedule 5A

Functions:

- to **review or scrutinise decisions made**, or other action taken, in connection with the discharge of any functions which are the responsibility of **the Authority or the Mayor** respectively;
- to **make reports or recommendations** to the Authority or the Mayor with respect to the discharge of any functions that are the responsibility of **the Authority or the Mayor** respectively;
- to **make reports or recommendations to the Authority or the Mayor** on matters that affect the authority's area or the inhabitants of the area.

2009 Act, Schedule 5A

Powers

- **Access to Documents (order Art 10):** Access to document including confidential papers.
- **Require Attendance (S5A 2(6)):** may require the members or officers of the authority to attend before it to answer questions (including, in the case of a mayoral combined authority, the mayor for the authority's area and deputy mayor), and
- **Invite Others to attend.**

CALL IN POWERS

The power of an overview and scrutiny committee under subparagraph (2)(a) and (3)(a) to review or scrutinise a decision made but not implemented includes:

- (a) power to direct that a **decision is not to be implemented for up to 14 days** while it is under review or scrutiny by the overview and scrutiny committee, and
- (b) power to **recommend that the decision be reconsidered.**

This only applies to **key decisions**

Call in Procedure

- The call in procedure for TVCA is incorporated into the rules of procedure within the Constitution.
- This procedure was **developed by the O&S Members in February 2017.**
- The procedure was agreed by **TVCA Cabinet in March 2017**
- The procedure sets out:
 - criteria established to assist members in citing their reasons for requesting a decision be called in.
 - agreement that call-in can only be **triggered if requested by five members** of the Overview and Scrutiny Committee, representing at least three of the constituent authorities
 - **clear timescales** for each part of the process which must be adhered to
 - a **format for the decision review meeting**
 - a **choice of action that may be taken**, by majority decision, before the close of the review meeting
 - guidance around **urgent decisions** where call-in does not apply (Chair consent)
 - an agreement that each **decision can only be called in once**



EXAMPLE TIMELINE

Cabinet meet	Day 1
Decision Records Published (within 2 working days)	Day 3-5
Call in Deadline	Day 8-10 (Midnight)

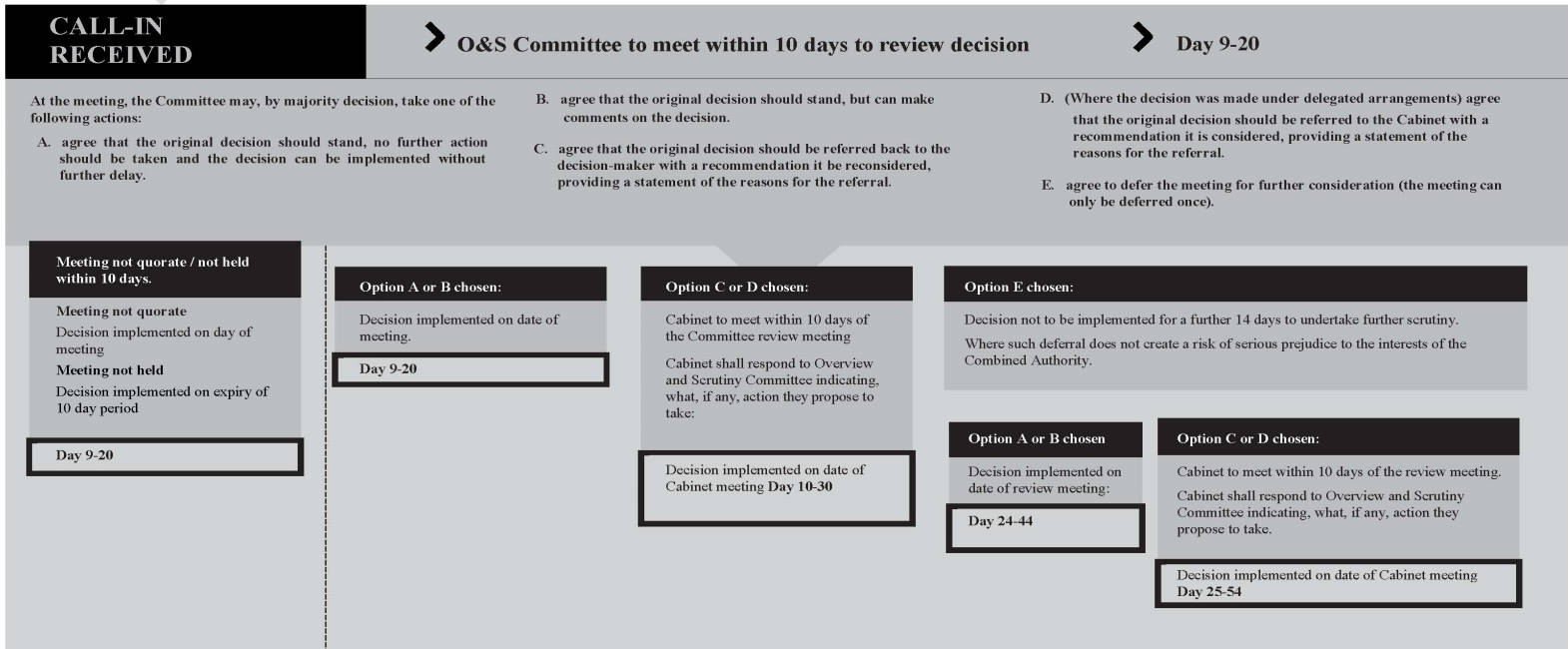
CALL-IN PROCEDURE

FURTHER INFORMATION

Call in requests must be made in writing to the Monitoring Officer by five Members of the Overview & Scrutiny Committee, representing at least three of the constituent authorities.

In exercising this power, members of the Overview and Scrutiny Committee will need to determine that a decision of the Combined Authority has been made:

- in a manner inconsistent with the constitution and procedures of the Combined Authority;
- without adequate consultation with parties directly affected by that decision;
- without adequate evidence to inform that decision, or with inaccurate or misleading evidence;
- in a manner which gave inadequate weight to professional advice
- without sufficient regard to the financial consequences or financial risk;
- without sufficient regard to social and/or environmental consequences, or to respect for equality and human rights;
- in a manner which is inconsistent with the policies of a majority of the constituent councils; or
- without adequate consideration of the impact on business.



Key Decisions

- A key decision is one, which in the view of the overview and scrutiny committee for a combined authority is likely
 - (i) to result in the combined authority or the mayor **incurring significant expenditure**, or the making of **significant savings**, having regard to the combined authority's budget for the service or function to which the decision relates; or
 - (ii) to be **significant in terms of its effects** on persons living or working in an area comprising two or more wards or electoral divisions in the area of the combined authority;

How is this applied in practice? A decision which:

- is made by Cabinet or a committee holding cabinet authority
- has a value of more than £1 Million
- which the decision maker consider needs to go to Committee or Cabinet for any other reason (novel, contentious or repercussive)

Other information:

- Scrutiny Officer: Sharon Jones 01642524580
Sharon.jones@teesvalley-ca.gov.uk
- CfPS: Overview and scrutiny in combined authorities a plain English guide (<https://www.cfgs.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>)
- May 2019 – **Statutory Guidance:**
<https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

Teess Valley Combined Authority Overview & Scrutiny Proposed Work Programme 2021/2022

Standing Items

Minutes from the Previous Meeting
 Chief Executive Update
 Delegated Decisions
 Forward Plan
 Date and Venue of the Next Meeting

Overview & Scrutiny Committee		
Date	Venue	Item / Responsible Officer
14 th October 2021	Cavendish House	Transport Portfolio Update Teesside International Airport Update
13 th January 2022	Cavendish House	Finance & Resources Sub Committee Budget Consultation Report Investment Plan delivery update
17 th March 2022	Cavendish House	TBC

Finance & Resources Sub-Committee		
Date	Venue	Item / Responsible Officer
December 2021 - TBC	Cavendish House	Draft Budget 1 st Consultation meeting
December 2021 - TBC	Cavendish House	Draft Budget 2 nd Consultation meeting (if required)

Proposed Items to be scheduled
<ul style="list-style-type: none"> • STDC Monitoring Report – Quarterly • Investment Plan delivery update - Quarterly • Portfolio Lead updates • Updates from Finance and Resources Sub Committee (where applicable)

Contacts:

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