

SCHEDULES

SCHEDULE 1

Section 15

COMBINED COUNTY AUTHORITIES: OVERVIEW AND SCRUTINY COMMITTEES AND AUDIT COMMITTEE

Functions of overview and scrutiny committee

- 1 (1) A CCA must arrange for the appointment by the CCA of one or more committees of the authority (referred to in this Schedule as overview and scrutiny committees).
- (2) The arrangements must ensure that the CCA's overview and scrutiny committee has power (or its overview and scrutiny committees have power between them)—
 - (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the CCA;
 - (b) to make reports or recommendations to the CCA with respect to the discharge of any functions that are the responsibility of the CCA;
 - (c) to make reports or recommendations to the CCA on matters that affect the CCA's area or the inhabitants of the area.
- (3) If the CCA is a mayoral CCA, the arrangements must also ensure that the CCA's overview and scrutiny committee has power (or its overview and scrutiny committees have power between them)—
 - (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the mayor of any general functions;
 - (b) to make reports or recommendations to the mayor with respect to the discharge of any general functions;
 - (c) to make reports or recommendations to the mayor on matters that affect the CCA's area or the inhabitants of the area.
- (4) The power of an overview and scrutiny committee under sub-paragraph (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 while it is under review or scrutiny by the overview and scrutiny committee, and
 - (b) power to recommend that the decision be reconsidered.
- (5) An overview and scrutiny committee of a CCA must publish details of how it proposes to exercise its powers in relation to the review and scrutiny of decisions made but not yet implemented and its arrangements in connection with the exercise of those powers.
- (6) Before complying with sub-paragraph (5) an overview and scrutiny committee must obtain the consent of the CCA to the proposals and arrangements.
- (7) An overview and scrutiny committee of a CCA may not discharge any functions other than the functions conferred by or under this Schedule.

*Changes to legislation: There are currently no known outstanding effects for the
 Levelling-up and Regeneration Act 2023, Schedule 1. (See end of Document for details)*

- (8) Any reference in this Schedule to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.

Commencement Information

II Sch. 1 para. 1 in force at 26.12.2023, see s. 255(2)(c)

Overview and scrutiny committees: supplementary provision

- 2 (1) An overview and scrutiny committee of a CCA—
- (a) may appoint one or more sub-committees, and
 - (b) may arrange for the discharge of any of its functions by any such sub-committee.
- (2) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under sub-paragraph (1)(b).
- (3) An overview and scrutiny committee of a CCA may not include a member of the CCA (including, in the case of a mayoral CCA, the mayor for the CCA's area or deputy mayor).
- (4) An overview and scrutiny committee of a CCA is to be treated as a committee or sub-committee of a principal council for the purposes of Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees).
- (5) Subsections (2) to (5) of section 102 of the Local Government Act 1972 apply to an overview and scrutiny committee of a CCA as they apply to a committee appointed under that section.
- (6) An overview and scrutiny committee of a CCA—
- (a) may require the members or officers of the CCA to attend before it to answer questions (including, in the case of a mayoral CCA, the mayor for the CCA's area and deputy mayor), and
 - (b) may invite other persons to attend meetings of the committee.
- (7) A person on whom a requirement is imposed under sub-paragraph (6)(a) is required to comply with the requirement.
- (8) A person is not obliged by sub-paragraph (6) to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.
- (9) In exercising, or deciding whether to exercise, any of its functions an overview and scrutiny committee of a CCA must have regard to any guidance for the time being issued by the Secretary of State.
- (10) Guidance under sub-paragraph (9) may make different provision for different cases or for different descriptions of committee.
- (11) In sub-paragraphs (3) to (9) references to an overview and scrutiny committee of a CCA include references to any sub-committee of such a committee.

Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Schedule 1. (See end of Document for details)

Commencement Information

I2 Sch. 1 para. 2 in force at 26.12.2023, see s. 255(2)(c)

Power to make further provision about overview and scrutiny committees

- 3 (1) The Secretary of State may by regulations make further provision about overview and scrutiny committees of a CCA.
- (2) Provision under sub-paragraph (1) may in particular include provision—
- (a) about the membership of an overview and scrutiny committee and the voting rights of such members;
 - (b) about the payment of allowances to members of such a committee who are members of a constituent council;
 - (c) about the person who is to be chair of such a committee;
 - (d) for the appointment of a person to act as a scrutiny officer of an overview and scrutiny committee;
 - (e) about how and by whom matters may be referred to an overview and scrutiny committee;
 - (f) requiring persons (whether members of the CCA or other persons) to respond to reports or recommendations made by an overview and scrutiny committee;
 - (g) about the publication of reports, recommendations or responses;
 - (h) about information which must, or must not, be disclosed to an overview and scrutiny committee (whether by members of the CCA or by other persons);
 - (i) as to the minimum or maximum period for which a direction under paragraph 1(4)(a) may have effect.
- (3) Provision must be made under sub-paragraph (2)(a) so as to ensure that the majority of members of an overview and scrutiny committee are members of the CCA's constituent councils.
- (4) Provision must be made under sub-paragraph (2)(c) so as to ensure that the chair of an overview and scrutiny committee is—
- (a) an independent person (as defined by the regulations), or
 - (b) an appropriate person who is a member of one of the CCA's constituent councils.
- (5) For the purposes of sub-paragraph (4)(b) “appropriate person”—
- (a) in relation to a mayoral CCA, means a person who is not a member of a registered political party of which the mayor is a member, and
 - (b) in relation to any other CCA, means a person who is not a member of the registered political party which has the most representatives among the members of the constituent councils (or, if there is no such party because two or more parties have the same number of representatives, is not a member of any of those parties).
- (6) In sub-paragraph (2)(d) the reference to a “scrutiny officer” of an overview and scrutiny committee is a reference to a person appointed with the function of—
- (a) promoting the role of the committee, and
 - (b) providing support and guidance—

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- (i) to the committee and its members, and
 - (ii) to members of the CCA (so far as relating to the functions of the committee).
- (7) Provision under sub-paragraph (2)(g) may include provision for descriptions of confidential or exempt information to be excluded from the publication of reports, recommendations or responses.
- (8) In this paragraph “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.
- (9) In this paragraph references to an overview and scrutiny committee include references to any sub-committee of such a committee.

Commencement Information

I3 Sch. 1 para. 3 in force at 26.12.2023, see s. 255(2)(c)

Audit committees

- 4 (1) A CCA must arrange for the appointment by the CCA of an audit committee.
- (2) The functions of the audit committee are to include—
- (a) reviewing and scrutinising the CCA’s financial affairs,
 - (b) reviewing and assessing the CCA’s risk management, internal control and corporate governance arrangements,
 - (c) reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the CCA’s functions, and
 - (d) making reports and recommendations to the CCA in relation to reviews conducted under paragraphs (a), (b) and (c).
- (3) The Secretary of State may by regulations make provision about—
- (a) the membership of a CCA’s audit committee;
 - (b) the appointment of the members;
 - (c) the payment of allowances to members of the committee who are members of a constituent council.
- (4) Provision must be made under sub-paragraph (3) so as to ensure that at least one member of an audit committee is an independent person (as defined by the regulations).

Commencement Information

I4 Sch. 1 para. 4 in force at 26.12.2023, see s. 255(2)(c)

Changes to legislation:

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Schedule 1.