

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Democracy, Economic Development and Construction Act 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 5A

COMBINED AUTHORITIES: OVERVIEW AND SCRUTINY COMMITTEES AND AUDIT COMMITTEES

Textual Amendments

- F1** Sch. 5A inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\), s. 25\(2\)](#), **Sch. 3**

Modifications etc. (not altering text)

- C1** [Sch. 5A](#) applied (with modifications) (2.11.2018) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Establishment and Functions\) Order 2018 \(S.I. 2018/1133\)](#), art. 1, **Sch. 2 para. 4(5)** (with art. 28)

Power to make further provision about overview and scrutiny committees

- 3 (1) The Secretary of State may by order make further provision about overview and scrutiny committees of a combined authority.
- (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;
 - [^{F2}(aa) about the payment of allowances to members of such a committee who are members of a constituent council;]
 - (b) about the person who is to be chair of such a committee;
 - (c) for the appointment of a person to act as a scrutiny officer of an overview and scrutiny committee;
 - (d) about how and by whom matters may be referred to an overview and scrutiny committee;
 - (e) requiring persons (whether members of the authority or other persons) to respond to reports or recommendations made by an overview and scrutiny committee;
 - (f) about the publication of reports, recommendations or responses;
 - (g) about information which must, or must not, be disclosed to an overview and scrutiny committee (whether by members of the authority or by other persons);
 - (h) 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 combined authority's constituent councils.

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- (4) Provision must be made under sub-paragraph (2)(b) so as to ensure that the chair of an overview and scrutiny committee is—
- (a) an independent person (as defined by the order), or
 - (b) an appropriate person who is a member of one of the combined authority's constituent councils.
- (5) For the purposes of sub-paragraph (4)(b) “appropriate person”—
- (a) in relation to a mayoral combined authority, 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 combined authority, 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)(c) 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—
 - (i) to the committee and its members, and
 - (ii) to members of the combined authority (so far as relating to the functions of the committee).
- (7) Provision under sub-paragraph (2)(f) 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—
- “constituent council”, in relation to a combined authority, means—
- (a) a county council the whole or any part of whose area is within the area of the combined authority, or
 - (b) a district council whose area is within the area of the combined authority;
- “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.]

Textual Amendments

F2 Sch. 5A para. 3(2)(aa) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 70(1)(a), 255(2)(j)** (with s. 247)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 16](#)