
STATUTORY INSTRUMENTS

2017 No. 68

**The Combined Authorities (Overview and Scrutiny Committees,
Access to Information and Audit Committees) Order 2017**

PART 2

Overview and scrutiny: general provisions

Appointment of chair

5.—(1) — Paragraphs (2) to (4) apply where the chair of an overview and scrutiny committee is to be an independent person in accordance with provision made under paragraph 3 of Schedule 5A to the 2009 Act⁽¹⁾.

(2) A person is independent if the person—

- (a) is not a member, co-opted member or officer of the combined authority;
- (b) is not a member, co-opted member or officer of a constituent council or a parish council for which a constituent council is the principal authority;
- (c) is not a relative, or close friend, of a person within sub-paragraph (a) or (b); and
- (d) was not at any time during the 5 years ending with an appointment as chair of the overview and scrutiny committee under arrangements made by the combined authority in accordance with paragraph 3(4)(a) of Schedule 5A to the 2009 Act—
 - (i) a member, co-opted member or officer of the combined authority; or
 - (ii) a member, co-opted member or officer of a constituent council or a parish council for which a constituent council is the principal authority.

(3) A person may not be appointed as independent chair of the overview and scrutiny committee unless—

- (a) the vacancy for a chair of the overview and scrutiny committee has been advertised in such manner as the combined authority considers is likely to bring it to the attention of the public;
- (b) the person has submitted an application to fill the vacancy to the combined authority, and
- (c) the person's appointment has been approved by a majority of the members of the combined authority.

(4) A person appointed as independent chair of the overview and scrutiny committee does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.

(1) Paragraph 3(4) of Schedule 5A to the 2009 Act requires the Secretary of State to make provision that the chair of an overview and scrutiny committee is an independent person, as defined by the order (paragraph 3(4)(a) of Schedule 5A) or an appropriate person who is a member of one of the combined authority's constituent councils (paragraph 3(4)(b) of Schedule 5A).

(5) Paragraph (6) applies where the chair of an overview and scrutiny committee is to be an appropriate person in accordance with provision made under paragraph 3(4)(b) of Schedule 5A to the 2009 Act.

(6) Where the mayor is not a member of a registered political party, a person may not be appointed as chair of the overview and scrutiny committee if that person is –

- (a) a member of the registered political party which has the most representatives among the members of the constituent councils on the combined authority, or
- (b) where two or more parties have the same number of representatives, a member of any of those parties.