



**SOUTH YORKSHIRE MAYORAL COMBINED  
AUTHORITY**

# **CONSTITUTION**

## Document Properties

### Change Record

Version	Revision	Author	Description	Date
V1	1	SD		August 21
V1	2	SD	Amendments to Financial Regulations and Contract Procedure Rules	June 22

### Document Approval

Approving Body or Person	Role (review, approve)	Date
MCA	Approve	August 21
MCA	Approved at the MCA Board 06/06/22 Min No 18	June 22

## Contents

<b>PART 1 - INTRODUCTION .....</b>	<b>5</b>
<b>PART 2 - ARTICLES OF THE CONSTITUTION .....</b>	<b>8</b>
Article 1: Interpretation .....	8
Article 2: Functions of the Authority.....	11
Article 3: Members of the Authority .....	12
Article 4: Chairing the Authority.....	15
Article 5: Authority Meeting, Procedures and Voting Arrangements.....	16
Article 6: Records of Proceedings .....	18
Article 7: Responsibility for Functions .....	19
Article 8: South Yorkshire Passenger Transport Executive.....	20
Article 9: Committees of the Authority.....	21
Article 10: Joint Arrangements .....	22
Article 11: Officers.....	23
Article 12: Decision Making .....	24
Article 13: Finance, Contract and Legal Matters .....	26
Article 14: Review and Revision of The Constitution.....	28
<b>PART 3 - FUNCTIONS OF THE AUTHORITY .....</b>	<b>29</b>
A. Introduction .....	29
B. Transport Functions of the former ITA transferred to the Authority pursuant to the 2014 Order .....	29
C. Economic Development and Regeneration Functions to be exercised by the Authority concurrently with the Constituent Councils pursuant to the 2014 Order .....	29
D. Incidental Provisions pursuant to the 214 Order.....	30
E. Functions conferred on the Combined Authority by the 2020 Order (see also Appendix 1C for overview of 2020 functions Order).....	31
F. Functions conferred on a Combined Authority by Local Government Legislation.....	35
<b>PART 4 - RESPONSIBILITY FOR FUNCTIONS.....</b>	<b>37</b>
A. Functions Reserved to the Authority.....	37
B. Mayoral Functions.....	39
C. South Yorkshire Passenger Transport Executive .....	41
D. The Audit, Standards and Risk Committee.....	42
E. The Scrutiny Committee .....	46
F. Scheme of Delegation of Functions to Officers and Schedule of Proper Officers .....	50
G. Scheme of Delegation of Functions to Thematic Executive Boards .....	61
<b>PART 5 - PROCEDURE RULES.....</b>	<b>63</b>
PART 5A - COMBINED AUTHORITY PROCEDURE RULES.....	64

PART 5B – ACCESS TO INFORMATION PROCEDURE RULES .....	80
PART 5C – FINANCIAL REGULATIONS.....	87
PART 5D – CONTRACTS PROCEDURE RULES .....	88
<b>PART 6 – CODES AND PROTOCOLS.....</b>	<b>89</b>
PART 6A – MEMBER’S CODE OF CONDUCT .....	90
PART 6B – OFFICERS’ CODE OF CONDUCT .....	100
PART 6C – PROTOCOL ON MEMBER/OFFICER RELATIONS.....	104
PART 6D – MEMBERS’ ALLOWANCE SCHEME .....	111
PART 6E – CODE OF CORPORATE GOVERNANCE .....	114
PART 6F – ANTI-FRAUD AND CORRUPTION POLICY .....	124
Appendix 1 – The General Principles of Public Life.....	132
Appendix 2 – Combined Authority Fraud Response Plan .....	133
PART 6G – WHISTLE-BLOWING POLICY .....	139
<b>APPENDIX 1 – THE BARNSELEY, DONCASTER, ROTHERHAM AND SHEFFIELD COMBINED AUTHORITY ORDERS .....</b>	<b>144</b>
Appendix 1a – The Barnsley, Doncaster, Rotherham And Sheffield Combined Authority Order 2014 .....	145
Appendix 1b - The Barnsley, Doncaster, Rotherham And Sheffield Combined Authority Order 2020 .....	157
<b>APPENDIX 2 – FINANCIAL REGULATIONS.....</b>	<b>181</b>
<b>APPENDIX 3 – CONTRACT PROCEDURE RULES.....</b>	<b>182</b>
<b>APPENDIX 4 – BUSINESS RECOVERY AND GROWTH BOARD – TERMS OF REFERENCE.....</b>	<b>183</b>
<b>APPENDIX 5 – EDUCATION, SKILLS AND EMPLOYABILITY BOARD – TERMS OF REFERENCE.....</b>	<b>189</b>
<b>APPENDIX 6 – HOUSING AND INFRASTRUCTRE BOARD – TERMS OF REFERENCE .....</b>	<b>195</b>
<b>APPENDIX 7 – TRANSPORT AND THE ENVIRONMENT BOARD – TERMS OF REFERENCE.....</b>	<b>201</b>
Annex 1 – Specific Transport Functions of the MCA.....	207

# PART 1 - INTRODUCTION

## 1. This Constitution

- 1.1. This is the Constitution of The South Yorkshire Mayoral Combined Authority ('the Authority'). The Authority was established in 2014 a local government body to co-ordinate and drive forward economic regeneration and transport initiatives for the benefit of citizens and businesses within the Sheffield City Region.
- 1.2. This Constitution sets out how the Authority is made up, its legal powers and the various procedures through which it will exercise them. This may be through decisions of the Authority itself, committees of the Authority, or individual officers. The Constitution includes arrangements whereby these decisions may be reviewed by a Scrutiny Committee. It also includes other rules and processes relating to various aspects of corporate governance.

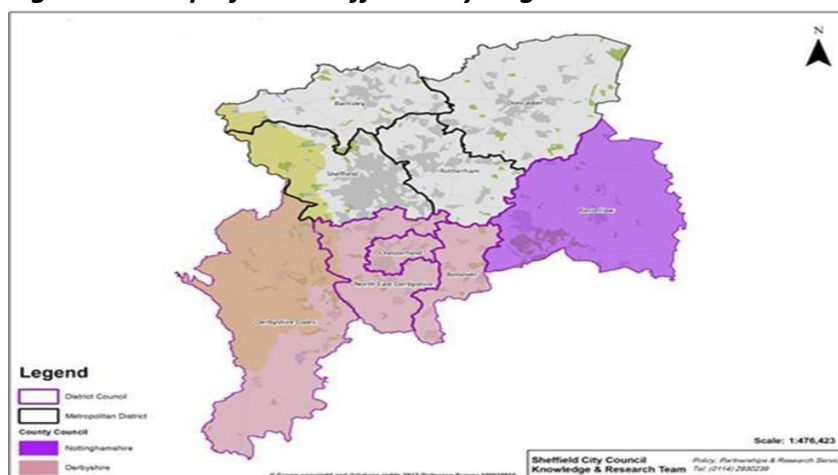
## 2. About the Sheffield City Region

- 2.1. The Sheffield City Region ('SCR') comprises the areas of nine local authorities:-

Barnsley Metropolitan Borough Council  
Doncaster Metropolitan Borough Council  
Rotherham Metropolitan Borough Council  
Sheffield City Council  
("Constituent Councils")  
Bassetlaw District Council Bolsover District Council  
Chesterfield Borough Council  
North East Derbyshire District Council  
Derbyshire Dales Districts Council  
("Non-Constituent Councils")

- 2.2. These nine local authorities have a long history of collaboration at a scale that reflects the natural economic geography of the region (see figure 1).

**Figure 1 – Map of The Sheffield City Region**



### **3. What will the Authority do?**

- 3.1. The Combined Authority is responsible for a range of functions including strategic economic development, transport, skills and training (including Adult Education) and housing at a South Yorkshire level. This will include working closely with the private sector led Local Enterprise Partnership (LEP) to ensure that local business representatives are actively involved in the decision making process.
- 3.2. The Authority has taken over all the functions of the former South Yorkshire Integrated Transport Authority. The South Yorkshire Passenger Transport Executive is now an executive body of the Authority.
- 3.3. In 2016 The Authority became a Mayoral Combined Authority and the first Mayor was elected in May 2018. The Mayor chairs the Authority.
- 3.4. In 2020 the LEP boundaries were changed by Government. These changes removed the Non-Constituent Council areas from the Sheffield City Region LEP geography, this has resulted in a changed mode of operation for the Authority meaning that much of the decision making is now reserved for Constituent Council Members only.

### **4. Mayoral Authority**

- 4.1. The Mayor is the chair of the Authority and will be a full voting Member. The Mayor must also appoint a Deputy Mayor from amongst the other Members representing the Constituent Councils).
- 4.2. The Members who represent the four South Yorkshire authorities (constituent councils) have automatic voting rights, and the Members representing the five authorities from Nottinghamshire and Derbyshire (non-constituent councils) are given voting rights at the start of each meeting unless the matter in question only relates to South Yorkshire (e.g. funding transport).
- 4.3. To comply with legislation that requires there to be a majority of Members appointed from the constituent councils, the constitution requires the constituent councils to each appoint second members and for the Authority to annually appoint two of these second members. By convention these second members do not attend and vote at meetings in order to preserve the arrangement that each of the Councils are represented by one Member.
- 4.4. Except for the Mayor and the Members representing the constituent and non-constituent councils, no other attendee at Authority meetings can vote on any matter. The Authority (but not an individual Member or the Mayor) can resolve to allow other persons to attend the Authority meetings (co-opted Member). This could be because they are either an individual or represent an organisation that can make a valuable contribution to the Authority's work.
- 4.5. The voting requirements of the Authority are set out in Part 2 Article 5 of the Constitution. Whilst the Authority seeks to operate by unanimity wherever

possible, the legal position on voting differs for different functions, split broadly between functions devolved by the 2014 Order (simple majority voting); functions of the Authority contained in the 2020 Order (Mayor needs to vote with the majority either 3 Leader and the Mayor, or, and by convention, will do so where all 4 constituent council Members vote in favour) and Mayoral functions (only Mayor can determine the use of the function, but may need other Member consent to do so depending on the function in question).

## PART 2 - ARTICLES OF THE CONSTITUTION

### Article 1: Interpretation

- 1.1. This is the Constitution of the South Yorkshire Mayoral Combined Authority ('the Authority'). It sets out how the Authority operates, how decisions are made and the procedures that are followed to ensure that the Authority operates efficiently and effectively and is both transparent and accountable.
- 1.2. This Constitution comprises six Parts and a number of Appendices, each of which form part of the Constitution. In the event of conflict between any of the provisions of this Constitution the following order of precedence shall apply in determining which provision shall prevail:-

Appendix 1a and 1b (the 2014 Order and the 2020 Order as defined below) Part 2 (Articles of the Constitution) Parts 3 to 6

- 1.3. In this Constitution, where the context permits:-
  - 1.3.1. **'the Authority'** means the South Yorkshire Mayoral Combined;
  - 1.3.2. **'Chief Executive Officers'** means the chief executives of the Constituent Councils;
  - 1.3.3. **'Chief Officers'** means the Authority's Head of Paid Service, Finance Director, Monitoring Officer;
  - 1.3.4. **'the City Region'** means the Sheffield City Region which comprises the municipal areas of the Constituent Councils and the Non- constituent Councils;
  - 1.3.5. **'the Combined Area'** means the area consisting of the municipal areas of the Constituent Councils;
  - 1.3.6. **'the Constituent Councils'** means Barnsley Metropolitan Borough Council, Doncaster Metropolitan Borough Council, Rotherham Metropolitan Borough Council and Sheffield City Council;
  - 1.3.7. **'the Deputy Mayor'** means the member appointed by the Mayor as such;
  - 1.3.8. **'the former ITA'** means the South Yorkshire Integrated Transport Authority which was abolished by the Order;
  - 1.3.9. **"the Mayor"** means the person from time to time elected as Mayor of the Authority in accordance with the Barnsley, Doncaster, Rotherham and Sheffield (Election of Mayor) Order 2016 (as amended);



- 1.3.10. **'Mayoral Functions'** means the functions contained in the 2020 Order that are reserved for a decision of the Mayor in accordance with article 14 of the 2020 Order
- 1.3.11. **'the Non-constituent Councils'** means Bassetlaw District Council, Bolsover District Council, Chesterfield Borough Council, North East Derbyshire District Council and Derbyshire Dales Districts Council;
- 1.3.12. **'the 2014 Order'** means The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (SI 2014 No. 863) (see Appendix 1A);
- 1.3.13. **'the 2020 Order'** means The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (see Appendix 1B)
- 1.3.14. **'Scheme of Delegation'** means the Authority's Scheme of Delegation for the discharge of functions set out in Part 4 of this Constitution;
- 1.3.15. **'Statutory Officers'** means the Authority's Head of Paid Service, Finance Director and Monitoring Officer;
- 1.3.16. **'Substitute Member'** means a Member of the Authority appointed under Article 3.2;
- 1.3.17. **'SYLTE'** means the South Yorkshire Passenger Transport Executive;
- 1.3.18. **'Working Day'** means any day from Monday to Friday (inclusive) which is not Christmas Day, Good Friday or a statutory holiday in England;
- 1.3.19. **'year'** means the municipal year which runs from 1st April to the following 31st March inclusive;
- 1.3.20. **'2009 Act'** means the Local Democracy, Economic Development and Construction Act 2009;
- 1.3.21. **'2017 Order'** means the Combined Authority (Overview and Scrutiny Committees, Access to Information and Audit and Standards Committees) Order 2017;
- 1.3.22. phrases introduced by the words 'including', 'includes', 'for example', 'in particular' or similar, are illustrative and do not limit the generality of the related general words.
- 1.4. For the purposes of this Constitution, an elected mayor of a Constituent Council or Non-constituent Council is to be treated as an elected member of the Constituent Council or Non-constituent Council.
- 1.5. In this Constitution references to **'Members'** includes **'Second Members'** within the meaning of Article 3.1 and, where the context permits, Substitute Members.

- 1.6. Any reference in this Constitution to any enactment shall include a reference to any amendment or re-enactment of that enactment.
- 1.7. In this Constitution the various 'Procedure Rules' constitute standing orders made in accordance with paragraph 6 of Schedule 1 of the Order.

## Article 2: Functions of the Authority

- 2.1. The Authority was established pursuant to the Order on 1st April 2014 as a combined authority within the meaning of Part 6 of the Local Democracy, Economic Development and Construction Act 2009 with the aim of improving:-
- (a) the exercise of statutory functions relating to transport in the Combined Area;
  - (b) the effectiveness and efficiency of transport in the Combined Area;
  - (c) the exercise of statutory functions relating to economic development and regeneration in the Combined Area and the remainder of the City Region; and
  - (d) economic conditions in the Combined Area and the remainder of the City Region.
- 2.2. Under the 2014 and 2020 Orders the Authority is responsible for a range of transport, economic development, regeneration, skills, training, housing and spatial planning functions. The functions of the Authority conferred or imposed upon it by the Orders and the functions of the Authority delegated to it by the Orders are set out in Part 3 of this Constitution.
- 2.3. The Authority will exercise all its powers and duties in accordance with the law and this Constitution.
- 2.4. The Authority will monitor and evaluate the operation of the Constitution as set out in Article 14 below.

### Article 3: Members of the Authority

3.1. The Authority shall comprise twelve Members as follows:

- (i) The Mayor;
- (ii) Each of the four Constituent Councils and the five Non- constituent Councils shall appoint one of its elected members to be a Member of the Authority; and
- (iii) Additionally, each Constituent Council shall appoint one of its elected members to be a rotational second member ('Second Member') of the Authority. The Authority must appoint two of the Second Members each year for a one year term. The order of rotation of the Second Members shall be determined at the first meeting of the Authority.

3.2. In addition, each Constituent Council and Non-constituent Council shall appoint another of its elected members to act as a Member ('Substitute Member') of the Authority in the absence of a Member appointed by that Council under Article 3.1. A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.

3.3. Except for the Mayor, all appointments as Members or Substitute Members of the Authority shall be for a term of one year, but an individual may be re-appointed to serve as a Member or Substitute Member any number of times.

3.4. The Mayor shall appoint a Deputy Mayor (s.107c 2009 Act) from the Members.

3.5. A Constituent Council or Non-constituent Council shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its elected members in that person's place. Where a council exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Authority and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

Where a Constituent Council appoints a Second Member ('the replacement Second Member') in place of a Second Member ('the original Second Member') who is currently serving as a member of the Authority pursuant to Article 3.1, the replacement Second Member shall immediately and automatically replace the original Second Member as a member of the Authority for the remainder of the original Second Member's term of office as soon as the replacement Second Member's appointment becomes effective as provided in this Article.

3.6. A Member or Substitute Member of the Authority who ceases (for whatever reason) to be an elected member of the council that appointed them shall immediately cease to be a Member or Substitute Member of the Authority, and the relevant council shall as soon as practicable give written notice of this to the Authority and appoint another of its elected members in that person's place.

- 3.7. A person may resign as a Member or Substitute Member of the Authority by written notice served on the proper officer of the Constituent Council or Non-constituent Council that appointed them and the resignation shall take effect on receipt of the notice by the proper officer. The relevant council shall as soon as practicable give written notice of this to the Authority and appoint another of its elected members in that person's place.
- 3.8. Where an appointing council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the Authority shall be decided in accordance with the constitutional requirements of that council, but it is anticipated that all Members and Substitute Members appointed by it shall be members of its executive and will include its executive leader or elected mayor.
- 3.9. All appointments, removals and replacements of Members, Second Members and Substitute Members of the Authority by Constituent Councils and Non-constituent Councils shall be made by notice in writing addressed to the Authority's Monitoring Officer. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 3.10. All Members of the Authority (including any Substitute Members acting in place of Members of the Authority) will:-
- (a) (subject to the Authority's voting arrangements) collectively be the ultimate policy makers of the Authority;
  - (b) bring views of their communities into the Authority's decision- making process; and
  - (c) maintain the highest standards of conduct and ethics.
- 3.11. Members will at all times observe the Code of Conduct for Members set out in Part 6A of this Constitution.
- 3.12. The Authority may allocate an individual portfolio of responsibilities to some or all of its Members at the Annual Meeting of the Authority.
- 3.13. Except in accordance with the 2020 Order (allowances payable for the Mayor and Deputy Mayor as set by the independent remuneration panel) no remuneration shall be payable by the Authority to its Members other than allowances for travel and subsistence in accordance with the Members' Allowances Scheme set out in Part 6D of this Constitution. (It is acknowledged that a Constituent Council or a Non-constituent Council may, in accordance with its own procedures, pay a special responsibility allowance to any elected member appointed by it to the Authority in respect of duties and responsibilities undertaken as a Member or Substitute Member of the Authority.)
- 3.14. The establishing of committees and sub-committees of the Authority is provided for in Article 9. Where elected members of Constituent or Non-constituent

Councils who are not Members of the Authority are appointed to such committees and sub-committees they shall not thereby become Members of the Authority, but they may be given voting rights in accordance with Article 9.5.

- 3.15. The Authority may co-opt representatives of organisations with a particular relevance to the work of the Authority (for example the Sheffield City Region Local Enterprise Partnership or neighbouring local authorities which are neither Constituent Councils nor Non- Constituent Councils) or such other person as it agrees to participate in meetings of the Authority or its committees. Such co-optees shall not be Members of the Authority and shall have no voting rights. They shall, however, observe the Code of Conduct for Members set out in Part 6A of this Constitution. An individual's co-option shall terminate as soon as his/her involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually at the Authority's annual meeting.

#### Article 4: Chairing the Authority

- 4.1. The Mayor shall Chair the Authority and the Mayor shall appoint a Deputy Mayor in accordance with the requirements of s.107c 2009 Act who shall act as Chair in the absence of the Mayor.
- 4.2. A person ceases to be Chair or Deputy Mayor of the Authority if they cease to be a Member of the Authority.
- 4.3. If a vacancy arises in the office of Deputy Mayor, the Mayor will make an appointment to fill the vacancy and notify the next ordinary meeting of the Authority of that appointment.

## Article 5: Authority Meeting, Procedures and Voting Arrangements

- 5.1. The Authority shall meet approximately once every eight weeks, but additional meetings may take place should the need arise.
- 5.2. There are three types of Authority meeting:-
  - (a) the Annual Meeting;
  - (b) ordinary meetings; and
  - (c) extraordinary meetings.
- 5.3. The Mayor and each Member of the Authority appointed by a Constituent Council shall have one vote.
- 5.4. Members of the Authority appointed by Non-constituent Councils will, in accordance with section 85(4), Local Transport Act 2008, be non- voting Members of the Authority. In accordance with section 85(5), Local Transport Act 2008, the Mayor and the Members appointed by Constituent Councils may resolve to extend the voting rights on defined matters to all or any of the Members appointed by Non- constituent Councils. At each meeting of the Authority the items of business on which Members of the Authority appointed by Non-constituent Councils may or may not vote shall be identified before those matters are considered.
- 5.5. Subject to the provisions of any enactment, all questions coming or arising before the Authority shall be decided as follows:-
  - (a) in respect of functions granted to the Authority by the 2014 Order, by a simple majority of the Members of the Authority, and any Substitute Members acting in place of Members of the Authority, present and voting. In the case of a tied vote on any motion or amendment, the motion or amendment shall be deemed to have been lost. The Chair of the Authority shall not have a second or casting vote.
  - (b) In respect of functions granted to the Authority by the 2020 Order that are not Mayoral Functions (functions reserved to the Mayor in accordance with article 14 of the 2020 Order), by the Mayor and a majority of at least 75% of the Members (or Substitute Members) of the Constituent Councils who are present and voting.
  - (c) With regard to the functions referred to in (b) above, in the case where at least 100% of the Members (or Substitute Members) of the Constituent Councils present and voting support a question coming or arising before the Authority on such a function the Mayor will, unless the Mayor makes a statement to be recorded in the minutes of the meeting as to why the Mayor cannot support the proposal, facilitate the collective position of the Constituent Councils and vote with the Members of the Constituent Councils.



- (d) In respect of Mayoral Functions, the Mayor will consult with the Authority and obtain the consents of the relevant Members at an Authority meeting, as required by the 2020 Order.
- 5.6. The proceedings of the Authority shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.
- 5.7. The Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

## Article 6: Records of Proceedings

- 6.1. The Authority shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.
- 6.2. Minutes of the proceedings of a meeting of the Authority, or any committee or sub-committee of the Authority shall be kept in such form as the Authority may determine.
- 6.3. Any such minutes are to be signed at the same or next suitable meeting of the Authority, committee or sub-committee by the person chairing that meeting.
- 6.4. Any minute purporting to be signed as mentioned in Article 6.3 shall be received in evidence without further proof.
- 6.5. Until the contrary is provided, a meeting of the Authority, a committee or a sub-committee, a minute of whose proceedings has been signed in accordance with this Article 6, shall be deemed to have been duly convened and held, and all the Members and Substitute Members present at the meeting shall be deemed to have been duly qualified.
- 6.6. A Member of the Authority or of any committee or sub-committee of the Authority has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.

## Article 7: Responsibility for Functions

- 7.1. Only the Authority will exercise the functions set out in Part 4, Section A of this Constitution which accordingly cannot be delegated by the Authority other than through the urgency provisions set out in Part 4, Section F and any urgency provisions contained in any procedure rules from time to time forming part of this Constitution.
- 7.2. The Authority has power to delegate the discharge of its functions, other than those reserved to the Authority by Article 7.1, to committees, sub-committees, officers (including the Thematic Executive Boards), joint committees, SYPTE or other local authorities, pursuant to section 101, Local Government Act 1972 in accordance with its Scheme of Delegation at Part 4 of this Constitution.
- 7.3. The Authority will review its scheme of delegation annually, or more frequently on the advice of the Monitoring Officer.
- 7.4. The functions reserved to the Mayor are set out in Part 4 Section B.

## Article 8: South Yorkshire Passenger Transport Executive

- 8.1. Pursuant to the Order, SYPTE is an executive body of the Authority for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the Local Democracy, Economic Development and Construction Act 2009.
- 8.2. The delegation of Authority functions to SYPTE are set out in Part 4 of this Constitution. For the purpose of s.101 of the Local Government Act 1972 SYPTE is an officer of the Authority.
- 8.3. Further information about SYPTE can be found here:- <http://www.sypte.co.uk>

## Article 9: Committees of the Authority

- 9.1. As required by the 2017 Order the Authority will establish and maintain an Audit, Standards and Risk Committee in accordance with and to discharge the roles and functions set out in Part 4, section D of this Constitution. This committee will also consider matters relating to Member conduct.
- 9.2. As required by the 2017 Order the Authority will establish and maintain an overview and scrutiny committee (the 'Scrutiny Committee') in accordance with and to discharge the roles and functions set out in Part 4, section E of this Constitution.
- 9.3. The Authority may establish such other committees as it thinks fit to discharge its functions.
- 9.4. Committees established under Articles 9.1, 9.2, and 9.3 may include as voting members any elected member of a Constituent Council even if such member is not a Member of the Authority (Article 13).
- 9.5. Members of Non-constituent Councils appointed by the Authority to any committee or subcommittee of the Authority may be given voting rights by resolution of the Mayor and Members appointed by the Constituent Councils (Article 13).
- 9.6. For the avoidance of doubt no person who is not entitled to vote as of right, except for the Members appointed by the Non-Constituent Councils and the independent person appointed to the Scrutiny Committee, can be given voting rights by the Authority.
- 9.7. No remuneration shall be payable by the Authority to a member of any committee established by it other than allowances for travel and subsistence in accordance with the Members' Allowances Scheme set out in Part 6D of this Constitution. Such members shall, however, observe the Code of Conduct for Members set out in Part 6A of this Constitution.

## Article 10: Joint Arrangements

- 10.1. The Authority has power pursuant to section 101(5), Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.
- 10.2. Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.

## Article 11: Officers

### 11.1. Statutory Officers

The Authority shall appoint:-

- (a) a Head of Paid Service (section 4, Local Government and Housing Act 1989);
- (b) a Finance Director (section 73, Local Government Act 1985); and
- (c) a Monitoring Officer (section 5, Local Government and Housing Act 1989); whose responsibilities and delegations are as set out in Part 4, Section F of this Constitution.

### 11.2. General

The Authority may engage such staff (referred to as officers), as it considers necessary to carry out its functions.

11.3. Officers will comply with the Code of Conduct for Officers set out in Part 6B of this Constitution.

### 11.4. Roles and Responsibilities and Operating Principles

The Head of Paid Service will be designated the senior accountable officer of the Authority, and in the event that s/he holds a paid office with the Authority this will be a politically restricted post for the purposes of the Local Government and Housing Act 1989.

11.5. The Head of Paid Service will be accountable to the Authority, reporting through the respective Chief Executive Officers as its most senior office holder and will in such capacity:-

- (a) be accountable to the Chair of the Authority in relation to the identification of items of business to be placed on the agenda of any meeting of the Authority or any Committee; and
- (b) report to the Chief Executive Officers through the Sheffield City Region Chief Executives' meeting and in doing so shall recognise and have due regard to the broad direction of the Chief Executive Officers in relation to the development of the general policy framework and overall forward strategy of the Authority as appropriate from time.

## Article 12: Decision Making

### 12.1. Responsibility for decision making

The Authority will issue and keep up to date a record of what part of the Authority or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record is set out in Part 4 of this Constitution.

### 12.2. Principles of decision making

All decisions of the Authority, including decisions taken under delegated powers, should be made in accordance with the following principles:

- (a) Proportionality (meaning the action must be proportionate to the results to be achieved);
- (b) Due consultation (including the taking of relevant professional advice);
- (c) Respect for human rights;
- (d) Presumption in favour of openness;
- (e) Clarity of aims and desired outcomes;
- (f) Due consideration to be given to alternative options.

### 12.3. Types of decision

#### (a) Decisions reserved to the Authority

Decisions relating to the functions listed in Part 4, section A of this Constitution will be made by the Authority and not delegated. The functions listed in Part 4, section B are reserved to the Mayor and may only be delegated in accordance with the provisions of the 2009 Act. The Authority meeting will follow the Authority's Procedure Rules set out in Part 5A of this Constitution when considering any matter.

#### (b) Decision making by Committees established by the Authority

- (i) The Scrutiny Committee will follow the Scrutiny Committee terms of reference set out in Part 4 of this Constitution and those parts of the Authority's Procedure Rules set out in Part 5A of this Constitution as apply to it, to the extent that these do not conflict with the Scrutiny Committee terms of reference.
- (ii) The Audit, Standards and Risk Committee will follow the Audit, Standards and Risk Committee terms of reference set out in Part 4 of this Constitution and those parts of the Authority's Procedure Rules set out in Part 5A of this Constitution as apply to it, to the extent that



these do not conflict with the Audit, Standards and Risk Committee terms of reference.

- (iii) Other committees established by the Authority will follow those parts of the Authority's Procedure Rules set out in Part 5A of this Constitution as apply to them.

**(c) Decision making by Executive Boards and Officers**

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in Part 4, Section F of this Constitution and in accordance with the Scheme of Delegation to Thematic Executive Boards set out in Part 4, Section G of this Constitution and other relevant provisions of this Constitution.

## Article 13: Finance, Contract and Legal Matters

### 13.1. Funding

- (a) Except as funded from elsewhere (grants, gainshare etc), the Constituent Councils shall meet the costs of the Authority that are reasonably attributable to the exercise of the Authority's functions except Transport (see (d) below).
- (b) The amount payable by each of the Constituent Councils pursuant to Article 13.1(a) above shall be determined by apportioning the costs of the Authority referred to in Article 13.1(a) between each of the Constituent Councils in such proportions as they may agree, or in default of agreement in proportion to the total resident population at the relevant date of the area of each Constituent Council as estimated by the Registrar General.
- (c) For the purposes of Article 13.1(b) above, the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the current financial year.
- (d) The Constituent Councils shall meet the costs of the Authority that are reasonably attributable to the exercise of the Authority's functions relating to transport by way of the levy issued to the Constituent Councils pursuant to the Transport Levying Bodies Regulations 1992 (as amended).

**13.2. Financial management** The management of the Authority's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 5C of this Constitution.

**13.3. Contracts and Procurement** The management of the Authority's contracting and procurement functions will be conducted in accordance with the Contracts Procedure Rules set out in Part 5D of this Constitution.

### 13.4. Legal proceedings

- (a) The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the Authority's interests.
- (b) Any notices to be served on the Authority are to be sent to the Monitoring Officer at 11 Broad Street West, Sheffield, S1 2BQ, which for the purposes of section 231, Local Government Act 1972 and any other enactment shall be regarded as the principal office of the Authority.

### 13.5. Authentication of documents

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Monitoring Officer or some

other person duly authorised by the Authority or the Monitoring Officer, unless any enactment otherwise authorises or requires.

- (b) Contracts or other legal documents not required to be sealed (see (c) below) must be signed by the Monitoring Officer or some other person duly authorised in writing for that purpose (which can be either a general authorisation or a specific authorisation). A decision of the Authority or any committee or officer with appropriate delegated authority shall be sufficient to authorise such signing.

(c) **Common Seal of the Authority**

The Common Seal of the Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Authority or any part of it (including an officer of the Authority exercising delegated powers) will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which this Constitution requires to be sealed or which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by the Monitoring Officer or, in the absence of the Monitoring Officer, the Authority, for this purpose.

## Article 14: Review and Revision of The Constitution

14.1. The Monitoring Officer will monitor and review the operation of this Constitution.

14.2. Changes to the Constitution will only be made:-

- (a) with the approval of the full Authority after consideration of the proposal by the Monitoring Officer and in accordance with the Authority's Procedure Rules in Part 5A of this Constitution; or
- (b) by the Monitoring Officer, in consultation with the Chair of the Authority, in relation to amendments that are minor or necessarily consequential to amendments previously made, or required by Law.

14.3. Amendments made pursuant to Article 14.2(b) will be reported quarterly to a meeting of the Authority by the Monitoring Officer.

## PART 3 - FUNCTIONS OF THE AUTHORITY

### A. Introduction

1. The functions of the Authority are those functions conferred or imposed upon it by the 2014 or the 2020 Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under the Order or any other enactment (whenever passed or made).

### B. Transport Functions of the former ITA transferred to the Authority pursuant to the 2014 Order

1. Pursuant to the 2014 Order the property, rights and liabilities and all the functions of the former ITA have been transferred to the Authority, including, without prejudice to the generality of the forgoing the discharge of all the functions of the former ITA that are provided for within the Transport Acts 1968, 1983, 1985 and 2000, the Local Government Act 1972, the Transport and Works Act 1992 and the Local Transport Act 2008.

### C. Economic Development and Regeneration Functions to be exercised by the Authority concurrently with the Constituent Councils pursuant to the 2014 Order

1. Pursuant to the Order, the following economic development and regeneration functions of the Constituent Councils are exercisable by the Authority in relation to its area concurrently with the Constituent Councils:-
  - 1.1 Such functions of the Constituent Authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under section 1, Localism Act 2011 (see paragraph 6 below);
  - 1.2 The power under section 144, Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities);
  - 1.3 The duty under section 8(1), Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation); and
  - 1.4 The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), Education Act 1996 and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).
2. Any requirement in any enactment for a Constituent Council to exercise any of the functions set out in paragraph 1.1 above may be fulfilled by the exercise of that function by the Authority.

3. The Authority and the Constituent Councils may draw up and agree such Protocols as they may from time to time consider appropriate in relation to the discharge of the economic development and regeneration functions set out at paragraph 1.1 above.
4. The Authority and the Constituent Councils will keep the Protocols referred to at paragraph 3 above under regular review and may revise them from time to time, such revisions to be agreed by the Chief Executives of the Constituent Councils and the Head of Paid Service of the Authority.
5. Protocols drawn up, agreed, or revised under paragraphs 3 and 4 above will not in themselves constitute arrangements for the discharge of functions made in accordance with Section 101 of the Local Government Act 1972 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
6. By virtue of Section 91(5), Local Democracy, Economic Development and Construction Act 2009, the Authority must exercise the functions in paragraph 1.1 above with a view to promoting the economic development and regeneration of its area.

#### **D. Incidental Provisions pursuant to the 214 Order**

1. Pursuant to the Order, the following provisions have effect as if the Authority were a local authority for the purposes of these provisions:-
  - 1.1 Section 142(2), Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the Authority);
  - 1.2 Section 222, Local Government Act 1972 (the power to instigate and defend legal proceedings).
2. The Authority shall have the power to exercise any of the functions described in subsection 1(a) and (b) of section 88, Local Government Act 1985 (research and collection of information) whether or not a scheme is made under that section, and for these purposes paragraphs (a) and (b) of section 88(1) shall have effect as if a reference to “that area” were a reference to the Combined Area.
3. Section 13, Local Government and Housing Act 1989 shall have effect as if:-
  - 3.1 in subsection (4) after paragraph (h) there were inserted – “(i) subject to subsection (4A), a committee appointed by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority;” and
  - 3.2 after subsection (4) there were inserted –  
“(4A) A person who is a member of a committee falling within paragraph

(i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person –

(a) is a member of one of the constituent councils as defined by article 2 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014; or

(b) is given voting rights by resolution of the Combined Authority in accordance with paragraph 4(6) of Schedule 1 to that Order.”.

4. The Authority is required to maintain a pension fund and is an administering authority for the purposes of the Local Government Pension Scheme Regulations 2013.

**E. [Functions conferred on the Combined Authority by the 2020 Order \(see also Appendix 1C for overview of 2020 functions Order\)](#)**

**Transport**

1. The functions of the constituent councils specified in section 6 of the Highways Act 1980, (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc);
2. The functions of the constituent councils as local highway authorities specified in section 8 of the Highways Act 1980 (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)

The functions referred to in paragraphs (i) and (ii) are exercisable by the Authority concurrently with the Constituent Councils.

3. The functions of a Minister of the Crown specified in section 31 of the Local Government Act 2003 Act (power to pay grant). The functions are exercisable by the Authority concurrently with a Minister of the Crown. In determining the amount of grant to be paid towards expenditure incurred or to be incurred by a Constituent Council in relation to the exercise of its highways functions, the Combined Authority must have regard to the desirability of ensuring that the council has sufficient funds to facilitate the effective discharge of those functions.

**Education, skills and training functions**

**General Functions**

1. The functions of the Constituent Council as follows:-
  - (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals);
  - (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential);

- (c) section 15A of the Education Act 1996 (powers in respect of education and training for 16 to 18 year olds);
- (d) section 15B of the Education Act 1996 (functions in respect of education for persons over 19);
- (e) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2);
- (f) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2);
- (g) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities);
- (h) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers);
- (i) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training); and
- (j) Section 10 of the Children Act 2004(1) (co-operation to ensure well-being) (linked to s.85 above)

The above functions are exercisable concurrently with the constituent councils.

### **Adult Education Budget (AEB) functions**

2. The functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Authority:-
  - (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention;
  - (b) section 87 (learning aims for persons aged 19 or over: provision of facilities); and
  - (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees).

The functions mentioned in paragraph 2 above do not include:-

- (a) any functions relating to apprenticeship training; or
- (b) any functions relating to persons subject to adult detention.

The functions mentioned in paragraph 2 above are exercisable by the Combined Authority instead of by the Secretary of State.



3. The functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Authority:-
  - (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention); and
  - (b) section 100(1)(provision of financial resources).
4. The functions mentioned in paragraph 3 above do not include—
  - (a) any function relating to apprenticeships training;
  - (b) any function relating to persons subject to adult detention; or
  - (c) any power to make secondary legislation.

The functions mentioned in paragraph 3 above are exercisable concurrently with the Secretary of State in relation to the Area.

The 2020 Order sets out further conditions on the exercise of the above functions.

## **Housing and regeneration**

1. The functions of the Homes and Communities Agency (“HCA”) which are specified in the following provisions of the Housing and Regeneration Act 2008 Act are to be functions of the Authority:-
  - (a) section 5 (powers to provide housing or other land);
  - (b) section 6 (powers for regeneration, development or effective use of land);
  - (c) section 7 (powers in relation to infrastructure);
  - (d) section 8 (powers to deal with land etc);
  - (e) section 9 (acquisition of land);
  - (f) section 10 (restrictions on disposal of land);
  - (g) section 11 (main powers in relation to acquired land);
  - (h) section 12 (powers in relation to, and for, statutory undertakers);
  - (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
  - (j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

2. The Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objective of:-
  - (a) improving the supply and quality of housing in the area;
  - (b) securing the regeneration or development of land or infrastructure in the area;
  - (c) supporting in other ways the creation, regeneration or development of communities in the area or their continued well-being; and
  - (d) contributing to the achievement of sustainable development and good design in the area, with a view to meeting the needs of people living in the area.

The functions described in the provisions specified in paragraph 1 above are:-

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the Housing and Regeneration Act 2008 Act.

### **Mayoral Development Corporation**

1. The Authority has, in relation to its area, functions corresponding to the functions described in the provisions in the Localism Act 2011 referred to below, that the Mayor of London has in relation to Greater London.
  - (a) section 197 (designation of Mayoral development areas);
  - (b) section 199 (exclusion of land from Mayoral development areas);
  - (c) section 200 (transfers of property etc to a Mayoral development corporation);
  - (d) section 202 (functions in relation to town and country planning);
  - (e) section 204 (removal or restriction of planning functions);
  - (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
  - (g) section 215 (reviews);
  - (h) section 216 (transfers of property, rights and liabilities);
  - (i) section 217 (dissolution: final steps);

- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

Schedule 3 of the 2020 Order sets out the modifications to the Localism Act 2011 to accommodate Mayoral Development Corporate functions.

### **Spatial Planning (non-statutory)**

1. The preparation and publication of a document including a statement formulating the Mayor's strategy for spatial development in the Area using the General Power of Competence under Chapter 1 of Part 1 of the Localism Act 2011.

### **F. Functions conferred on a Combined Authority by Local Government Legislation**

1. The Authority shall have such other powers and duties as are conferred on a combined authority by any enactment.
2. Without prejudice to the generality of the above, such powers and duties include:-
  - the duty to appoint a head of paid service, a monitoring officer and an officer with responsibility for the administration of Authority's financial affairs;
  - the power to borrow money for a purpose relevant to its transport functions only;
  - the power to appoint staff and to enter into agreements with other local authorities for the secondment of staff;
  - the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;
  - the power to pay subscriptions to the funds of local authority associations;

- the duty (without prejudice to any other obligation) to exercise its functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in its area;
  - the power under Section 99 of the Local Transport Act 2008 to promote the economic, social and environmental well-being of its area;
  - the power under section 113A, Local Democracy, Economic Development and Construction Act 2009 (and subject at all times to the restrictions on this power contained in section 113B of that Act) to do anywhere in the United Kingdom or elsewhere
  - the General Power of Competence under Chapter 1 of Part 1 of the 2011 Act has effect in relation to the Authority as it has effect in relation to a local authority (see Articles 14(7) and (17) of the 2020 Order.
3. The Authority is a local authority for the purpose of Section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities).
  4. The Authority is a best value authority for the purpose of Section 1 of the Local Government Act 1999.
  5. The Authority is a public body for the purpose of the Freedom of Information Act 2000.
  6. The Authority is a local authority for the purpose of the power of a Minister of the Crown to pay grants.

## PART 4 - RESPONSIBILITY FOR FUNCTIONS

### A. Functions Reserved to the Authority

1. Only the Authority will exercise the following functions:-
  - 1.1. Adopting and changing the Authority's Constitution (other than changes made in accordance with Article 14.2(b));
  - 1.2. Adopting, changing, withdrawing or revoking a local transport plan under section 108(3), Transport Act 2000;
  - 1.3. Approving the Authority's annual Budget in accordance with the Authorities of Financial Regulations and the Combined Authorities (Finance) Regulations 2017 by 31st January in any year, including:-
    - (a) revenue expenditure (N.B. paragraph 2 below);
    - (b) capital expenditure;
    - (c) proposed contingency funds including reserves and balances; and
    - (d) decisions relating to the control of the Authority's borrowing requirements (N.B. paragraph 3 below).
  - 1.4. Approving the treasury management strategy and the investment strategy of the Authority;
  - 1.5. Subject to the Financial Regulations, approving the capital programme of the Authority and SYPTE;
  - 1.6. Accepting arrangements to delegate the functions of any person to the Authority;
  - 1.7. Deciding matters relating to road user charging;
  - 1.8. Exercising the power, pursuant to section 15A(3), Transport Act 1968 (or other relevant legislation) to cause a review to be made of the organisation of SYPTE's undertaking, and to give to SYPTE such directions as appear from any such review to be requisite to secure that SYPTE's undertaking is organised in the most efficient manner;
  - 1.9. Making decisions about such other plans or strategies as may be stipulated by the Authority in its standing orders from time to time; and,
  - 1.10. Delegating any functions to committees or Officers.
  - 1.11. Considering and approving the creation and development of:-

- (a) Quality Contracts Schemes pursuant to sections 24-134, Transport Act 2000;
- (b) Ticketing Schemes pursuant to sections 135-138, Transport Act 2000; and
- (c) Enhanced Partnership Schemes under the Bus Services Act 2019.

1.12. Any power to acquire land by compulsory purchase (except under s.207 Localism Act 2011 (CPO for Mayoral Development Corporation)).

- 2. In relation to paragraph 1.3(d) above, insofar as the Authority's revenue budget for transport is concerned, this includes approving the estimates of income and expenditure of SYPTE pursuant to sections 15(1)(b) Transport Act 1968, grants to be made to SYPTE pursuant to section 13, Transport Act 1968 and the setting of a transport levy pursuant to the Transport Levying Bodies Regulations 1992.
- 3. In relation to paragraph 1.4 above, insofar as the Authority's functions in respect of transport are concerned, this includes determining the borrowing limits of the Authority in relation to transport matters pursuant to section 3 Local Government Act 2003, approving borrowing by SYPTE pursuant to section 12(3) Transport Act 1968, and lending money to SYPTE pursuant to section 12(4) Transport Act 1968.

## B. Mayoral Functions

1. The following functions are functions exercisable only by the Mayor and are subject to the restrictions set out below in paragraphs (2) to (5) :-
  - (a) (Mayoral Development Corporation functions) sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 of and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the Localism Act 2011; and
  - (b) (Grants to Constituent Councils for Highway functions) section 31 of the Local Government Act 2003.
2. The exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the Localism Act 2011 requires the consent of all Members (or substitute Members) of the Authority appointed by a Constituent Council whose local government area contains any part of the area to be designated as a Mayoral development area.
3. The exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the Localism Act 2011 in respect of any Mayoral development area requires the consent of all members (or their Substitute) of the Authority appointed by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area.
4. The exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the Localism Act 2011 (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of:-
  - (a) the Peak District National Park Authority if the Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park; and
  - (b) each Member of the Authority appointed by a Constituent Council, or a substitute member acting in place of that Member, whose local government area contains the whole or any part of the area in respect of which the Authority proposes to exercise the functions.
5. For the purposes of the exercise of the function conferred by s.31 of the Local Government Act 2003 the Mayor must consult the Authority at an Authority meeting before exercising the function.
6. The Mayor has the general power of competence conferred by Chapter 1 of Part 1 of the Localism Act 2011 for the purposes of the exercise by the Mayor of general functions.
7. Any exercise by the Mayor of the general power of competence conferred by Chapter 1 of Part 1 of the Localism Act 2011 which involves the transfer of

property, rights and liabilities of the Authority to or from any of the constituent authorities requires the consent of all members of the Authority (or their Substitute) appointed by the Constituent Councils.

8. Any exercise by the Mayor of the general power of competence conferred by Chapter 1 of Part 1 of the Localism Act 2011 which involves the preparation and publication of a document including a statement formulating the Mayor's strategy for spatial development in the Area requires the consent of all Members of the Authority (or their substitute) appointed by the Constituent Councils.
9. Where the consent of a Member is required to exercise a Mayoral function the consent must be given at a meeting of the Authority.



## C. South Yorkshire Passenger Transport Executive

### Transport functions of the Authority delegated to South Yorkshire Passenger Transport Executive

1. In addition to SYPTE's own specific functions, the following transport functions of the Authority (which were transferred from the former ITA to the Authority by way of the Order) are **delegated** by the Authority to the SYPTE (in accordance with Article 8(3)), subject to SYPTE exercising these functions in accordance with any transport policies of the Authority, the Local Transport Plan and the Authority's agreed transport budget and borrowing limits (and without prejudice to the Authority's right to discharge such functions itself):-
  - 1.1. Determining what local bus information should be made available, and the way in which it should be made available pursuant to sections 139- 143, Transport Act 2000;
  - 1.2. Formulating, developing and monitoring procedures for public consultation on, and lobbying for, the Combined Area's transport policies including taking responsibility for the active promotion of the Combined Area's transport interests;
  - 1.3. Monitoring the operation and performance of bus, tram and local rail services and influencing accordingly;

## **D. The Audit, Standards and Risk Committee**

### **1. Statement of purpose**

The Audit, Standards and Risk Committee is a key component of corporate governance providing an independent, high-level focus on the audit, assurance and reporting framework underpinning financial management and governance arrangements. Its purpose is to provide independent review and assurance to Members on governance, risk management and control frameworks. The Committee's roles and functions are set out in paragraph 3 below. It also undertakes the Authority's Standards Committee function (see para 3.15 below).

### **2. Composition and Procedure**

#### **2.1. Membership**

The Audit, Standards and Risk Committee shall be appointed by the Authority from the Members and/or members of the Constituent councils. The Authority shall decide the size and membership at the Annual Meeting, provided that the membership shall comprise at least one Independent Person and comply with paragraph 2.3 below.

Independent Persons are non-voting positions.

#### **2.2. Independent Person**

For the purposes of paragraph 2.1 above an individual is an Independent Person if that person:

- (i) is not a member, substitute member, co-opted member or officer of the Authority;
- (ii) is not a relative, or close friend, of a person within (i) above; and
- (iii) was not at any time during the 5 years ending with their appointment to the Audit, Standards and Risk Committee a member, substituted member, co-opted member or officer of the authority.

For the purposes of paragraph 2.2(ii) above "relative" has the meaning contained in Article 2(2) of 2017 Order.

For the avoidance of doubt the Authority may agree to pay a reasonable allowance and expenses to the appointed Independent Persons.

### 2.3. Political Balance

Ignoring the Independent Persons, in appointing co-opted elected members to the Audit, Standards and Risk Committee the Authority must ensure that the members of the committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the *Constituent Councils* when taken together.

### 2.4. Chairing the Committee

The Audit, Standards and Risk Committee will be chaired by an elected Member and the vice-chair shall be an Independent Person. The role of Chair shall be appointed to annually at the first quorate meeting of the Committee after the Authority's AGM. Prior to the meeting nominations will be requested and each nomination shall be voted upon by the Members present at the meeting.

### 2.5. Quorum

At least two-thirds of the total number of members of the Audit, Standards and Risk Committee must be present at a meeting of the Audit, Standards and Risk Committee before any business may be transacted. If a meeting is not quorate the meeting may discuss any items on the agenda that do not require an executive decision and the minutes will reflect that the meeting was not quorate.

## 3. **Role and Function**

For any period prior to legal dissolution of SYPTE, and where appropriate, reference in paragraphs 3.1 to 3.11 below to "Authority" shall be read and construed as to include SYPTE.

- 3.1. To consider the Authority's statement of accounts prepared in accordance with the Accounts and Audit (England) Regulations 2011 and make recommendations to the Authority in regard to the Statement prior to the Authority approving the same;
- 3.2. To consider the External Auditor's Annual Audit and Inspection Letter in accordance with the Accounts and Audit (England) Regulations 2011 and to monitor the Authority's response to individual issues of concern identified;
- 3.3. To consider and advise the Authority on the findings of the Authority's review of the effectiveness of its system of internal control and on the Annual Governance Statement;
- 3.4. To consider and advise the Authority on the findings of the review of the effectiveness of its internal audit;

- 3.5. To oversee the effectiveness of the Authority's risk management arrangements, the control environment and associated anti-fraud and anticorruption arrangements, including approving **under delegated powers** the Authority's Anti-Fraud and Corruption Policy and associated Fraud Response Plan and any changes to these;
- 3.6. To challenge the Authority's performance management arrangements;
- 3.7. To oversee and review the Authority's internal audit strategy, and receive reports, as appropriate, from the Internal Auditor;
- 3.8. To engage with the External Auditor and external inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit;
- 3.9. To review any recommendations in respect of proposed changes to Part 5F of the Authorities Constitution (Financial Regulations) made by the Finance Director and Monitoring Officer or otherwise;
- 3.10. To ensure effective scrutiny of the Treasury Management Strategy and Policies;
- 3.11. To consider and advise the Authority on its Code of Corporate Governance.
- 3.12. To establish advisory panels as the Committee sees fit in order to discharge its role and functions. In respect of any such advisory panel the Committee shall determine the terms of reference.
- 3.13. The Committee will prepare an annual work plan to ensure that it adequately discharges its responsibilities as set out in this section over the course of the financial year;
- 3.14. The Committee will also review its own effectiveness annually and report the results of that review along with a review of its work during the financial year, including any items it wishes to particularly note, to the MCA Board.

## **Standards**

- 3.15. To determine, in accordance with the Authority's Arrangements whether a Member (or co-opted voting member) ("Subject Member") has failed to comply with the Authority's Code of Conduct for Members and, if so, to determine what action (if any) to take in respect of the Subject Member, such actions to include:-
  - publication of the findings of the Authority's Standards Committee in respect of the Subject Member's conduct;
  - reporting the findings of the Authority's Standards Committee to the Combined Authority for information;

- recommendation to the Authority that the Subject Member should be censured;
- instructing the Authority's Monitoring Officer to arrange training for the Subject Member; or
- recommendation to the Authority that the Subject Member should be removed from all appointments to which the Subject Member has been appointed or nominated by the Authority.

## **E. The Scrutiny Committee**

### **1. Statement of Purpose**

1.1. The Scrutiny Committee's purpose shall be:-

- (a) To act as a focus for the monitoring, scrutiny and challenge of the Mayor, the Authority, its committees Thematic Executive Boards and Officers and South Yorkshire Passenger Transport Executive (SYLTE);
- (b) To investigate matters of strategic importance to residents and businesses within the Sheffield City Region and to report with recommendations to the Mayor, the Authority or SYLTE;
- (c) To scrutinise the decisions of the Mayor, the Combined Authority, its committees and Officers and the major or strategic decisions of SYLTE and to make recommendations for improvement and/or change;
- (d) To review the performance of the Combined Authority and SYLTE.

1.2. The terms of reference for the Scrutiny Committee and its work programme will be subject to an annual review by the Combined Authority.

### **2. Appointment of Members**

- 2.1. Members of the Authority may not be members of the Scrutiny Committee.
- 2.2. The majority of members of the Scrutiny Committee must be members of the Constituent Councils.
- 2.3. The Authority must appoint such a number of members of each of the Constituent Councils to the Scrutiny Committee, so that the members of the committee taken as a whole reflect (so far as reasonably practicable) the balance of political parties for the time being prevailing among members of the Constituent Councils taken together.
- 2.4. Within the period of 28 days beginning with the day on which an appointment is made to the Scrutiny Committee, publish a notice on the Sheffield City Region Combined Authority website that:
  - (a) states that it has made an appointment;
  - (b) identify each member of the committee who has been appointed; and
  - (c) specifies the period for which the members of the committee have been appointed.

- 2.5. Each member of the Scrutiny Committee appointed from the constituent councils will have one vote.
- 2.6. The Chair (if not an Appropriate Person) shall be a non-voting member of the committee.
- 2.7. Any questions are to be decided by a simple majority of the members present.
- 2.8. If a vote is tied on any matter it is deemed not to have been carried.

### **3. Appointment of the Chair**

- 3.1. The Authority may appoint as Chair either:-

- (a) an independent person; or
- (b) an Appropriate Person

in either case appointed in accordance with the 2017 Order and Schedule 5A of the 2009 Act.

For the purpose of this paragraph 'Appropriate Person' means a member of one of the combined authority's constituent councils who is not a member of a registered political party of which the Mayor is a member.

### **4. Quoracy/Attendance**

- 4.1. Two-thirds of the total number of members (or their substitute) of the Scrutiny Committee must be present at a meeting before business may be transacted.
- 4.2. The Scrutiny Committee:-
  - (a) may require the Members or officers of the Authority to attend before it to answer questions, and
  - (b) may invite other persons to attend meetings of the committee.
- 4.3. The Scrutiny Committee will meet as often as the Committee agrees and at least quarterly.

### **5. Powers**

- 5.1. The Scrutiny Committee has power:-
  - (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibilities of the Mayor or the Authority;

- (b) To make reports or recommendations to the Authority with respect to the discharge of any functions that are the responsibility of the Mayor or the Authority; and
  - (c) To make reports or recommendations to the Authority on matters that affect the Authority's area or the inhabitants of the area.
- 5.2. The Scrutiny Committee's power under paragraph 5.1 (a) above 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 Scrutiny Committee; and
  - (b) Power to recommend that the decision be reconsidered.
- 5.3. Where the Scrutiny Committee have exercised the power to under 5.2 (b) above the Authority must hold a meeting to reconsider the decision no later than 10 days after the date on which the recommendations of the Scrutiny Committee were received by the Authority.
- 5.4. Where the Scrutiny Committee have exercised the power under 5.2(a) above the Mayor or the Authority (as appropriate) shall not implement the decision for a period of 14 days (or such shorter period the Scrutiny Committee directs) from the date or which the direction is issued.
- 5.5. Where the Scrutiny Committee make a report or recommendation under 5.1 (b) or (c) above the Authority (or Mayor as appropriate) must respond to such report or recommendation within 2 months of receiving notice from the Scrutiny Committee that it has made the report or recommendation such response to indicate what (if any) action the Mayor or Authority (as appropriate) propose to take. If the Scrutiny Committee had published the report or recommendation the Mayor's/Authority's response should also be published.

## **6. Referral of matters to the Scrutiny Committee**

- 6.1. The following individuals may refer matters to the Scrutiny Committee which is relevant to the function of the committee (or sub- committees) and in doing so may make representations as to why it would be appropriate for the Committee to consider the matter:
- (a) Any member of the Scrutiny Committee;
  - (b) Any member of the Combined Authority; and
  - (c) Any member of a Constituent Council of the Combined Authority.

The Scrutiny Committee must have regard to any representations made by the Member in referring the matter.



- 6.2. Subject to 6.3 below the Scrutiny Committee will consider the matters referred and place the matter on their work programme for further discussion.
- 6.3. If the matter referred is not placed on the committee's work programme the member making the referral will be notified with the decision and the reason why the item will not be discussed further by the committee.

## **7. Additional rights of access to documents for members of the Scrutiny Committee**

- 7.1. A member of the Scrutiny Committee (or sub-committee) is entitled to a copy of any document which:
  - (a) is in the possession or under the control of the Authority; and
  - (b) contains material relating to any business that has been transacted at a meeting of a decision making body of the Authority;
- 7.2. Members of the Scrutiny Committee are not entitled to a copy of a document or part of a document which contains exempt or confidential information, unless it is relevant to an action, review or decision that the Member is reviewing or scrutinising.
- 7.3. Members of the Scrutiny Committee are not entitled to a copy of a document or part of a document which contains advice provided by a political adviser.
- 7.4. Where the Authority determines that a member of a Scrutiny Committee is not entitled to a copy of a document, a written statement setting out the reasons for that decision must be made available to the member.

## **F. Scheme of Delegation of Functions to Officers and Schedule of Proper Officers**

### **1. Preamble**

The Authority approves strategies and policies which determine the framework in which operational decisions are made. Strategic overarching decisions are reserved to the Authority for decision (such as approving the budget and the capital programme). Officers implement decisions made by the Authority (or any decision making committee of the Authority).

Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions. In doing so, decision-making by officers' is subject to other control measures. These include:-

- The Constitution, including Procurement and Contract Rules and Financial Regulations;
- an Officers' Code of Conduct, a gifts and hospitality policy and the Conflicts of Interest Policy;
- organisational values;
- an anti-fraud, bribery and corruption policy; and
- internal audit and risk management arrangements.

### **2. Introduction**

2.1. This Scheme of Delegation to Officers ('Scheme') and Schedule of Proper Officers for various functions have been prepared in accordance with section 101, Local Government Act 1972, which enables the Authority to delegate any of its functions to its officers. The Authority is also required by section 100G of this Act to maintain a list for public inspection specifying those powers of the Authority which, for the time being, are exercisable from time to time by officers of the Authority, and stating the title of the officer in question by whom the powers are exercisable.

2.2. 'Directors' in the context of this Scheme means any person designated as such by the Head of Paid Services and appearing on the staffing establishment as a Director.

2.3. The delegated powers of Officers set out in this Scheme may be exercised by other officers authorised by the Officer with the delegated power to act on their behalf and in their name, provided that administrative procedures are in place to record the authorisation and monitor decisions taken.

2.4. The exercise of delegated powers by officers is required to be in accordance with:-

- 2.4.1. statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
  - 2.4.2. this Constitution, including the Authority's Rules of Procedure and Financial Regulations currently in force;
  - 2.4.3. the revenue and capital budgets of the Authority, subject to any variation thereof which is permitted by the Authority's Financial Regulations; and
  - 2.4.4. any policy or direction of the Authority, or any other Committee acting in exercise of powers delegated to that Committee by the Authority.
- 2.5. Officers may not exercise delegated powers where:-
- 2.5.1. the matter is reserved to the Authority by law or by the Authority's Constitution;
  - 2.5.2. the matter is a function which cannot by law be discharged by an officer;
  - 2.5.3. the Authority, or a Committee, Sub-Committee or Joint Committee to which the Authority is a party, has determined that the matter should be discharged otherwise than by an officer; or
  - 2.5.4. the Head of Paid Service has directed that the officer concerned should not exercise a delegated function in specified circumstances.
- 2.6. Before exercising delegated powers, particularly on matters involving the reputation of the Authority, officers must consider the advisability of consulting the Head of Paid Service and/or the Chair of the Authority.
- 2.7. Where, in relation to an item before the Authority, or a Committee, an Officer is given specific authority to determine a particular matter, that officer should ensure that there is an appropriate audit trail to evidence such determination.

### **3. General Delegations to Statutory Officers/Directors**

The functions set out below are delegated to all Statutory Officers and Directors unless limited by the individual delegation.

#### *Routine Management*

- 3.1. In relation to Statutory Officers and Directors the day to day routine management, supervision and control of services provided for the Authority by staff under their control in accordance with the Rules of Procedure and Financial Regulations of the Authority.

### *Contracts/Land*

- 3.2. In relation to Statutory Officers the disposal of surplus or obsolete Authority assets to the person submitting the highest quotation up to a limit of £100,000 in value and the leasehold disposal of land leased for revenue generative purposes.
- 3.3. In relation to Statutory Officers the acquisition of land for the purpose of delivering any project in the approved capital programme and budget.
- 3.4. In relation to Statutory Officers and Directors the acceptance of a tender or quotation:-
  - (a) for the supply of goods, materials, or services for which financial provisions has been made in the Authority's Revenue Budget (as may be varied from time-to-time subject to the delegations afforded to the Finance Director through the Financial Regulations or is fully funded by any grant that is received as a result of a previously approved funding bid submission), or
  - (b) for building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Authority as part of the capital programme and such expenditure is approved by the Finance Director;

#### Provided that:-

- where the tender or quotation is in accordance with the Authority's Contracts Procedure Rules and is either the most economically advantageous tender decided by reference to pre-determined weighted award criteria or the subject of a waiver of the Authority's Contracts Procedure Rules granted in accordance with those Rules;
- the decision relates to the delivery of the agreed business plan for that business area;
- the decision accords with any officer decision making guidance issued to Officers;
- where the decision is a key decision or may have policy or strategic implications, the Officer exercising the delegation will, before the decision is taken, consult with the relevant Thematic Board Chair, or if it does not fall within a Thematic Boards remit, with the Mayor (*NB, the provisions of part 5B of this constitution apply to Key Decisions taken by Officers*);
- once the decision has been made the Officer completes the prescribed officer decision form and complies with the transparency requirements of The Openness of Local Government Bodies Regulations 2014; and

- Officer decisions over £100,000 in value will be reported to the next available MCA as part of the Delegated Authority report.

#### *Staff and resources*

3.5. In relation to Statutory Officers and Directors, to appoint officers to posts within the Authority's staffing structure, in accordance with the Authority's recruitment and selection procedure;

3.6. With the exception of:-

- Granting voluntary redundancy requests; and
- Releasing preserves pension benefits on ill health grounds.

to determine any employment issue arising in respect of an individual officer in accordance with agreed procedure and the relevant conditions of service.

#### **4. Delegations to the Head of Paid Service**

The functions set out below are delegated to the Head of Paid Service

- 4.1 To discharge the functions of the Head of Paid Service in relation to the Authority as set out in section 4, Local Government and Housing Act 1989. (The duties of the Head of Paid Service are to report to the Authority where necessary setting out proposals with respect to the co- ordination of the Authority's functions, the number and grades of staff required and the organisation.
- 4.2 To discharge any function of the Authority which has not been reserved to the Authority under Part 4, section A of this Constitution or specifically delegated to another officer or Committee, and to direct any officer not to exercise a delegated function in special circumstances unless they are required to do so by law.
- 4.3 To take any action which is required as a matter of urgency in the interests of the Authority, after consultation (where practicable) with the Chair of the Authority or the Chair of an appropriate committee, on behalf of and within the powers and duties of the Authority or its Committees (and when required in agreement with the Chair of the Scrutiny Committee as required by Part 4 section E (Scrutiny)), all such action to be reported to the next meeting of the Authority or Committee.
- 4.4 To take preliminary steps to protect the rights and interests of the Authority in relation to any Bill or Statutory Instrument or Order in Parliament, subject to consultation with the Chair of the Authority.
- 4.5 To conduct before either House of Parliament any proceedings (including the retention of Parliamentary Agents and Counsel) connected with the

passage of any Private Bill which the Authority has resolved to promote or oppose, including the negotiation and agreement of amendments to any such Bill, and the negotiation and approval of any terms, agreement or undertaking offered in consideration of the Authority not opposing any Private Bill.

- 4.6 To nominate, appoint and remove, in consultation with the Chair and Vice Chairs of the Authority, Authority representatives on the boards of companies, trusts and other bodies, and to agree constitutional arrangements for such companies, trusts and other bodies and give any necessary consents required within relevant constitutions.
- 4.7 To provide a comprehensive policy advice service to the Authority and in particular to advise on the Authority's plans and strategies.
- 4.8 To control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations within prescribed policy, including approval of the issue of all official Authority publicity and official publications.
- 4.9 Where the Authority is a member of any company, to be the authorised representative of the Authority as such member or designate who should be such representative.
- 4.10 To approve the provision of reasonable hospitality to representatives of joint authorities, local authorities, organisations etc. visiting the Authority.

## **5. Delegations to the Finance Director**

The functions set out below are delegated to the Finance Director:-

- 5.1 To effect the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally.
- 5.2 The taking of all action required in relation to the Authority's treasury management (borrowing, investment and financing arrangements) subject to the submission to the Authority of an annual report of the Finance Director on treasury management activities in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes.
- 5.3 To effect all insurance cover required in connection with the business of the Authority and to settle all claims under such insurances arranged for the Authority's benefit.
- 5.4 The preparation of manuals of financial and accounting procedures to be followed by all Officers working for and on behalf of the Authority.
- 5.5 To accept grant offers on behalf of the Authority, subject being satisfied with all the terms and conditions imposed by the grant awarding body and

subject to either the submission of the funding application for grant or the grant offer having been approved by the Authority or Thematic Board (in accordance with the Scheme of Delegation set out in Part 4 Section G) as appropriate.

- 5.6 To submit all claims for grant to the UK Government, the European Union (EU) or any other source of funding.
- 5.7 To make all such banking arrangements on behalf of the Authority as the Finance Director considers necessary, including arrangements for issuing cheques.
- 5.8 To monitor capital spending and submit regular reports to the Authority.
- 5.9 In relation to revenue expenditure under the control of officers, to consider the reports of those officers.
- 5.10 The collection of all money due to the Authority, and the writing-off of bad debts.
- 5.11 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 5.12 To administer the scheme of Members' allowances.
- 5.13 To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011 including the requirement under Regulation 8(2) to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Authority at the end of the year to which it relates and of the Authority's income and expenditure for that year.
- 5.14 To discharge the functions of the Authority under the Accounts and Audit (England) Regulations 2011 (with the exception of regulations 4(3), 6(4) and 8(3)).
- 5.15 To sign certificates under the Local Government (Contracts) Act 1997.
- 5.16 To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.
- 5.17 To determine an amount (not exceeding the sterling equivalent of 5,000 euros) being the maximum sum which the Authority will receive in cash without the express written consent of the Finance Director.
- 5.18 To exercise the responsibilities assigned to the Finance Director in the Financial Regulations and the Contracts Procedure Rules.

## **6. Delegations to the Monitoring Officer**

Under the provisions of the Local Government and Housing Act 1989, the Authority shall appoint a Monitoring Officer. The functions of the Monitoring Officer shall be as follows:-

- 6.1 Should at any time it appear to the Monitoring Officer that any proposal, decision or omission by the Authority has given rise to, or is likely to give rise to unlawfulness or maladministration, s/he will prepare a report to the Authority with respect to that proposal, decision or omission.
- 6.2 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support on this issue to the Authority. The Authority has delegated to the Monitoring Officer the following powers to deal with matters of conduct and ethical standards in accordance with the requirements of Part 1 Chapter 7 of the Localism Act 2011:-
  - (a) To act as the Authority's Proper Officer to receive complaints that Members have failed to comply with the Authority's Code of Conduct for Members;
  - (b) To determine, after consultation with the Independent Person (as defined in s.28 Localism Act 2011) and in accordance with the Authority's arrangements for dealing with complaints that Members have failed to comply with the Authority's Code of Conduct for Members ('the Authority's Arrangements'), whether to reject, informally resolve or investigate a complaint;
  - (c) To seek informal resolution of complaints that Members have failed to comply with the Authority's Code of Conduct for Members wherever practicable;
  - (d) To arrange for the appointment of an Investigating Officer to investigate a complaint where the Monitoring Officer (in consultation with an Independent Person) determines that a complaint merits formal investigation;
  - (e) To issue guidance to be followed by an Investigating Officer on the investigation of complaints;
  - (f) To confirm, after consultation with an Independent Person and in accordance with the Authority's Arrangements, an Investigating Officer's finding of no failure to comply with the Authority's Code of Conduct for Members;
  - (g) Where an Investigating Officer's report finds that the subject Member has failed to comply with the Authority's Code of Conduct for Members, to determine, after consultation with the Independent



Person and in accordance with the Authority's Arrangements, either to seek a local resolution or to send a matter for local hearing.

#### *Authority's Register of Member's Interests*

- 6.3 To prepare and maintain a Register of Authority Members' Interests (and LEP Board Members Interests) to comply with the requirements of the Localism Act 2011 and the Authority's Code of Conduct for Members, and ensure that it is available for inspection and published on the Authority's website as required by the Act.

#### *Dispensations*

- 6.4 To grant dispensations from section 31(4) of the Localism Act 2011 in consultation with the Independent Person if, having had regard to all relevant circumstances, the Monitoring Officer:-
- (a) considers that without the dispensation the number of persons prohibited by section 31(4) of the Localism Act 2011 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
  - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
  - (c) considers that granting the dispensation is in the interests of persons living in the Authority's area; or
  - (d) considers that it is otherwise appropriate to grant a dispensation.
- 6.5 The Monitoring Officer may provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all members of the Authority and its committees.
- 6.6 The Monitoring Officer may institute, conduct, prosecute and defend any legal proceedings on behalf of the Authority, as may be necessary to protect and promote the Authority's interests in accordance with any general policy laid down by the Authority, subject to consultation with the Chair in any case where the matter is of significance to the Authority's reputation or where the Authority is to appeal to the Court of Appeal or the Supreme Court.
- 6.7 The Monitoring Officer may settle any actual or threatened legal proceedings, where s/he considers this to be appropriate and in the interests of the Authority.

- 6.8 The Monitoring Officer may instruct Counsel and professional advisers, where s/he considers this to be appropriate.
- 6.9 The Monitoring Officer may give undertakings on behalf of the Authority.
- 6.10 The Monitoring Officer shall supervise the preparation and sealing or signature of legal documents.
- 6.11 The Monitoring Officer may authorise other officers to seal documents in accordance with Article 13.5 of the Authority's Constitution, or to sign documents which are not required to be under seal.
- 6.12 The Monitoring Officer is authorised to complete all property transactions and contractual arrangements where terms have been agreed by the Authority or a Committee or a Statutory Officer acting under the Scheme of Delegation.
- 6.13 The Monitoring Officer shall determine exemptions under Section 36, Freedom of Information Act 2000.
- 6.14 The Monitoring Officer is authorised to accept on behalf of the Authority the service of notices, orders and legal proceedings.
- 6.15 Under Section 223, Local Government Act 1972 the Monitoring Officer may authorise officers who are not admitted solicitors to appear in the Magistrates' Court on behalf of the Authority.
- 6.16 The Monitoring Officer shall be empowered to take any action which is required as a matter of urgency in the interests of the Authority, after consultation (where practicable) with the Chair of the Authority or the Chair of an appropriate committee, on behalf of and within the powers and duties of the Authority or its Committees (and where required of the Scrutiny Committee as required by Part 4 section E (Scrutiny)). All such action shall be reported to the next meeting of the Authority or Committee.

## **7. Schedules of Proper Officers**

- 7.1 Section 112(1), Local Government Act 1972, provides that the Authority shall appoint such officers as it thinks necessary for the appropriate discharge by the Authority of such of its functions as fall to be discharged by them.
- 7.2 There are a number of specific references in the Local Government Acts 1972 and 1985 which call for functions to be undertaken by what is termed the 'Proper Officer'. The following Schedules list such references and identify the Chief Officers responsible for their discharge:-

## **FINANCE DIRECTOR**

The Finance Director to the Authority is appointed the Proper Officer in relation to the following:-

Local Government Act 1972

Section 115(s)	Receipt of money due from Officers
----------------	------------------------------------

Local Government Act 1985

Section 73	Administration of the financial affairs of the Authority
------------	--

## **MONITORING OFFICER**

The Monitoring Officer to the Authority is appointed the Proper Officer in relation to the following:-

Local Government Act 1972

Section 146 (1) (a) and (b)	Declaration and Certificates with regard to securities
Section 225 (1)	Deposits of Documents
Section 229 (5)	Certifications of photographic copies of documents
Section 234 (1) and (2)	Issuing and signing of formal notices
Section 236 (9) and (10)	Serving copies of Byelaws
Section 238	Certification of Byelaws

## **HEAD OF PAID SERVICES**

The Head of Paid Services to the Authority is appointed the Proper Officer in relation to the following:-

Local Government Act 1972

Section 100B (2)	Determination of those reports which should be available for public inspection prior to a meeting of the Authority, and any Committee of the Authority and those which are likely to be heard in private and consequently which should not be released to the Public
------------------	--

Section 100B (7)	Provision of documents to the press, additional to Committee reports
Section 100C (2)	Preparing written summaries of proceedings
Section 100D (1)	Making arrangements for lists of, and background papers to reports, to be made available for public inspection.
Section 100F (2)	Determination of documents disclosing exempt information which may not be inspected by Members.
Schedule 12 para 4 (2) (b)	Signature of Summonses to the Authority.
Schedule 12 para 4 (3)	Receipt of notices regarding addresses to which Summonses to meetings of the Authority are to be sent.

## **GENERAL**

All Officers in whose name reports are submitted to the Authority are appointed the proper officers in relation to the following:-

Local Government Act 1972

Section 100 D (1) (a)	Compilation and retention of lists of background papers and copies of the relevant documents and reports.
Section 100 D (5)	Identifying and determining what are background papers.

## **LOCAL ENTERPRISE PARTNERSHIP**

The Authority acts as the accountable body for all funds awarded to the Local Enterprise Partnership (LEP). The LEP determines the use of these funds with the Authority responsible for testing vfm ensuring legal compliance and good governance practice. As specified in the LEP Governance and Transparency Guidance (2017) both the Head of Paid Service and the Finance Director have a designated formal role to undertake on behalf of the LEP. The scope of this role requires the officers to escalate any concerns with regard to the governance of the LEP programme directly to the relevant Government department.

## **G. Scheme of Delegation of Functions to Thematic Executive Boards**

### **1. Introduction**

- 1.1 This scheme of delegation has been prepared in accordance with section 101 Local Government Act 1972 which concerns arrangements for the discharge of functions by Local Authorities by a committee, a sub-committee or an officer of the Authority.
- 1.2 This scheme concerns the Authority's delegation of operational decision making to thematic Executive Boards ("Boards").
- 1.3 The Authority shall establish the following Boards:-
  - (i) Business Recovery and Growth Board (Appendix 4);
  - (ii) Education, Skills and Employability Board (Appendix 5);
  - (iii) Housing and Infrastructure Board (Appendix 6); and
  - (iv) Transport and the Environment Board (Appendix 7);
- 1.4 The Authority shall formally appoint the Members of each Board and appoint the Chair and Vice Chair.

### **2. Limitations**

- 2.1 The formal authority for delegated decision making responsibility and accountability for each Board rests with the Head of Paid Service (or their nominated representative) in consultation with the Chair of the Board. Any reference in this Part G or the appended Terms of Reference to the Board taking decisions means a decision taken in accordance with this paragraph. This delegation is only to be exercised when the members of the Board who are in attendance at the meeting have unanimously approved the decision. Where there is not such unanimity the matter shall be referred for decision to the next available meeting of the Authority.
- 2.2 Board decisions taken in accordance with paragraph 2.1 above will be reported to the Authority which as the delegating body will retain the authority to review or amend any decision which has not been acted upon subject to giving due reason for doing so.
- 2.3 If a Board believes a matter is of strategic significance and outside its agreed limitations or the broader policy framework of the Authority as set out in its Strategic Economic Plan or other relevant policy documents the matter shall be referred to the Authority for consideration.
- 2.4 A Board will have general authority to incur expenditure which is within any Programme of expenditure approved by the Authority subject to any specific financial limits as may be determined by the Authority, following due

consultation between the Board and the section S151 Officer as may be determined appropriate with reference to and detailed in the Board's Terms of Reference.

### **3. Terms of Reference**

- 3.1 The terms of references of the Boards are appended hereto at Appendices 4 - 7 respectively.
- 3.2 The Monitoring Officer shall be consulted in the event of any ambiguity as to the scope of the Board's Terms of Reference who shall give appropriate advice and if necessary shall report the matter to the Authority for determination.

## **PART 5 - PROCEDURE RULES**

A – Combined Authority Procedure Rules

B – Access to Information Procedure Rules

C – Financial Regulations

D – Contracts Procedure Rules

## **PART 5A - COMBINED AUTHORITY PROCEDURE RULES**

### **INTRODUCTION**

These procedure rules apply where appropriate to all Committees and Sub-Committees of the Authority subject to any specific provisions set out in this Constitution in respect of such a Committee or Sub-Committee as set out in their specific terms of reference set out in Part 4 or elsewhere.

### **CONTENTS**

#### **PART I - THE AUTHORITY**

Rule No.

1. Name of the Authority
2. Membership of the Authority

#### **PART II - MEETINGS OF THE AUTHORITY**

3. Meetings of the Authority
4. Chair and Vice-Chair
5. Quorum
6. Deputations
7. Chair's Announcements
8. Order of Business
9. Notices of Motion
10. Motions which may be moved without Notice
11. Amendments to Motions
12. Rules of Debate
13. Disorderly Conduct
14. Rescission of Preceding Resolution
15. Mode of Voting
16. Urgent Business
17. Questions within the Constituent and Non-Constituent Councils
18. Variations and Revocation of Procedure Rules
19. Suspension of Procedure Rules
20. Recordings at Meetings
21. Record of Attendance

#### **PART III - RELATING TO MEMBERS AND OFFICERS**

22. Canvassing of and Recommendations by Members
23. Relatives of Members or Officers
24. Representation of the Authority on other Bodies
25. Interests of Members in Contracts and Other Matters
26. Interests of Officers in Contracts
27. Gifts and Hospitality
28. Arrangement for discharge of functions by Officers



29. Inspection of Land, Premises, etc

#### PART IV - RELATING TO COMMITTEES AND SUB-COMMITTEES

30. Appointment of Committees and Sub-Committees
31. Political Balance on Committees and Sub-Committees
32. Appointment or Election of Chair and Vice-Chair of Committees and Sub-Committees
33. Chair of Meetings
34. Duties of Chairmen and Vice-Chairmen of Committees and Sub-Committees
35. Quorum of Committees and Sub-Committees
36. Procedure Rules to apply to Committees and Sub-Committees
37. Powers and Duties of Committees

#### PART VI – GENERAL

38. Interpretation
39. Procedure Rules to be given to Members

#### PART I - THE AUTHORITY

##### **1. Name**

The name of the Authority shall be the South Yorkshire Mayoral Combined Authority’.

##### **2. Membership of the Authority**

The membership of the Authority shall be determined in accordance with Article 3 of its Constitution.

#### PART II – MEETINGS OF THE AUTHORITY

##### **3. Meetings of the Authority**

- 3.1 The annual meeting of the Authority shall be held each year on such a day in the month of March, April, May or June as the Authority may fix, to deal any other business normally transacted at an annual meeting.
- 3.2 The Authority shall meet approximately once every eight weeks, but additional meetings may take place should the need arise. The dates and times of meetings of the Authority (including the Annual Meeting and extraordinary meetings) shall be determined by the Authority. Such meetings shall be held at a venue determined by the Chair. Save as provided elsewhere in these Procedure Rules all meetings of the Authority, including committee, subcommittee and working party meetings shall be summoned by the Head of Paid Service.
- 3.3 An extraordinary meeting of the Authority may be called at any time by the Chair. If the Chair refuses to call an extraordinary meeting of the Authority after a requisition for that purpose signed by three Members of the Authority has been

presented to him/her or if, without so refusing, the Chair does not call an extraordinary meeting within seven days after the requisition has been presented to him/her then any three Members of the Authority, on that refusal, or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Authority.

- 3.4 No business shall be considered at any extraordinary meeting save such as is specified in any requisition of the Authority calling such meeting, or as the case may be, in the requisition presented to the Chair by Members.

#### **4. Chair and Deputy Mayor**

- 4.1 Article 4 sets out that the Mayor will chair the Authority.
- 4.2 In the event the Mayor is unable to act, or the office of Mayor is vacant the Deputy Mayor must act as Chair in the Mayor's place. In the event both the Mayor and Deputy Mayor are unable to act or both positions are vacant then the other Members must act together in place of the Mayor to take decisions related to functions under the 2014 Order by simple majority.
- 4.3 If the Chair is absent from a meeting the Deputy Mayor, if present, shall preside.
- 4.4 If both the Chair and Deputy Mayor are absent from a meeting of the Authority, such Member as the Members of the Authority present so choose, shall preside.
- 4.5 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

#### **5. Quorum**

If during a meeting of the Authority the Chair, after counting the number of Members present, declares that there are not at least three of the Members present, who are entitled to vote (being the Mayor and at least 2 Members from the Constituent Councils or at least 3 Members from the Constituent Councils) on the matter(s) under consideration, the meeting shall stand adjourned. The names of those Members who are present shall be recorded in the minutes of the meeting. Consideration of any business not transacted shall be adjourned to a date and time fixed by the Chair at the time the meeting is adjourned, or if s/he does not so fix a date and time, to the next meeting of the Authority.

#### **6. Deputations/Public Questions**

- 6.1 At the discretion of the Authority, deputations and questions from members of the public may be received at any meeting of the Authority, except the Annual Meeting, provided that seven clear days' notice in writing has been given to the Head of Paid Service of the proposed deputation and the object thereof. The Chair shall put a motion that the deputation/question be received which motion shall be put and moved without discussion. On the motion being approved, the deputation/question shall be admitted.

- 6.2 The deputation shall not exceed five persons in number, only one of whom shall speak and the speech, inclusive of the reading of a memorial or petition, if one is to be presented, shall not exceed five minutes.
- 6.3 No discussion shall take place on any matter raised by a deputation/question but any Member shall be at liberty to move a motion, without notice, that the subject matter be referred to the next ordinary meeting of the Authority or the appropriate committee and such motion, on being seconded, shall be at once put to the vote.

## **7. Chair's Announcements**

No discussion shall take place on any announcement made by the chair of the meeting, but any Member shall be at liberty to move a motion, without notice, to refer the subject matter of any such announcement to the next ordinary meeting of the Authority or appropriate committee and such motion, on being seconded, shall be at once put to the vote.

## **8. Order of Business**

- 8.1 Except as otherwise provided by paragraph 8.2 of this Rule, the order of business at every meeting of the Authority other than the annual meeting and any extraordinary meeting shall be:-
- (a) To choose a person to preside if the Chair and Deputy Mayor are absent;
  - (b) To deal with any business required by statute to be done before any other business;
  - (c) To identify those items of business on which Members of the Authority appointed by Non-constituent Councils may or may not vote (Article 5.4);
  - (d) Urgent items: to determine whether there are any additional items of business which by reason of special circumstances the Chair is of the opinion should be considered at the meeting;
  - (e) Exclusion of Public and Press: to identify items where resolutions maybe moved to exclude the public and press;
  - (f) To receive disclosures by Members of interests in matters under consideration;
  - (g) To approve as a correct record and sign the minutes of the last meeting of the Authority;
  - (h) To deal with any business expressly required by statute to be done;
  - (i) To receive deputations or questions (if any);
  - (j) Chair's announcements;

- (k) To dispose of business, if any, remaining from the last meeting;
- (l) To approve as necessary minutes of committees of the Authority;
- (m) To receive and consider reports, if any, from committees of the Authority;
- (n) To receive and consider reports from South Yorkshire Passenger Transport Executive;
- (o) To receive minutes of and recommendations from other bodies;
- (p) To consider motions, if any, in the order in which notice has been received; and
- (q) To deal with other business, if any, specified in the summons.

8.2 The Chair may at any meeting vary the order of business so as to give precedence to any business which in his/her opinion is of special urgency but such a variation shall not displace any business falling under items (a), (b), (f) or (g) in paragraph 8.1 of this Rule.

8.3 At any extraordinary meeting of the Authority the minutes of the last ordinary meeting of the Authority will not be considered. The minutes of an extraordinary meeting of the Authority will be submitted where possible to the next ordinary meeting of the Authority.

## **9. Notices of Motion**

9.1 Except as provided by Rule 10, every notice of motion shall be in writing, signed by the Member or Members of the Authority giving the notice and delivered at least seven clear days before the next meeting of the Authority at the office of the Head of Paid Service by whom it shall be dated, numbered in the order in which it is received and a record kept, which shall be open to the inspection of every Member of the Authority during normal office hours.

9.2 Every motion shall be relevant to some matter in relation to the Authority's powers or duties.

9.3 The Head of Paid Service shall set out in the summons for every meeting of the Authority motions of which notice has been duly given in the order in which they have been received, unless the Member giving such notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting or has withdrawn it in writing.

9.4 If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.

## **10. Motions which may be Moved without Notice**

The following motions may be moved without notice:-

- (a) Appointing a Chair of the meeting at which a motion is moved;
- (b) Motions relating to the accuracy of the minutes;
- (c) That an item of business specified in the summons has precedence;
- (d) Appointment of a committee or members thereof occasioned by the appointment;
- (e) That leave be given to withdraw a motion;
- (f) That leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Authority or any committee of the Authority;
- (g) That the Authority proceeds to the next business;
- (h) That the question be now put;
- (i) That the debate be now adjourned;
- (j) That the Authority does now adjourn;
- (k) Amendments to any motion to approve the Minutes or proceedings of the Authority or any committee of the Authority any part of which has been withdrawn or amended in accordance with Rule 10(f);
- (l) Suspending Procedure Rules in accordance with Rule 19;
- (m) A motion, under Part 1 of Schedule 12A to the Local Government Act 1972 (relating to admission to meetings of local authorities);
- (n) That a Member named under Rule 13 be not further heard or do leave the meeting;
- (o) Giving consent or leave of the Authority where the consent or leave of the Authority is required by these Procedure Rules;
- (p) That a deputation be received;
- (q) That a matter raised by a deputation received under Rule 6 be referred to the next ordinary meeting of the Authority or the appropriate committee; and
- (r) That the subject matter of an announcement made by the chair of the meeting be referred to the next meeting of the Authority or the appropriate committee;

- (s) Approval or amendment of recommendations of Chief Officers and any consequential resolutions.

## **11. Amendments to Motions**

Normally, no motion to amend a motion other than a motion which may be moved without notice under Rule 10 shall be moved at any meeting of the Authority unless not less than 24 hours' notice in writing of the motion, signed by the Member(s) giving notice, is delivered to the Monitoring Officer. The Head of Paid Service shall inform the Chair of the Authority of any such amendments so received.

## **12. Rules of Debate**

12.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

12.2 An amendment shall be relevant to the motion and shall be either:-

- (a) To refer a subject of debate to the next meeting of the authority or the appropriate committee for consideration or re-consideration; or
- (b) To leave out words and insert or add others; or
- (c) To insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.

12.3 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Authority's business. Where two or more amendments are discussed together they shall be voted upon in the order in which they were moved.

12.4 When an amendment has been lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.

12.5 When a motion is under debate no other motion shall be moved except the following:-

- (a) to amend or withdraw the motion provided that the notice of amendment has been properly given in accordance with these Procedure Rules;
- (b) to adjourn the meeting;

- (c) to proceed to the next business;
- (d) that the question be now put; and
- (e) that a Member be not further heard.

12.6 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

12.7 A Member who does not have the right to vote on a matter shall have the same rights to speak on a matter as a Member with the right to vote on that matter.

### **13. Disorderly Conduct**

13.1 If at a meeting any Member of the Authority in the opinion of the Chair misconducts himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, the Chair may move 'That the Member named be not further heard' and the motion if seconded shall be put and determined without discussion.

13.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall either move 'That the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting of the Authority for such period as s/he in his/her discretion shall consider expedient.

13.3 In the event of general disturbance which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair in addition to any power vested in him/her may, without question put, adjourn the meeting of the Authority for such period as s/he in his/her discretion shall consider expedient.

### **14. Rescission of Preceding Resolution**

14.1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of Rule 9 bears the names of at least five Members of the Authority. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months.

14.2 Provided that this Rule shall not apply to motions moved by the Chair or other Members of the Authority in pursuance of a recommendation of a committee.

### **15. Mode of Voting**

15.1 (a) Every proposition shall, unless otherwise required by these Procedure Rules or statute, be determined by show of hands.

- (b) In taking the votes on any proposition, only those Members who are present in the room when the proposition is put from the chair shall be entitled to vote.
- (c) Members appointed by Non-constituent Councils shall not be entitled to vote except on defined matters where the Members appointed by the Constituent Councils have resolved to allow them to vote. Individuals co-opted pursuant to Article 3.15 shall not be entitled to vote.
- (d) After a proposition is put from the Chair but before the vote is taken, any three Members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his/her vote for or against that proposition or abstained from the voting.
- (e) Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that his/her vote for or against the question or abstention shall be recorded in the minutes by notifying the Head of Paid Service.

15.2 Where there are more than two persons nominated for any position to be filled by the Authority and of the votes given there is not a majority in favour of one person, the one having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.

15.3 In regard to 2014 Order functions, in the case of an equality of votes the Chair shall not have a second nor casting vote. Where the Authority is unable to reach a decision in these cases, the Head of Paid Service will refer the matter for consideration by the Chief Executive Officers of the constituent councils to identify how best to resolve the issues of contention. If, on a second consideration of the matter by the Authority, the vote remains tied, the motion shall be considered lost.

## **16. Urgent Business**

The Head of Paid Service and the Monitoring Officer shall each be empowered individually to take any action which is required as a matter of urgency in the interests of the Authority, after consultation (where practicable) with the Chair of the Authority or the Chair of an appropriate committee (including, where required, the Chair of the Scrutiny Committee), on behalf of and within the powers and duties of the Authority or its Committees. All such action shall be reported to the next meeting of the Authority or Committee.

## **17. Business of the Scrutiny Committee**

The Authority will be required to consider the conclusions of any review by the Scrutiny Committee at the next available meeting of the Authority.



## **18. Variation and Revocation of Procedure Rules**

Any motion to add to, vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority, provided that this Rule shall not apply to any review of Procedure Rules at the annual meeting of the Authority.

## **19. Suspension of Procedure Rules**

No Rule shall be suspended at any meeting of the Authority except on the vote of a majority of the members then present.

## **20. Recordings at Meetings**

The Local Audit and Accountability Act allows persons:

- (a) To film, photograph or make sound recordings of proceedings at a meeting of a body to which this section applies, or of a committee or - sub-committee of such a body;
- (b) To use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
- (c) To report or provide commentary on the proceedings at such a meeting orally or in writing, so that the report or commentary is available, as the meeting takes place or later, to persons not present at the meeting.

## **21. Record of Attendance**

Every Member of the Authority attending a meeting of the Authority or its committees or sub-committees of which s/he is a member, shall sign his/her name in the attendance book or sheet provided for that purpose.

## **PART III – RELATING TO MEMBERS AND OFFICERS**

## **22. Canvassing of and Recommendations by Members**

Canvassing of members of the Authority directly or indirectly for any appointment with the Authority shall disqualify the candidate concerned for that appointment.

## **23. Relatives of Members or Officers**

- 23.1 A candidate for any appointment with the Authority who knows that s/he is related to any Member or officer of the Authority shall when making application disclose that relationship to the Monitoring Officer. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member and officer of the Authority shall disclose to the Monitoring Officer any relationship known to him/her to exist between him/her and any person whom s/he knows is a candidate for any appointment within the Authority.

23.2 This Rule shall be brought to the attention of all applicants for appointments with the South Yorkshire Combined Authority.

## **24. Representation of the Authority on Other Bodies**

If any Member of the Authority is appointed by or on behalf of the Authority as a member of any other body or is nominated by or on behalf of the Authority for appointment to such other body and is duly appointed then unless the constitution of that other body provides to the contrary or the Authority otherwise resolves, the appointment shall remain in force only until the next annual meeting of the Authority, or such earlier time as that person ceases to be a Member of the Authority.

## **25. Disclosable Pecuniary Interests**

25.1 Where a Member or co-opted member is present at a meeting and s/he has a disclosable pecuniary interest in a matter the Member must withdraw from the meeting while any discussion or vote takes place on the matter unless they have been granted a dispensation allowing their participation.

25.2 For the purposes of this Rule “meeting” means any meeting of:

- (a) the Authority; or
- (b) any of the Authority’s committees, sub-committees, joint committees, joint sub-committees, or advisory committees.

## **26. Interests of Officers in Contracts**

The Monitoring Officer shall keep a record of the particulars of any notice given by an officer of the Authority under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract and the record shall, during the ordinary office hours of the Authority, be open for inspection by any Member of the Authority.

## **27. Gifts and Hospitality**

In accordance with the code of conduct for members approved by the Authority a Member must within 28 days of receiving any gift or hospitality over the value of £50, provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality.

## **28. Arrangements for the Discharge of Functions by Officers**

Each of the Statutory Officers may nominate one or more persons to act in his/her place for different purposes in respect of any duty of the Authority which is for the time being delegated to himself/herself. Any person so nominated under this Rule, shall when acting in pursuance of such nomination be authorised to exercise any power or duty delegated to the relevant Statutory Officer.

## **29. Inspection of Land, Premises etc**

A Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his/her membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

## **PART IV – RELATING TO COMMITTEES AND SUB COMMITTEES**

### **30. Appointment of Committees and Sub-Committees**

30.1 The Authority shall at the annual meeting appoint:-

- (a) a Audit, Standards and Risk Committee (see Part 4 Section D);
- (b) Scrutiny Committee (see Part 4 Section E)
- (c) such other Committees as the Authority deems appropriate; and
- (d) such other committees as it is required to appointment by or under any statute.

30.2 Each constituent council shall nominate such member(s) to serve on Committees and Sub-Committees on the request of the Combined Authority.

30.3 The Authority may at the annual meeting or at any other time appoint such other committees and such sub-committees of committees as are necessary to carry out the work of the Authority.

30.4 Subject to any statutory provision in that behalf the Authority:—

- (a) shall not appoint any member of a committee or sub-committee so as to hold office later than the next annual meeting of the Authority;
- (b) may at any time dissolve a committee or sub-committee or alter its membership; every vacancy on a committee or sub-committee shall be reported by the Head of Paid Service at the first meeting of the Authority after the vacancy has arisen and the Authority may thereupon proceed to fill the vacancy.

30.5 Every committee appointed by the Authority may appoint sub-committees for purpose to be specified by the committee and, subject to these Procedure Rules and to any resolution of the Authority in that behalf, may delegate to any such sub-committee any power or duty delegated to the committee by the Authority.

30.6 The Chair and Vice-Chair of a committee shall be ex-officio members of every sub-committee appointed by that committee.

30.7 The membership of a sub-committee may include persons who are not members of the committee by which the sub-committee was appointed, however where such persons are not Members of the Authority, save in the case of an advisory committee, they shall be appointed as non-voting members.

30.8 A committee shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Authority and may at any time dissolve a sub-committee or alter its membership.

30.9 Except where otherwise provided by statute or by a scheme made under statutory Authority the Chair and Deputy Mayor of the Authority, unless appointed in their own right, shall be ex-officio a member of every standing committee (except the Audit and Scrutiny Committees) but shall not be counted as such for the purpose of Rule 35.

### **31. Political Balance on Committees and Sub-Committees**

31.1 Where the Members of the Authority are to be treated as divided into political groups for the purposes of the Local Government and Housing Act 1989 then whenever

- (a) the Authority is required to review the allocation of seats on committees and sub-committees between political groups, or
- (b) the Authority resolves to carry out such a review, or
- (c) a committee is required to review the allocation of seats on a subcommittee between political groups, or
- (d) the committee resolves to carry out such a review, the Head of Paid Service shall submit a report to the Authority or Committee (as the case may be), showing what allocation of seats would, in his/her opinion best meet the requirements of Section 15(4) of the 1989 Act.

31.2 In the light of such a report the Authority or Committee as the case may be, shall determine the allocation of seats to political groups.

31.3 Whenever an appointment of a voting member of a Committee or Sub-Committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the Head of Paid Service shall make or terminate the appointment accordingly.

### **32. Appointment or Election of Chairs and Vice-Chairs of Committees and Sub-Committees**

32.1 The Authority shall appoint the chair and vice-chair of every standing committee and sub-committee but in default of such appointment by the Authority every standing committee and every sub-committee shall be empowered to make the appointments, subject to confirmation by the Authority at its next meeting.

32.2 The chair of every sub-committee shall be a member of the committee by which the sub-committee was appointed.

### **33. Chairing Meetings**

- 33.1 If the chair of a committee or sub-committee arrives at a meeting of the committee or sub-committee, or if the vice-chair arrives at a meeting from which the chair is absent, after the time for which the meeting has been summoned, s/he shall preside over the meeting after any question under discussion on his/her arrival has been disposed of.
- 33.2 The chair or vice-chair of a committee or sub-committee may relinquish their right to preside at any meeting or for any part of any meeting of the committee or sub-committee.

### **34. Duties of Chairs and Vice Chairs of Committees and Sub-Committees**

The chair and vice-chair of every committee and sub-committee shall be authorised to carry out any necessary duties (including attendance at meetings with officers) which are related to the discharge of powers or duties of such committee or sub-committee.

### **35. Quorum of Committees and Sub-Committees**

Except where ordered by the Authority or authorised by statute, or set out in the specific terms of reference of the Committee or sub-committee, business shall not be transacted at a meeting of any committee or sub-committee unless at least one quarter of the whole number of members of the committee or subcommittee who are entitled to vote is present, provided that in no case shall the quorum of a committee or sub-committee be less than three members.

### **36. Procedure Rules to Apply to Committees and Sub-Committees**

These Procedure Rules shall, with any necessary modifications, apply to meetings of committees and sub-committees.

### **37. Powers and Duties Allocated to Committees**

- 37.1 Subject to any statutory provision or to any resolution in that behalf (including any such resolution as requires a decision of one committee to be considered or approved by another committee) and to the provisions of this Rule 37, powers and duties allocated to any committee shall be delegated to and exercisable on behalf of the Authority by that committee.
- 37.2 No committee shall have power to act on behalf of the Authority with regard to the following matters :-
- (a) Issuing a precept
  - (b) borrowing money;
  - (c) approving annual estimates except as permitted by the Constitution;

- (d) matters reserved to the Authority;
  - (e) composition of committees;
  - (f) promotion of private legislation;
  - (g) agreements for the discharge of functions of other local authorities by the Authority or for the discharge of the Authority's functions by other local authorities;
  - (h) co-ordination and overall supervision of the committee and departmental organisation; and
  - (i) resource allocation, except as permitted by these Procedure Rules or by regulations or resolutions of the Authority; (j) making and revising Procedure Rules.
- 37.3 Every delegation to a committee of any power or duty shall be subject to any general or special instructions given by the Authority to the committee as to how the power or duty shall be exercised or discharged.
- 37.4 In any case where the Authority requires a committee to consider and report on any matter relating to a delegated power or duty of that committee, the Authority may suspend the delegation to such extent as it thinks fit until it has received the report and concluded action on it.
- 37.5 The powers and duties allocated to a committee, in so far as they are not delegated powers and duties of that committee, shall be exercised by the committee subject to confirmation of their decisions by the Authority.
- 37.6 Any decision of a committee with regard to a power or duty which is not delegated to that committee shall be taken as a recommendation to the Authority and shall be submitted to the Authority for its consideration and decision.
- 37.7 The minutes of a meeting of a sub-committee shall be submitted to the next convenient meeting of the committee by which it was appointed and no act of a sub-committee shall have effect until approved by that committee.

## **PART VI – GENERAL**

### **38. Interpretation**

- 38.1 The decision of the chair of the meeting on the question of the construction of the Procedure Rules and on any question of order not provided for by the Procedure Rules shall be final.
- 38.2 The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Procedure Rules.

38.3 In these Procedure Rules where the context so requires, reference to the Authority shall mean the Authority itself or acting through its Committees or other Committees exercising delegated powers.

38.4 Where the Monitoring Officer is not a solicitor holding a current practising certificate for the expression "Monitoring Officer" in these Procedure Rules there shall be substituted the expression "the solicitor to the Authority" wherever it is appropriate and where there is a requirement at law that such action is to be taken by a solicitor.

### **39. Procedure Rules to be Given to Members**

A printed copy of the Authority's Procedure Rules, Contracts Procedure Rules and Financial Regulations shall be given by the Monitoring Officer to every Member of the Authority on his/her first being appointed to the Authority.

## PART 5B – ACCESS TO INFORMATION PROCEDURE RULES

These rules are a summary of rights to attend meetings of the South Yorkshire Mayoral Combined Authority (the Authority), its Committees and Sub- Committees, and of access to documents.

The Authority will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's possession, conferred by that Act and by some other legislation.

### **Access to Meetings**

1. A meeting of the Authority (including meetings of its committees and subcommittees) is open to the public, except as stated in Rules 2 and 3 below.
2. The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court order.
3. The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

### **Access to Agendas and Connected Papers**

4. Copies of the agenda and reports for a meeting of the Authority or of any of its committees or sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The papers will be available for inspection at the principle offices of the Authority (11 Broad Street West, Sheffield, S1 2BQ), the Constituent Councils and the Non-Constituent Councils between the hours of 10:00 am and 16:00 pm on Working Days.
5. A reasonable number of copies of agendas and reports must be available for members of the public present at a meeting. The agendas and reports must also be made available to the media on request.



## **6. Key Decisions**

A “Key Decision” means a decision of a decision maker, which in the view of the Scrutiny Committee of the Combined Authority is likely:-

- (a) 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
- (b) 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;

In relation to expenditure or savings referred to in 6(a), as a guide, this will ordinarily be taken to mean that a Key-Decision will result in expenditure or savings (other than a decision to be made under the Single Investment Fund processes) in excess of £0.25M

## **7. Procedures Before Taking Key Decisions**

### **(a) Notice**

Where a decision maker (including an Officer under the Officer Scheme of Delegation) intends to make a Key Decision that decision must not be made until a notice has been published which states:-

- (i) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the combined authority;
- (ii) the matter in respect of which the decision is to be made;
- (iii) the decision maker’s name, and title if any;
- (iv) the date on which, or the period within which, the decision is to be made;
- (v) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (vi) the address from which, subject to any prohibition or restriction on their disclosure under Rule 3, copies of, or extracts from, any document listed is available;
- (vii) that other documents relevant to those matters may be submitted to the decision maker; and
- (viii) the procedure for requesting details of those documents (if any) as they become available.

**(b) Publication of the Notice**

Subject to Rule 8 (general exception) and Rule 9 (special urgency), a key decision may not be taken unless:-

- (i) the notice referred to at 7(a) above has been published:-
  - (a) If the Combined Authority has a website, on its website; or
  - (b) Otherwise, in such manner as it thinks is likely to bring the notice to the attention of persons who live in its area; andmade available for inspection by the public at the offices of the combined authority;
- (ii) at least twenty eight clear days have elapsed since the publication of the notice; and
- (iii) where the decision is to be taken at [or in the presence of] a meeting of the Combined Authority or its committees, notice of the meeting has been given in accordance with Rule 4 (notices of meetings) above.

**(c) Treatment of confidential and exempt information**

Where, in relation to any matter—

- (i) the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed; or
- (ii) documents relating to the decision need not, because of Rule 9a (confidential information), be disclosed to the public,

the notice referred to above must contain particulars of the matter but may not contain any confidential information or exempt information or particulars of the advice of a political adviser.

**8. Notice Of Key Decisions – General Exception**

- (i) Subject to Rule 9, where the publication of the intention to make a Key Decision under Rule 7 is impracticable, that decision may only be made:-
  - (a) where the Monitoring Officer has informed the chair of the relevant Scrutiny Committee or, if there is no such person, each member of the relevant Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
  - (b) where the proper officer has made available to the public at the offices of the combined authority for inspection by the public and published on the combined authority's website, if it has one, a copy of the notice given pursuant to sub-paragraph (i); and

- (c) after 5 clear days have elapsed following the day on which the proper officer made available the copy of the notice referred to in sub-paragraph (ii).
- (ii) Where paragraph (i)(a) or (b) applies to any matter, Rule 7 need not be complied with in relation to that matter.
- (iii) As soon as reasonably practicable after the proper officer has complied with paragraph (i), he or she must:-
  - (a) make available to the public at the offices of the combined authority a notice setting out the reasons why compliance with Rule 7 is impracticable; and
  - (b) publish that notice on the combined authority's website, if it has one.

## **9. Notice of Key Decision – Cases of Special Urgency**

- (i) Where the date by which a key decision must be made makes compliance with Rule 8 impracticable, the decision may only be made where the decision maker has obtained agreement from:-
  - (a) the chair of the relevant Scrutiny Committee; or
  - (b) if there is no such person, or if the chair of the relevant Scrutiny Committee is unable to act, the chair of the combined authority; or
  - (c) where there is no chair of either the relevant Scrutiny Committee or of the combined authority, the vice-chair of the combined authority,
 that the making of the decision is urgent and cannot reasonably be deferred.
- (ii) As soon as reasonably practicable after the decision maker has obtained agreement under paragraph (i) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must:-
  - (a) make available to the public at the offices of the combined authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
  - (b) publish that notice on the combined authority's website, if it has one.

## **10. Scrutiny Committee Members – Additional Access To Documents**

### **(a) Rights to copies**

Subject to 10b below, a Member of the Scrutiny Committee or sub-committee will be entitled to copies of any document which is in the possession or control of the Combined Authority or the Mayor and which contains material relating to:

- (i) any business that has been transacted at a meeting of a decision-making body of that authority; or
- (ii) any decision that has been made by the Mayor or any other individual Member of the combined authority.

Such documents are to be provided as soon as possible and in any case no later than 10 clear days after the request has been received.

### **(b) Limits on rights**

The Scrutiny Members will not be entitled to any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

Where the Combined Authority determines that a Member of a Scrutiny Committee is not entitled to a copy of a requested document it must provide the Scrutiny Committee with a written statement setting out their reason for that decision.

### **Inspection of Minutes**

11. After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, a summary of what took place in private), together with the documents made available for public inspection under Rule 4 above, will be available for public inspection at the offices of the Authority at 11 Broad Street West, Sheffield, S1 2BQ, between the hours of 10:00 am and 16:00 pm on Working Days. This right of inspection exists for six years from the date of the meeting concerned.

### **Inspection of Background Papers**

12. Members of the public may also inspect a list of background papers for any report (except those reports containing 'confidential' or 'exempt' information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.
13. Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the Monitoring Officer who will arrange for the production of such documents as soon as reasonably practicable after the request.

### **Additional Access for Members of the Authority**

14. Any document in the possession or under the control of the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Authority (subject to Rule 10 below).
15. Where a document discloses certain specified categories of exempt information it need not be open to inspection by a member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

### **Publication of Additional Information**

16. The Authority must maintain a register stating the name of every member of the Authority and their appointing council. The register is published on the website and is also open to inspection by the public at the offices of the Authority at 11 Broad Street West, Sheffield, S1 2BQ, between the hours of 10:00 am and 4.00 pm on Working Days.
17. The Authority will maintain a list specifying the powers delegated to its officers and stating the title of the officer by whom each of those powers is exercisable. The list is published on the website and also open to public inspection, but excludes delegations of less than six months' duration.

### **Financial Documents**

18. A member of the Authority has a right to inspect its accounts.
19. Any local government elector for the district of a Constituent Council or a Non-constituent Council has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit (England) Regulations 2011 (as amended).
20. At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them - except that no personal information about a member of the Authority's staff is required to be disclosed.

### **Documents Deposited with the Authority**

21. Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it.

Requests should be made to the Monitoring Officer.

### **Other Documents**

22. Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection

for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.

23. Where a public inquiry is to be held into a compulsory purchase order made by the Authority, a statement of the Authority's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request. (The Authority has not made any such Order and [at the time of this revision of this document] has no plans to do so).
24. The Local Government (Inspection of Documents)(Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be available to the public. None of the listed provisions applies to the Authority, except for the matters mentioned in Rules 14, 15, 16, 18 and 19 above.

### **Fees**

25. No fee will be charged for providing the facility of inspecting background papers (Rule 7 above).
26. A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The Authority reserves the right to make a charge for providing copies of documents.

Steve Davenport  
Monitoring Officer  
The South Yorkshire Mayoral Combined Authority  
11 Broad Street West  
Sheffield S1 2BQ

## PART 5C – FINANCIAL REGULATIONS

The Financial Regulations are set out in full at Appendix 2.

## PART 5D – CONTRACTS PROCEDURE RULES

The Contracts Procedure rules are set out in full at Appendix 3.



## **PART 6 – CODES AND PROTOCOLS**

A – Members' Code of Conduct

B – Officers' Code of Conduct

C – Protocol on Member/Officer Relations

D – Members' Allowance

E – Code of Corporate Governance

F – Anti-Fraud and Corruption Policy

## PART 6A – MEMBER'S CODE OF CONDUCT

### 1. Introduction

- 1.1 This Code applies to you as a member or Co-opted member of the South Yorkshire Mayoral Combined Authority ('the Authority') ('a Member') when you act in your role as such a member and it is your responsibility to comply with the provisions of this Code.
- 1.2 The Code sets out general obligations about the standards of conduct expected of members and co-opted members of the Authority, together with provisions about registering and declaring interests. It has been adopted under section 27 of the Localism Act 2011 and is required, when viewed as a whole, to be consistent with the following general principles of conduct identified by the Committee on Standards in Public Life.

### 2. Interpretation

#### 2.1 In this Code:-

- (a) 'Co-opted member' means a person who is not a member of the Authority but who:-
  - (i) is a member of any committee or sub-committee of the Authority; or
  - (ii) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority.
- (b) 'Meeting' means any meeting of the Authority, its committees, subcommittees, joint committees or joint sub-committees (whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members);
- (c) 'Member' means a member of the Authority or a Co-opted member;
- (d) 'Non-pecuniary interest' means an interest which affects your personal well-being but not your financial position;
- (e) 'Pecuniary interest' means any interest which affects your financial position whether favourably or adversely.

#### 2.2 An interest is also a Pecuniary Interest or Non-pecuniary interest of yours if to the best of your knowledge it affects the financial position or well-being of:-

- (a) anybody of which you are a member or in a position of general control or management; or
- (b) a member of your family or any person with whom you are closely acquainted or any person or body who employs or has appointed you or

such persons, or any firm in which you or they are a partner, or any company of which you or they are a director; or

- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000.

### **3. General Obligations**

3.1 As a Member you must observe and have regard to the following principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership (often referred to as the Nolan Principles or the seven principles of public life).

3.2 Accordingly, when acting in your capacity as a Member:-

- (a) You should conduct yourself in a manner which is consistent with the Authority's duty to promote and maintain high standards of conduct of members;
- (b) You should treat others with respect;
- (c) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Authority;
- (d) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;
- (e) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;
- (f) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;
- (g) You are accountable for your decisions to the public and you must cooperate fully with whatever scrutiny is appropriate to your office;
- (h) You must be as open as possible about your decisions and actions and the decisions and actions of the Authority and should be prepared to give reasons for those decisions and actions;
- (i) When reaching decisions on any matter you must have regard to the relevant advice provided to you by:-
  - (i) the Authority's Section 151 Officer; and/or

- (ii) the Authority's Monitoring Officer, where that officer is acting pursuant to his or her statutory duties.
- (j) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below;
- (k) You must, when using or authorising the use by others of the resources of the Authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.;
- (l) You should not disclose information given to you in confidence by anyone or information which you reasonably believe or ought reasonably to be aware is of a confidential nature UNLESS:-
  - (i) you have the consent of the person authorised to give it; or
  - (ii) you are required by law to do so; or
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is reasonable in the public interest and made in good faith and in compliance with the reasonable requirements of the Authority;

AND you have consulted the Monitoring Officer prior to its release.
- (m) Do not prevent another person from gaining access to information to which that person is entitled by law.
- (n) When using, or authorising the use by others of the resources of the Authority:-
  - (i) act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ITC policy and the policies, copies of which have been provided to you and which you are deemed to have read;
  - (ii) make sure that such resources are not used improperly for political purposes (including party political purposes); and
  - (iii) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 (A paper copy of the Publicity Code can be obtained from the Monitoring Officer).

#### **4. Disclosure of Interests and Participation in Meetings**

4.1 If you are present at a meeting and you or your spouse/partner have an Interest as set out in Schedule 1 below (Disclosable Pecuniary Interests):-

- (a) you must not participate in any discussion of the matter at the meeting and you must not vote on the matter;
- (b) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
- (c) you must leave the room where the meeting is held during any discussion or vote; and
- (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

4.2 Where a matter arises at a meeting which relates to an interest as set out in Schedule 2 below (Other Interest):-

- (a) you must not vote on the matter;
- (b) you may speak on the matter only if members of the public are allowed to speak at the meeting; and
- (c) you must declare your interest if you speak on the matter at the meeting or if the interest is not already on your register of interests or if you have not notified the Monitoring Officer of it. Otherwise, you do not need to declare the interest at the meeting.

4.3 Where a matter arises at a meeting which relates to or is likely to affect any of the interests listed in Schedules 1 or 2 in respect of a member of your family (other than your spouse/partner) or a friend or close associate of yours, and you are aware or ought reasonably to be aware of the existence of that interest:-

- (a) you must declare the interest;
- (b) you must not vote on the matter; and
- (c) you may speak on the matter only if members of the public are allowed to speak at the meeting.

#### **Pre-determination and bias**

4.4 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as member,

however do not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

- 4.5 When making a decision, do consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

## **5. Registration of Interests**

- 5.1 You must within 28 days of taking office as a Member notify the Monitoring Officer for entry on the Authority's Register of Members' Interests of any 'disclosable pecuniary interest' as defined in regulations made by the Secretary of State as listed in Schedule 1 to this Code where that interest is yours, that of your spouse or civil partner or that of somebody with whom you are living as spouses or as if you were civil partners.
- 5.2 In addition, you must within the same time period notify the Monitoring Officer of any Pecuniary or Non-pecuniary interest which the Authority has decided should be included in the Register of Members' Interests as listed in Schedule 2 to this Code.
- 5.3 You must also notify the Monitoring Officer within 28 days of any such interest arising for the first time.

## **Gifts and Hospitality**

- 5.4 You must within 28 days of receipt notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £50 or more which you have accepted as a member from any person or body other than the authority. The notification will be entered on a public register of gifts and hospitality.

## **6. Sensitive Interests**

- 6.1 Where you are concerned that the disclosure of the details of an interest (either a disclosable pecuniary interest or any other interest you are required to disclose under this Code) could lead to you, or a person connected with you, being subject to violence or intimidation, you may apply to the Monitoring Officer for it to be classed as a "sensitive interest". If the Monitoring Officer agrees that it should be treated as such then the provisions below will apply.
- 6.2 Where an interest is considered to be a sensitive interest:-
- (a) If the interest is entered on the Authority's register of interests, copies of the register that are made public will not include details of the interest, but may state that the member or co-opted member has an interest, the details of which are withheld under the provisions applying to sensitive interests;
  - (b) Where the interest is a disclosable pecuniary interest, and the member is required to disclose this at a meeting, he/she may simply disclose that he/she has a disclosable pecuniary interest in the matter concerned.

## **7. Dispensations**

- 7.1 A member or co-opted member who has a disclosable pecuniary interest in an item of business to be considered by the Authority may make a written request to the Monitoring Officer that the Authority grant a dispensation from the restrictions applying to their participation in the discussion and vote on the item and from not carrying out any function related to the matter. The grounds upon which the Authority can grant a dispensation are set out in Schedule 3 to this Code.

## **8. Members Register of Interests**

- 8.1 The Monitoring Officer is required to establish and maintain a register of interests of members and co-opted members of the Authority. This register is available for public inspection and must also be published on the Authority's website.

## **9. Authority Procedures and Protocols**

- 9.1 You should comply with procedures and protocols approved by the Authority that relate to the conduct of Authority business or apply to you in your capacity as an individual member or co-opted member of the Authority. Relevant procedures and protocols are included in the Authority's Constitution. This can be viewed on the Authority's website.

## **10. Review of this Code**

- 10.1 This Code will be reviewed at the Authority's Annual Meeting.

## **11. Monitoring Officer**

- 11.1 The Authority's Monitoring Officer is Steve Davenport Contact details:-

Email: [steve.davenport@southyorkshire-ca.gov.uk](mailto:steve.davenport@southyorkshire-ca.gov.uk)  
Address: 11 Broad Street West, Sheffield, S1 2BQ

## Schedule 1 – Disclosable Pecuniary Interests

The following are disclosable pecuniary interests:-

(A) *Employment, office, trade, profession or vocation:*

Any employment, office, trade, profession or vocation carried on for profit or gain.

(B) *Sponsorship:*

Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Note: “Relevant period” means the period of 12 months ending with the day on which the member gives notice of any disclosable interests that he/she has on being appointed or reappointed to the Authority.

(C) *Contracts:*

Any contract which is made between the relevant person (or the body in which the relevant person has a beneficial interest) and the Authority:-

- under which goods or services are to be provided or works to be executed; and
- which has not been fully discharged.

Note: “Relevant person” means the member, or member’s spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners.

(D) *Land:*

Any beneficial interest in land which is within the Authority’s area.

(E) *Licences:*

Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

(F) *Corporate tenancies:*

Any tenancy where (to the member’s knowledge):-



- the landlord is the Authority; and
- the tenant is a body in which the relevant person has a beneficial interest.

Note: "Relevant person" is as described above.

(G) *Securities:*

Any beneficial interest in securities of a body where:-

- (a) that body (to the member's knowledge) has a place of business or land in the area of the Authority; and
- (b) either:-
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

The definition above is as set out at section 30(3) of the Localism Act 2011 and the description of interests are as specified in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Failure to register these interests, or to participate in any discussion or voting at a meeting in respect of these interest without a dispensation, is a criminal offence.

## **Schedule 2 – Other Interests Required to be Registered**

- (A) Membership of any Body:-
  - (i) to which you are appointed or nominated by the Authority; or
  - (ii) exercising functions of a public nature; or
  - (iii) or dedicated to charitable purposes; or
  - (iv) one of whose principal purposes includes the influence of public opinion or policy (including any political party and trade union).
- (B) Membership of a private club or society.
- (C) Membership of any organisation which promotes secrecy amongst its membership.

### **Schedule 3 – Dispensations**

- (A) The grounds upon which the Authority may grant a dispensation relieving a member or co-opted member from the restrictions on participating in the discussion or voting on a matter in which they have a disclosable pecuniary interest are set out below. A member or co-opted member may make application to be relieved from either or both of the restrictions.
- (B) The circumstances in which a dispensation may be granted are:-
- (i) That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of business (the meeting would be inquorate).
  - (ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate.
  - (iii) That the Authority considers that the dispensation is in the interests of persons living in the Authority's area.
  - (iv) That the Authority considers that it is otherwise appropriate to grant a dispensation.
- (C) Standard Dispensations

Where the decision relates to one of the functions of the Authority set out below, and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

- (i) Housing, where you are a tenant of the Authority unless those functions relate particularly to your tenancy or lease;
- (ii) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or a parent governor of a school unless it relates particularly to the school which the child attends;
- (iii) Statutory sick pay under Part XI of the School Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to, the receipt of such pay;
- (iv) An allowance, payment or indemnity given to members;
- (v) Any ceremonial honour given to members; and
- (vi) Setting council tax, levy or a precept under the Local Government Finance Act 1992.

## PART 6B – OFFICERS' CODE OF CONDUCT

### 1. INTRODUCTION

- 1.1 The aim of this code is to lay down guidelines for all officers employed by or providing support to the Authority and it is intended that this will help maintain and improve standards and also protect officers from criticism.
- 1.2 Officers are expected to conduct themselves with integrity and honesty in carrying out all their duties and must provide the highest possible standards of service to the public and the Authority. Officers should at all times act in such a manner so as to avoid impropriety or any allegations of misconduct. Improper behaviour covers a wide range of activities from the disclosure of confidential information, to accepting gifts or hospitality that could be seen as an inducement to some course of action.
- 1.3 This Code offers guidelines only and if officers have any queries they should seek the advice of either their line manager (where relevant) or the Principal Solicitor and Secretary to the SYPTE / Monitoring Officer.
- 1.4 Where officers are subject to other codes of conduct - whether the code of a professional body or an officer's employing Local Authority - those other codes will be read in conjunction with this code and the higher of the two standards will apply to their conduct.
- 1.5 For the avoidance of doubt the term 'officer' in this code includes all officers of the Sheffield City Region Combined Authority, officers employed by other local authorities providing support to the Authority (in whatever capacity and whatever the status of their employing local authority) and any other agent (such as a consultant or secondee) properly considered to be an officer who is under an obligation to behave in accordance with this Code of Conduct.

### 2. STANDARDS

- 2.1 Officers are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Members and fellow officers with impartiality. Officers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Officers must report to the Principal Solicitor and Secretary to the SYPTE / Monitoring Officer or their Line Manager any impropriety or breach of procedure and abide by the Authority's Whistleblowing Policy.

### 3. PRIVATE INTERESTS

- 3.1 No contract must be let to an officer employed by the Authority or to any partnership of which they, their spouse or immediate family, are members. (Except for a corporation in which they, their spouse or immediate family, hold

less than 5% of the issued share or loan capital and take no part in the management) unless the Combined Authority has given permission for the letting of the contract to proceed. In such case the officer must disclose in writing the full measure of their, or their family's interest in the Contract, in the register provided by the Principal Solicitor and Secretary to the Authority/Monitoring Officer.

- 3.2 No officer shall accept a directorship, except as a nominee of the Authority, in any company holding a contract with the Authority without the express permission of the Authority.
- 3.3 Any officer who comes into contact with any matter concerning a business organisation in which they have an interest must disclose their interest to the Authority in the register of interests provided and ask that some other officer may deal with the matter.
- 3.4 A register is to be maintained by the Principal Solicitor and Secretary to the Authority / Monitoring Officer in which Members and officers are to record details of who has made offers to them, the nature of the offers made and the response made by them to the offer.

#### **4. GIFTS AND REWARDS**

- 4.1 Contracts entered into by the Authority prohibit a contractor from offering or making a gift or other consideration of any kind as an inducement to some action.
- 4.2 The Bribery Act 2010 makes it an offence to offer, promise, or give a bribe (Section 1 of the Act). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business, or an advantage in the conduct of business. Section 7 relates to a corporate offence of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation.
- 4.3 If any such offer, gift or irregular suggestion is made to an officer, either in connection with a contract or with the object of obtaining preferential treatment prior to the acceptance of a contract, the facts must be reported immediately to the Principal Solicitor and Secretary to the Authority / Monitoring Officer and recorded immediately in an official register, of gifts and hospitality offered, received or given. No such offer should ever be accepted.
- 4.4 All trips, free travel, holidays, accommodation (including payment of bills) or use of company cars/jets at the expense of the contractor, organisation, firm or individual is totally unacceptable.
- 4.5 The Authority's Standing Orders provide that it may cancel a contract where the contractor has made a gift or carried out some kind of favour for an Officer in relation to it.

- 4.6 Where an officer is presented with a souvenir or small gift these may be accepted where the value is minimal. Where any doubt arises over whether such items are acceptable the officer's Line Manager should be consulted and, if considered necessary, a record should be made in the register provided of the offer and any action taken.

## **5. HOSPITALITY**

- 5.1 Officers must only accept offers of hospitality for a genuine business reason, e.g. to represent the Authority or convey information. In all cases the arrangements should be in the interests of the Authority. It will not always be possible, or even desirable, to reject offers of hospitality on a modest scale. The decision whether to accept or not must depend on the circumstances in each case, bearing in mind the need to act discreetly at all times. Where it is clearly evident that the work of the Authority would be facilitated, invitations to attend functions, receptions, events, luncheons, dinners and the like may be accepted. Where possible, specific prior notification should be given to the officer's Line Manager.
- 5.2 With regard to officers' attendance at sporting, cultural or arts events, such should only be accepted if the purpose is to assist the Authority in building and maintaining good working relationships or networking with organisations which will assist the Authority in carrying out its policies. Specific prior approval of the officer's Line Manager must also be obtained.
- 5.3 A record of the offer of hospitality, whether accepted or not, should be recorded on the appropriate hospitality form and an entry made in the register provided/maintained.

## **6. HOSPITALITY PROVIDED BY THE AUTHORITY**

- 6.1 As some of the operations of the Authority are of a commercial nature it is recognised that business is conducted where the provision of hospitality is acceptable. Accordingly, officers must therefore act in the best interests of the Authority, having regard to their public accountability and provide hospitality on a modest scale within the allocated budget. Approval of the line manager should, where possible, be obtained to the provision of hospitality.

## **7. DISCLOSURE OF INFORMATION**

- 7.1 Officers must not utilise any information obtained during their course of employment with the Authority that may result in their own personal gain or allow information to be passed to others who may make use of such information for their or their organisation's benefit.

## **8. MEDIA RELATIONS AND PHOTOGRAPHY**

- 8.1 If any officer (below Chief Officer) receives an enquiry from the media, this should be referred to the Authority's Corporate Affairs Team. Officers should not disclose any information to the media without the prior knowledge of the Corporate Affairs Team.

- 8.2 Officers who are required to take photographs, videos or webcam footage of clearly identifiable people must ensure compliance with the Data Protection Act/ General Data Protection Regulations. The Authority's Information Governance and Privacy policies must be adhered to at all times by officers who are involved in any photography activities.

## **9. USE OF SERVICES OF AUTHORITY CONTRACTORS**

- 9.1 No officer involved in letting and managing contracts may purchase goods from, or use the service of, a contractor on preferential terms for private purposes if these terms are given either directly or indirectly because of the contractual or other official business relationship either potential or actual between the contractor and the Authority. In other words, no such officer should use their position to secure any personal advantage.
- 9.2 These requirements also apply where the interest in the partnership/company is held by the spouse, partner or other close relative of the officer.
- 9.3 Officers who are privy to confidential information on tenders or costs of external contractors must not in any circumstances disclose that information to any unauthorised party or organisation, in particular, to any other external contractor or tenderers.
- 9.4 Officers must ensure that no special favour is shown to current or recent former officers or their partners, close relatives or associates.

## **10. APPOINTMENT/EMPLOYMENT MATTERS**

- 10.1 Officers involved in the appointment of new Authority employees should ensure that such appointments are made on the basis of merit and the ability of the candidate to undertake the duties of that particular position. Officers who are related to or have a close personal relationship to the applicant should not be involved in the selection procedure and they should notify in writing this relationship to the Head of Human Resources and Communications.
- 10.2 Similarly, decisions as to promotion, pay, discipline or other employment related matters should not involve officers who are related or have a close personal relationship.

## PART 6C – PROTOCOL ON MEMBER/OFFICER RELATIONS

### 1. INTRODUCTION

- 1.1 The purpose of this protocol is to provide a set of principles to guide Members of the South Yorkshire Mayoral ('the Authority') and its committees and Officers in their dealings with one another. The term 'Officers' includes officers of both the Authority and officers of the constituent councils who provide services to the Authority and officers of the South Yorkshire Passenger Transport Executive ('SYLTE') unless expressly stated otherwise. Its guidance should be heeded by Members of the Authority, its committees and joint committees and Officers of the Authority, the SYLTE and of constituent councils providing services to the Authority, its committees and joint committees.
- 1.2 Both Authority Members and Officers are servants of the public, but their responsibilities are distinct. Councillors are responsible to the electorate [and their appointing councils] and serve only so long as their term of office lasts. Officers are responsible to the Authority or SYLTE. SYLTE officers are responsible to SYLTE. Their job is to give advice to Members and the Authority and to carry out SYLTE's work under the direction and control of SYLTE, which is in turn accountable to the Authority. Authority officers are responsible to the Authority. Their job is to give advice to members and the Authority and to support the Authority in the exercise of its functions.
- 1.3 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It seeks to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other issues.
- 1.4 This protocol is to a large extent no more than a written statement of usual practice and convention. However, it seeks to promote greater clarity and certainty. If the guidance is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.5 This protocol also seeks to reflect principles underlying the respective Codes of Conduct which apply to Authority Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.
- 1.6 The following basic principles are seen to be fundamental to continuing good relations between Members of the Authority and Officers.

### 2. PRINCIPLES

#### **Mutual Respect**



- 2.1 Authority Members and Officers should recognise that they each have an essential role to play in the success of the Authority/SYPTE and they should each seek to achieve the Authority/SYPTE's stated objectives and aims.
- 2.2 Both Authority Members and Officers will develop a relationship based on mutual respect and support. Member/Officer relationships should be conducted in a positive and constructive way. This is essential to achieving effective working relationships. Authority Members and Officers need to understand the limitation of undue close personal familiarity and personal friendship. Both Authority Members and Officers should consider how any such relationship may be perceived by others.

Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers. Situations should be avoided therefore that could give rise to the appearance of improper conduct or behaviour.

- 2.3 There will however be situations where such relationships arise between Officers and Members, for example through marriage, direct family connection or a close and longstanding friendship. Such relations must always be disclosed, when relevant to the Authority business.
- 2.4 Where such a personal relationship does exist, the Officer should avoid professional contact with the Authority Member concerned on any matter where a personal relationship may be perceived by others to affect the conduct or judgement of the Officer or Authority Member concerned. Furthermore, Officers should avoid discussing within the context of a personal relationship any information of a private or personal and confidential nature which they become aware of in the course of their duties.
- 2.5 The Chairman and Vice-Chairman of the Authority have important roles in representing the Authority and are entitled to particular respect from Officers and Authority Members.
- 2.6 All Authority Members and Officers will have, as a key priority, the imperative to ensure that the community receives the services it needs and that best use of resources is made in delivering this.

Certain statutory officers – the Head of Paid Service, the Finance Director and the Monitoring Officer have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members. In particular Members are reminded of the duty under the Code of Conduct to have regard to any advice given by the Finance Director or the Monitoring Officer.

- 2.7 It is clearly important that there should be a close working relationship between the Chairman/Vice Chairman of the Authority, the Director General, the Monitoring Officer and other senior Officers of the SYPTE and Authority. However, such relationships should never be allowed to become so close, or

appear to be so close, as to bring into question a senior Officer's ability to deal impartially with other Members and other party groups.

- 2.8 It is important that any dealings between Members and Officers observe reasonable standards of courtesy and that neither party seek to take unfair advantage of their position. Members should avoid making personal attacks on Officers and avoid undermining respect for Officers in public meetings of whatever kind. Complaints can be made about the performance or ability of Authority / SYPTE officers to the Head of Paid Service or to the Executive Director (as appropriate).
- 2.9 If either an Authority Member or an Officer has a complaint about the conduct of the other such complaint should be made to the Monitoring Officer and not to the complainant direct.

### **Standards**

- 2.10 In carrying out their duties Members and Officers should have regard to their respective codes of conduct, internal policies/procedures, procedure rules and statutory provisions.
- 2.11 Authority Members and Officers will avoid any actions which could be perceived as being designed to achieve personal as opposed to the Authority/SYPTE's objectives.

### **Informed Decision Making**

- 2.12 In making decisions, Authority Members need to be provided with, and have regard to, proper professional advice from Officers. The aim is to achieve a full, open and transparent debate. A decision may be open to challenge if relevant considerations have been ignored, or if irrelevant considerations have been taken into account, or where a decision is one that no reasonable Authority could have made.

### **Political Neutrality**

- 2.13 SYPTE Officers are employed by and are accountable to the SYPTE and are required to act accordingly. Authority Officers are responsible to the whole Authority and are required to act accordingly. Officers will be expected to discharge their responsibilities without political bias or favour.

The assistance provided by Senior Officers can take many forms ranging from a briefing meeting with a Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual members. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must at all times maintain political neutrality and advice must be confined to Authority/SYPTE business.

- 2.14 Relationships with particular individuals or party political groups should not be such as to create public suspicion that an Officer favours that Member or group above others. Officers must not be involved in advising in matters of party business.
- 2.15 Officers are obliged to respect the confidentiality of any party group discussions at which they are present in that they must not relay the content of any such discussion to another party group.
- 2.16 It must be remembered that officers within the SYPTE are ultimately accountable to the Director General and that whilst officers should always seek to assist the Chairman (or indeed any member) they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Director General.

### **Information for Members and access to Authority Documents**

- 2.17 Members are entitled to SYPTE officer advice and information in representing their District, ward or individual electors in matters within the control of the SYPTE.
- 2.18 Officers will facilitate access by Members to documents and information in accordance with their common law rights and statutory principles. Members will not seek to obtain information outside their entitlement under the law. A Member must not disclose information given to them in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so and must not prevent another person from gaining access to information to which that person is entitled by law. A breach of these requirements is a breach of the code of conduct and actionable by way of complaint to the Authority's Standards Committee. If the breach is serious a civil action may be brought against the Member and / or the Authority for damages.
- 2.19 To assist Members on SYPTE operational issues, the SYPTE's Corporate Communications Manager should be the first point of contact.
- 2.20 All reports submitted to a meeting of the Authority by the SYPTE/Authority shall specify the appropriate Officer who may be contacted in relation to the contents of the report.
- 2.21 Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other elected Member. Exceptionally, where it is necessary to copy the correspondence to another Member this should be made clear to the original Member. In other words, a system of 'blind' or 'silent' copies should not be employed.

Official letters on behalf of the Authority should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member or the Chair. Letters

which, for example, create legal obligations or give instructions on behalf of the Authority should never be sent out in the name of a Member.

## **Media, Publicity and Press Releases**

In recent years, all authorities have increasingly used publicity to keep the public informed and to encourage public participation. The Government has issued a Code of Recommended Practice on Local Authority Publicity and all local authorities must have regard to the provisions of any such Code in coming to any decision on publicity. In particular members and officers should note that during the election period special rules apply with regard to local authority publicity.

Officers and Members of the Authority will, therefore, in making decisions on publicity, take account of the provisions of the Code of Recommended Practice on Local Authority Publicity and any further guidance issued by the Head of Paid Service of the Authority. If in doubt Officers and / or Members should seek advice from the Head of Paid Service or the Monitoring Officer.

- 2.22 Press releases in the name of the SYPTTE will only be issued through the Corporate Communications Manager and/or Senior Communications Officer. Press releases in the name of the Authority will only be issued through the Monitoring Officer. Press releases are not issued by the Authority on behalf of political groups. They can contain the comments of Members and Committee Chairs where they are speaking in connection with the roles given to them by the Authority. Officer's comments can be included on professional and technical issues. Where Members are to be quoted in the press releases, approval will be sought in advance from the relevant Member.
- 2.23 SYPTTE publications and other publicity material produced by SYPTTE will not normally feature individual Authority Members. In general, media requests for comments or opinion on SYPTTE/Authority policy or political matters should be referred to the Director General, Director of Strategy, Director of Customer Experience and/or the Monitoring Officer to the Authority in the first instance.

## **Elections, referendums and petitions**

- 2.24 It is unlawful for a local authority (which includes the Authority) to publish any material designed to affect public support for a political party or for the local authority to give financial or other assistance to bodies to enable them to publish materials which the authority itself may not publish.
- 2.25 Particular care should be taken to ensure that publicity issued by the Authority/SYPTTE immediately prior to an election or by-election in the area of constituent or non-constituent councils could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Thus proactive publicity in all its forms of candidates and other politicians involved directly in the election should not take place in the period between the notice of an election and the election itself. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Authority members or groups of

members. However, it is acceptable for the SYPTE/Authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. The key factor to remember is that publicity should be objective, balanced, informative and accurate, concentrating on facts or explanations. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the SYPTE/Authority's control. Proactive events arranged in this period should not involve Authority members likely to be standing for election.

2.26 The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 (which apply under the Local Government Act 2000 to district councils) prohibit an authority from incurring any expenditure to:-

- Publish material which appears designed to influence local people in deciding whether or not to sign a petition requesting a referendum on proposals for an elected mayor;
- Assist anyone else in publishing such material; or
- Influence or assist others to influence local people in deciding whether or not to sign a petition.

Any publicity by the SYPTE/Authority in these circumstances should, therefore, be restricted to the publication of factual details which are presented fairly about the petition proposition. There should be no publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and should not associate support for, or opposition to, the proposals with any individual or group.

2.27 In line with the requirements of the Government's Code of Recommended Practice on Local Authority Publicity 1988, as revised in 2011, during the period prior to any election, the Authority/SYPTE will not:-

- Provide quotes from Authority Members to the news media or other organisations, nor arrange publicity events or photo calls that involve Authority Members;
- Issue the news media news releases or statements that actively promote a candidate;
- Issue the news media news releases which refer to policy or controversial matters directly affecting the electoral division.

## **Recruitment**

- 2.28 Authority Members shall only be involved in appointments for the Directors of the SYPTE. Members must not seek to influence the appointment of other Officers. It is unlawful to make an appointment based on anything other than the ability to undertake the duties of the post.

### **Members/Officers as Customers**

- 2.29 As customers of the SYPTE's services, Members and Officers should expect to be treated no more or less favourably than other citizens of South Yorkshire. They should not use their position to try to obtain advantage for themselves, their families or friends.

## **3. GUIDANCE AND MONITORING**

- 3.1 Further guidance to Officers and Members on Authority Member/Officer relations and particularly on the matters set out in this protocol is available from the Monitoring Officer to the Combined Authority or the Director General who are also responsible for monitoring the effectiveness of this protocol.

## PART 6D – MEMBERS’ ALLOWANCE SCHEME

### **1. Members and co-opted members of the Constituent and Non-constituent Councils Allowance Scheme**

- 1.1 Travel and Subsistence - Payments will pay travel and subsistence for Authority approved business of the Authority (but not attending Authority meetings), The rates payable will be in accordance with the rates in Barnsley Metropolitan Borough Council’s allowances scheme. The Member/co- opted member may, in accordance with their authority’s own procedures claim travel and subsistence for attending Authority meetings.
- 1.2 Allowances - Except as set out in paragraph 1.3 – 1.6 below, no allowances shall be payable by the Authority. It is acknowledged that a Constituent Council or a Non-constituent Council may, in accordance with its own procedures, pay a special responsibility allowance to any elected member appointed by it to the Authority in respect of duties and responsibilities undertaken as a Member or co-opted member of the Authority.

#### **Mayor and Deputy Mayor Allowances**

- 1.3 The Combined Authority may establish an independent remuneration panel who may make recommendations to the Combined Authority and to the Constituent Councils regarding the allowances payable to the Mayor and the Deputy Mayor.
- 1.4 An independent remuneration panel must consist of at least three members none of whom is also a member of the Combined Authority or is a member of a committee or sub- committee of the Combined Authority or a member of a constituent council of the Combined Authority; or is disqualified from being or becoming a member of the Combined Authority.
- 1.5 The Combined Authority may pay the expenses incurred by the independent remuneration panel established under paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.
- 1.6 The Combined Authority may only pay an allowance to the Mayor or to the Deputy Mayor if:-
  - (i) the Combined Authority has considered a report published by the independent remuneration panel established under paragraph 1.3 which contains recommendations for such an allowance; and
  - (ii) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel

### **2. Scheme of Allowances for Independent Members**

- 2.1 The Authority's Scheme provides for payment of allowances and expenses of Independent Members.
- 2.2 The term "Independent Member" in this Scheme means an Independent Member or Independent Person of the Audit, Standards and Risk Committee and the Scrutiny Committee.
- 2.3 Claim forms should be submitted after each Committee meeting for a quarter (assuming 4 meetings per annum) of the allowance set out in paragraph 2.6 below and expenses in accordance with paragraphs 2.7 - 2.11 below.
- 2.4 All enquiries relating to members allowances/expenses should be made to the Monitoring Officer.
- 2.5 All claims and enquiries should be forwarded to: Mike Thomas, Senior Finance Manager, 11 Board Street West, Sheffield, S1 2BQ.

### **Allowance**

- 2.6 The remuneration rate for an Independent Member is £1250.00 per annum to include preparation work, travelling time and attendance at the meetings.

#### **Travelling allowances**

- 2.7 Travelling allowances can be claimed by Independent Members when attending Audit, Standards and Risk Committee and Scrutiny Committee meetings. Travelling expenses should only be claimed once for each journey to and from the Member's home.
- 2.8 Rail - For rail travel, Independent Members are encouraged to make use of the cheapest appropriate fare available for the journey depending on the circumstances at that time. Independent Members will be reimbursed at standard equivalent rates for journeys. If you know in advance that you are travelling on a certain date you are to arrange for the cheapest fare available.
- 2.9 Private Motor Vehicle - a mileage allowance may be claimed where an Independent Member uses his/her own motor vehicle, the mileage rate will be as per the Authority's rate provided to Officers, and notified from time to time;
- 2.10 Other – only if supported by valid receipts
- reimbursement of taxi fares may be made in appropriate circumstances;
  - reimbursement can be claimed for expenditure on tolls, ferries, parking, etc; and
  - public transport costs, including taxis, will be reimbursed at actual cost.



- 2.11 Reasonable overnight accommodation costs will be reimbursed if such costs agreed in advance with the Senior Finance Manager.

### **Payment of Claims**

- 2.12 Payments are made through the Authority's pay system. Payment can be made direct to a bank or building society account on request; this is encouraged for reasons of security and reliability of payment and usually enables the payment to be drawn on immediately.

## PART 6E – CODE OF CORPORATE GOVERNANCE

## CODE OF CORPORATE GOVERNANCE 2021

## Document Properties

### Change Record

Version	Revision	Author	Description	Date
2	0	C James	Annual Review	March 2019
2	1	C James	Amends further to feedback from SOG	April 2019
2	2	C James	Annual Review	June 2020
3	0	C M Marriott	Annual Review	June 2021
4		S Davenport/ K Willers	Meetings name change and MCA name change	Sept 2021

### Document Approval

Approving Body or Person	Role (review, approve)	Date
Audit committee	Review and endorse	
MCA	Approved	

## 1. Introduction

- 1.1 'Corporate governance' describes how an organisation directs and controls what it is accountable for. This Code of Corporate Governance is a public statement setting out South Yorkshire Mayoral Combined Authority (from hereon referred to as 'the MCA' or 'the authority') and the Sheffield City Region Local Enterprise Partnership's (SY LEP) commitment to good governance and how the principles of good governance will be fulfilled in practice.
- 1.2 By governance, we mean the arrangements that are put in place to ensure that our intended outcomes (the results of our activity) are defined and achieved. Our Governance Framework comprises the systems and processes, cultures and values, by which we direct and control our activities. This framework ensures we operate effectively, efficiently, and ethically.
- 1.3 To demonstrate good corporate governance, we will carry out our functions in a way that shows accountability, transparency, effectiveness, integrity, and inclusivity. Good governance is about making sure we do the right things, in the right way for the right people, in a timely, inclusive, open, honest and accountable manner and will enable us to pursue our vision and deliver our agreed objectives in the most effective and efficient manner, bringing about better outcomes for the residents, businesses and visitors to the region.
- 1.4 Our business will also be conducted in accordance with the Seven Principles of Public Life identified in The Nolan Committee Report (1995)<sup>1</sup> and in accordance with the Cabinet Office Code of Conduct for Board Members of Public Bodies.
- 1.5 This Code will be reviewed annually to ensure it continues to be relevant and fit for purpose. The effectiveness of the governance arrangements and internal control systems described in this Code will also be reviewed annually and the review outcomes published in an Annual Governance Statement (AGS). The AGS will describe the governance structures and arrangements in place and will report on their effectiveness, including performance against the Code. It will also highlight any significant areas for improvement and identify actions to be taken to address them in the forthcoming year.

## 2 Governance Principles

We have mapped our Governance Framework against the principles of the Chartered Institute of Public Finance and Accountancy (CIPFA) / Society of Local Authority Chief Executives (SOLACE) Framework ***Delivering Good Governance in Local Government 2016***. These principles are dynamic and involve continuous evaluation, review and improvement. The following sections describe how we fulfil the requirements of the seven principles.

### The Principles of Good Governance

- 3. A. Good governance means ensuring Officers behave with integrity, demonstrate a strong commitment to ethical values and respect for the rule of the law**
- 3.1 The MCA reflects the values and high standards of conduct and behaviour of its constituent and non- constituent local authorities. These high standards are supported by Codes of Conduct for Members and Officers, which are incorporated into the MCA Constitution, and set out the standards required of all members, co-opted members, and officers in carrying out their duties. These Codes include, as a general obligation, that members must have regard to the Principles of Public Life as identified in the Nolan Committee Report (1995)<sup>1</sup>. Protocols in relation to the disclosing of interests at meetings and the registering of interests both pecuniary and non-pecuniary are also included in this section of the Constitution. These declarations are published on the website.
- 3.2 The Constitution also describes the delegations to the Monitoring Officer in relation to their contribution to the promotion and maintenance of high standards of conduct.
- 3.3 The Overview and Scrutiny Committee and Audit, Standards and Risk Committee holds the authority and SY LEP to account and provides a 'check and balance' in relation to the discharge of duties.
- 3.4 The Constitution outlines the approach taken by the authority in dealing with the threat of fraud and corruption as well as detailing a Fraud Response Plan. In addition, the MCA's commitment to openness, probity and accountability is also outlined in its Whistleblowing Policy. The Constitution also outlines the responsibilities of members to notify the Monitoring Officer regarding the receipt of gifts or hospitality.
- 3.5 The SY LEP has in place a Code of Conduct and Declarations of Interest Policy which sets out the standards which are required of members of the SY LEP in carrying out their duties, and in their relationships with the MCA and its officers. In line with the MCA, the Code of Conduct includes a general obligation that members must have regard to the Principles of Public Life as identified in the Nolan Committee Report (1995) and also to the Cabinet Office Code of Conduct for Board Members of Public Bodies. The Declarations of Interests Policy also sets out protocols in relation to the disclosing of interests at meetings and the registering of interests both pecuniary and non-pecuniary. The SY LEP also has in place a Confidential Complaints Process and a Whistleblowing Procedure.
- 3.6 As the Accountable Body the MCA is committed to ensuring compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful. Reports of any breaches or potential breaches will be fully investigated by the MCA's internal audit partners.

---

<sup>1</sup> selflessness; integrity; objectivity; accountability; openness; honesty; and leadership.

- 3.7 Standard contract clauses stating compliance with applicable laws relating to anti-bribery, anti-corruption, human rights, human trafficking and counter terrorism, information laws and environmental regulations are included in MCA contracts with all external providers of services.
- 3.8 The MCA will strive to attain and optimise the use of full powers available for the benefit of citizens, communities, and other stakeholders, through the strategically aligned investment of gainshare monies and using the additional borrowing powers derived from the devolution deal

**4. B. Good governance means ensuring openness and comprehensive stakeholder engagement**

- 4.1 The authority and SY LEP recognise that they have been established for the public good and should therefore ensure openness in their activities. The MCA and SY LEP therefore aim to ensure clear, trusted channels of communication are used to engage effectively with their stakeholders.
- 4.2 The MCA and SY LEP do this by:
- Documenting and demonstrating authority's commitment to openness through, but not limited to, the publishing of agendas and minutes and of Codes of Conduct and through publicly held MCA meetings
  - Establishing clear channels of communication and effective engagement with all stakeholders, encouraging consultation and collaboration.
  - Incorporating good governance arrangements into partnerships and other joint working.
  - Ensuring public records and explanations to stakeholders include clear reasoning and evidence for decisions made.
  - Consulting appropriately to determine effective interventions and courses of action.
  - Providing clear justification regarding any information or decisions that require confidentiality.
- 4.3 Where appropriate the MCA and SY LEP seek to:
- Encourage, collect and evaluate the views and experiences of communities, citizens and service users and organisations of different backgrounds.
  - Ensure that the views and experiences of communities and businesses of South Yorkshire are taken into account when developing strategic documentation and planning schemes, projects or programmes
  - Implement effective feedback mechanisms in order to demonstrate how views have been taken into account.
  - Balance feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity.

**5 C. Good governance means outcomes are defined in terms of sustainable economic, social and environmental benefits**

- 5.1 The authority's corporate plan is built around the objectives of building a stronger,

greener and fairer South Yorkshire; both the authority and SY LEP recognise that the long-term nature and impact of any actions mean that planned, defined and sustainable outcomes are vital, and decisions made should further the organisations' aims and contribute to intended benefits and outcomes.

5.2 In order to ensure this the authority and SY LEP:

- Have in place a formal statement, in the form of a Strategic Economic Plan (SEP) that describes the vision for South Yorkshire and sets out purpose and intended outcomes of the MCA and SY LEP.
- Identify and manage the risks to the achievement of outcomes.
- Appraise schemes seeking investment against a robust set of criteria that consider and balance the combined economic, social and environmental impact of policies and plans at the earliest possible opportunity, where appropriate.

**6. D. Good governance means determining the interventions necessary to optimise the achievement of the intended outcomes**

6.1 The authority and SY LEP are committed to ensuring robust decision-making mechanisms and processes are in place that enable decision-makers to be fully informed and confident that decisions made take into account the needs and ambitions of the region, and that defined outcomes can be achieved.

6.2 In order to achieve this, as accountable body, the MCA:

- Ensures decision makers receive timely, objective and robust information on which to base decisions along with an analysis of a variety of options and an outline of the risks involved.
- Ensures, as appropriate, that the views of stakeholders are considered in the decision-making process.
- Has established and implemented robust planning and control cycles for strategic and operational plans.
- Ensures decision making arrangements are robust but flexible enough to adapt to changing circumstances.
- Ensures commissioned schemes/investments made are measured against defined outcomes and that they represent the best use of resources and value for money.
- Ensures there is sufficient capacity/resource to generate the information required to review and monitor the performance of schemes/investments made.
- Uses realistic estimates of revenue and capital expenditure to inform medium and long term resource planning in order to develop a sustainable funding strategy.
- Ensures the achievement of 'social value' through planning and commissioning.
- Engages with internal and external stakeholders in determining how courses of actions should be planned and delivered.



**7. E. Good governance means developing the entity's capacity, including the capability of its leadership and the individuals within it**

7.1 The authority and SY LEP are committed to ensuring an appropriate structure and effective leadership is in place and that there is organisational capacity to fulfil the MCA and SY LEP's aims.

7.2 As the accountable body, the MCA:

- Ensures Statutory Officers have the skills, resources and support necessary to effectively perform their roles in a changing environment and in preparation for further phases of devolution.
- Has in place a robust recruitment and selection process from which successful candidates proceed to the completion of induction training.
- Provides opportunities for Members and Officers to enhance and strengthen their knowledge and skills, in relation to their strategic roles, by providing training and development opportunities as necessary
- Provides effective inductions and identifies and meet any further development needs of members and officers, in relation to their strategic roles, and provides training and opportunities to increase skills and knowledge as necessary.
- Ensures effective arrangements and delegations are in place in order for the Head of Paid Service to discharge their functions.
- Ensures a clear protocol exists to support a constructive working relationship between Members and Officers and seeks to develop partnerships and collaboration where most value can be added.
- Defines the types of decisions that are delegated and those reserved for the collective decision making of the MCA.
- Develops and maintains an effective workforce plan to enhance the strategic allocation of resources
- Takes steps to consider leadership effectiveness and ensure leaders are open to constructive feedback from peer review and inspections
- Holds staff to account through regular performance reviews which take account of training or development needs
- Ensures arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.

**8 F. Good governance means risks and performance are managed through robust internal control and strong public financial management**

8.1 The authority and SY LEP recognise that effective performance management underpins the effective and efficient delivery of their intended outcomes and that risk management is a vital and integral part of this. As an accountable body the MCA is committed to ensuring a strong system of financial management is in place in order to enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. Underpinning this are a culture and structure encouraging scrutiny and challenge.

8.2 To achieve this, the authority:

- Has in place an effective and active Audit, Standards and Risk Committee, who are accountable to the MCA and, amongst other responsibilities, lead on ensuring the MCA have robust risk management arrangements in place, and that these are evaluated regularly
- Reviews the effectiveness of its decision-making framework, including delegation arrangements regularly.
- Ensures risk management is considered in all aspects of decision making.
- Ensures commissioned schemes/investments made are measured against defined outcomes and that they represent the best use of resources and value for money.
- Has in place effective scrutiny arrangements.
- Has in place robust arrangements for internal and external audit to provide assurance over the effectiveness of systems of internal control.
- Ensures effective arrangements and delegations are in place in order for the Chief Financial Officer to discharge their functions.
- Has in place a properly resourced and skilled Finance team with embedded processes compliant with best practice.
- Ensures compliance with relevant laws and regulations, internal policies and procedures and that all expenditure is lawful.
- Ensures secure, robust and effective arrangements are in place regarding the processing of data (including personal data), this includes (but is not limited to) mandatory GDPR and Data Protection training for all Officers.
- Ensures financial management supports both long terms achievement of outcomes and short-term financial and operational performance

**9. G. Good governance means good practices in transparency, reporting and audit to deliver effective accountability are implemented**

9.1 The authority and SY LEP are committed to ensuring good practice in transparency, reporting and audit arrangements in order to deliver effective accountability.

9.2 In order to achieve this, as accountable body, the MCA:

- Has in place robust arrangements for internal and external audit to provide assurances over the effectiveness of systems of internal control
- Ensures that the Authority's Annual Accounts are reviewed by external auditors and that their opinion together with the final accounts are published and are available for inspection.
- Holds all MCA meetings in public, unless there are good reasons to exclude the press and public
- Publishes all agendas and reports for the MCA and its associated committees online in accordance with statutory access to information requirements, ensuring they are presented in a fair, balanced and understandable style
- Ensures effective arrangements and delegations are in place in order for the Monitoring Officer to discharge their functions
- Is committed to openness and transparency in all its activities subject only to where there is a need to preserve confidentiality
- Reviews the effectiveness of its decision-making framework including delegation arrangements and data quality regularly

- Ensures effective counter fraud and anti-corruption arrangements are developed and maintained
- Keeps its governance arrangements under review and has in place an action plan for improvements, including responding to recommendations made by external audit
- Welcomes peer challenge, reviews and inspections from regulatory bodies

## **10. Monitoring and review of governance**

10.1 The authority and SY LEP recognise the importance of good governance in maintaining and enhancing stakeholder confidence. Each year the Authority publishes an Annual Governance Statement (AGS) together with the Authority's Annual Accounts. This statement is prepared following an internal review of governance arrangements and outlines actions identified to strengthen them.

10.2 The review is informed by the work of:

- The Statutory Officers within the Authority who have responsibility for the development and maintenance of the governance environment.
- Internal Auditor's annual report and opinion, and also by comments made by the external auditors and other review agencies and inspectorates.
- The Group Chief Financial Officer who has statutory responsibility for ensuring the proper management of the MCA's financial affairs.

10.3 The framework for evaluating the effectiveness of internal control includes:

- An evaluation of progress against previously identified governance issues
- Reviews of
  - External Audit's Opinion
  - Annual Internal audit report and opinion
  - Strategic Risk Management Action Plans
  - Issues identified through business planning and performance management
  - Complaints
  - Freedom of Information requests
  - Data Protection and Information Governance issues
- The AGS is discussed by the Audit, Standards and Risk Committee and examined by External Auditors and approved by the Mayoral Combined Authority.

## PART 6F – ANTI-FRAUD AND CORRUPTION POLICY

### Contents

1. Introduction
2. Authority Policies Procedures and Rules
3. Expected levels of behaviour
4. Preventing Fraud and Corruption
5. Detection/Investigation
6. Training and Awareness
7. Sanctions
8. Sharing Information
9. Reporting and Monitoring
10. Review Policy

Appendix 1 - The General Principles of Public Life

Appendix 2 - Fraud Response Plan

### **1. Introduction**

- 1.1 The South Yorkshire Mayoral Combined Authority ('the Authority') is committed to maintaining high standards of Corporate Governance. The management of the risk of fraud and corruption and ensuring that effective counter fraud arrangements are in place are key elements of Corporate Governance.
- 1.2 The Authority recognises that, as well as causing financial loss, fraud is also detrimental to the provision of services and damaging to the reputation of, and confidence in, the Authority, consequently this could put at risk the achievement of strategic objectives. The Authority is committed to a culture of honesty and opposition to fraud and corruption, and making sure that the opportunities for fraud and corruption are reduced to the absolute minimum. The Authority will not tolerate fraud and corruption in the administration of its responsibilities from inside or outside the Authority.
- 1.3 An important part of this approach is introducing and maintaining an effective Anti-Fraud and Corruption Policy. This document outlines the approach for dealing with the threat of fraud and corruption and makes clear to all concerned that appropriate and decisive action will be taken against those committing or attempting to commit fraudulent or corrupt acts against the Authority. The Authority has delegated responsibility for the approval and monitoring of this Policy its effectiveness to the Audit, Standards and Risk Committee. A Fraud Response Plan is included which gives more detailed guidance on how to deal with allegations of fraud and corruption.
- 1.4 Fraud is defined as:- "The intentional distortion of financial statements or other records by persons internal or external which is carried out to conceal the misappropriation of assets or otherwise for gain"

Corruption includes bribery and other improper conduct. The Bribery Act 2010, in force from 1 July 2011, replaces the previous common law and statutory bribery offences. The new offences under the 2010 Act are described in paragraph 2.5 below.

The precise definitions are set out in the Fraud Act 2006. The Act provides for a general offence of fraud and three ways of committing it: by false representation, by failing to disclose information and by abuse of position.

For the purpose of this Policy 'fraud' also includes the physical theft of assets.

1.5 In this Policy the term "employees" refers to officers of the Authority (whoever employs the officers), who provide support services to the Authority.

1.6 This Policy is applicable to:-

- Members, Chief Officers and employees of the Authority and its committees;
- All individuals, organisations, contractors, consultants and partners associated with the Authority;
- Our Customers and Stakeholders.

1.7 The Authority expects all applicable persons to be fair and honest, and to provide any help, information and support necessary to deal with the suspicion or reports of fraud and corruption.

## **2. Authority Policies, Procedures and Rules**

2.1 The Authority will put in place a range of interrelated policies and procedures that provide a corporate framework to counter fraudulent activities. These are an important part of the internal control process, and it is important that all members and employees know about them. These include:-

Code of Corporate Governance, Risk Management Policy, Code of Conduct for Members, Code of Conduct for Officers, Protocol on Member/Officer Relations, Members' Allowances Scheme, Procedure Rules, Contracts Procedure Rules, Financial Regulations, Whistle Blowing Policy, Disciplinary Procedures, Recruitment Procedures, Complaints Procedures and associated procedural documents.

These documents will be made available on the Authority's website.

2.2 It is the responsibility of managers at all levels to ensure that all employees have an awareness of and access to the relevant rules and regulations and receive suitable training.

2.3 Members, Chief Officers and employees of the Authority and its committees must make sure that they read and understand the rules and regulations that apply to them, and act in accordance with them.

- 2.4 Contravention of these rules and regulations may lead to formal action being taken against the parties concerned. This may include terminating employment in respect of employees, and referral to an appropriate local authority standards committee in respect of members. Serious cases may be referred to the Police for criminal investigation. It will be the responsibility of the Monitoring Officer to decide whether to make a referral to the Police.
- 2.5 The Bribery Act 2010 creates four new criminal offences:- a general offence covering offering, promising or giving a bribe; a general offence covering requesting, agreeing to receive or accepting a bribe; a separate offence of bribing a foreign official to obtain or retain business; a strict liability offence for commercial organisations where they fail to prevent bribery by those acting on their behalf (section 7 of the Act).

The Act includes severe penalties. Individuals can receive unlimited fines and a ten year custodial sentence; organisations can receive unlimited fines. Senior officers can also be convicted of an offence where they are deemed to have given their consent or connivance to giving or receiving a bribe or bribing a foreign public official.

The Ministry of Justice has issued guidance which explains the intended effect of the Act. This can be accessed by following this link <http://www.justice.gov.uk/guidance/making-and-reviewing-the-law/bribery.htm>

- 2.6 To ensure transparency, this Policy and documents and procedures referred to within it will be made available to view on the Authority's website.

### **3. Expected Levels of Behaviour**

- 3.1 The Nolan Committee set out seven guiding principles that apply to people who serve the public. These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The principles are summarised in Appendix 1. High standards of conduct, consistent with these principles, are set out in the Code of Conduct for Members and are seen to apply to both members and officers as best practice to achieve good governance in accordance with recognised standards and frameworks. The Authority will develop their working behaviour around these principles and expects all staff to carry out their duties in line with the relevant legal requirements, internal codes, professional ethical standards, rules and procedures and to act always with honesty and integrity when carrying out their work. Staff must always be mindful of public perceptions and potential media scrutiny of their actions, and ensure that their conduct is transparent and above reproach.
- 3.2 Members of the Authority and its committees, the Monitoring Officer and other Senior Officers are expected to set an example by their own behaviour which should be in accordance with the General Principles.
- 3.3 The Authority expects all individuals and organisations that are in any way associated with the Authority to be honest and fair and act with integrity in their

dealings with the Authority, its clients and customers.

- 3.4 The Codes of Conduct applying to members and employees set out an approach to work that is both honest and fair. Members and employees must act in line with these at all times. Members and employees are also expected to follow Codes of Conduct relating to any personal professional qualifications.
- 3.5 Members and employees must ensure that they avoid situations where there is potential for a conflict of interest. Such situations can arise with for example tendering and externalisation of services. Effective role separation will ensure decisions made are seen to be based on impartial advice.
- 3.6 The employee Code of Conduct includes guidelines on Gifts and Hospitality, the disclosure of financial and other interests and conflicts of interests.
- 3.7 Members and employees have an important part to play in dealing with fraud and corruption. It is the policy of the Authority to encourage them to raise concerns regarding fraud and corruption, and to assure them that they may do so without fear of recrimination. Whilst 'open' reporting is encouraged, confidentiality will be given the highest priority, and will be maintained as far as possible and supported by management. The Public Disclosure Act 1998 protects employees who report suspected fraud or corrupt activities from any reprisals as long as they meet the rules set out in the Act.
- 3.8 The Authority has put in place procedures to facilitate the reporting of concerns of fraud, corruption and other forms of malpractice. The Authority has agreed a Whistle-Blowing Policy, which is intended to encourage and enable employees to raise concerns within the organisation rather than overlooking a problem or "blowing the whistle" outside the organisation. The Fraud Response Plan provides more detailed guidance on this.
- 3.9 Malicious allegations will not be tolerated and, where identified, appropriate action will be taken.

#### **4. Preventing Fraud and Corruption**

- 4.1 The Authority recognises that fraud and corruption can be costly in terms of financial loss and reputational risk. The prevention of fraud and corruption is therefore a key objective.
- 4.2 The Authority has agreed a Risk Management Policy and an established risk management process is in place with potential strategic risks being reported to the Audit, Standards and Risk Committee. The risk of fraud and corruption must be considered as part of this process and appropriate controls put in place to mitigate the risk.
- 4.3 The Authority recognises that a key preventative measure in the fight against fraud and corruption takes effect at the staff recruitment stage. The taking up of written references, verifying qualifications held and where appropriate undertaking criminal records checks is an essential control in establishing as far

as possible the honesty and integrity of potential staff, whether for permanent or temporary employment. All recruitment must be in accordance with the procedures approved by the Authority.

- 4.4 In order to combat fraud and corruption, it should be prevented from happening in the first place. It is essential that there are clear rules and procedures, within which members, employees and others associated with the Authority, can work. A number of these are documented in section 2.
- 4.5 The Authority aims to have sound systems and procedures in place, which incorporate efficient and effective controls. Special arrangements will apply where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments. Managers must ensure that relevant training is provided for employees and that formal documented procedures are in place. Suitable levels of internal check must be included in working procedures and maintained, particularly financial procedures, and it is important that duties are organised so that no one person can carry out a complete transaction without some form of checking process being built into the system (i.e. separation of duties).
- 4.6 Managers must ensure that computer system access is set at the relevant level for each employee.
- 4.7 Fraud and corruption risks should be considered within all new systems, policies and procedures to remove apparent weaknesses.
- 4.8 As part of the Authority's overall arrangements to deter the occurrence of financial irregularities, Internal Audit will target specific risk areas. In addition, the Internal Audit Strategy provides for regular reviews of system financial controls and specific fraud and corruption tests. Where appropriate intelligence led audits are undertaken. Regularity audits aim to ensure compliance with the Authority's Procedure Rules, Financial Regulations and interrelated policies and procedures. The scope of Internal Audit work has been extended into governance areas including codes of conduct and policy review procedures.
- 4.9 External Audit is required to give an opinion of the Authority's accounts which involves the assessment of the systems of financial control and the legality of transactions. They have a responsibility to review the Authority's arrangements for preventing and detecting fraud and irregularities, and those which are designed to limit the opportunity for corrupt practices.
- 4.10 Partners and all other stakeholders are expected to have strong Anti-Fraud and Corruption measures in place. They should provide the Authority with full access to their financial records and their staff will be required to assist fully with any investigation. Agreements or contracts should include these conditions and appropriate risk assessments should be undertaken before entering into an agreement.
- 4.11 There are confidential lines of communication available for individuals to provide information that may prevent fraud and corruption. These include the Authority's



Whistle-Blowing Policy. See Fraud Response Plan at Appendix 2.

- 4.12 The Head of Internal Audit will ensure that details of reporting facilities are widely publicised to the public, members and employees and that all information received is dealt with appropriately and in accordance with this Policy and the Fraud Response Plan.

## **5. Detection/Investigation**

- 5.1 The Fraud Response Plan provides direction and guidance to employees in dealing with suspected cases of theft, fraud and corruption. It also gives direction to others wanting to report matters of concern. The Response Plan forms an Appendix to this Policy and should be read in conjunction with this section.
- 5.2 The Authority's Financial Regulations stipulate that the Head of Internal Audit, must be notified of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources.
- 5.3 The Head of Internal Audit and the Monitoring Officer will agree on the direction of any investigation.

## **6. Training and Awareness**

- 6.1 The Authority recognises that the success and credibility of this Policy will depend largely on how effectively it is communicated to members, employees and beyond and is committed to raising fraud awareness. It will be provided to members as part of the constitution, included on induction programmes and published on the Authority's website.
- 6.2 In order to raise awareness of this Policy and fraud and corruption generally, the Head of Internal Audit will issue instructions/advice aimed at encouraging fraud awareness and reminding individuals of their responsibilities.
- 6.3 Where appropriate, the Head of Internal Audit will publicise the results of any investigation to promote awareness, to deter, and to demonstrate the need for preventative measures.
- 6.4 The Authority supports training for members and employees, particularly those employees who are involved in internal control systems to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced. All managers have an obligation as part of employee induction training to comply with these procedures and processes and regularly thereafter to brief employees on individual responsibilities with regard to this Policy, fraud and corruption in general and the action to be taken when it is suspected, ensuring that operations achieve adequate levels of internal control.
- 6.5 The Authority is committed to training and developing employees who are

involved in investigating fraud and corruption and appropriate training will be provided.

## **7. Sanctions**

- 7.1 The Authority will consider the full range of sanctions, disciplinary, regulatory, civil and criminal which will be applied as appropriate to each case.
- 7.2 The Authority is committed to recovering any monies gained by fraud and all options will be considered.

## **8. Sharing Information**

- 8.1 The Authority is committed to working and co-operating with other organisations to prevent organised fraud and corruption. They support the National Fraud Initiative and, wherever possible, the Authority will be prepared to help and exchange information with other authorities and organisations to counter fraud. This information will be shared in accordance with the principles of the data protection legislation.
- 8.2 Internal Audit and South Yorkshire Police Professional Standards Department have in place a Joint Working Protocol for the sharing of information and joint working for investigating irregularities and system weaknesses within South Yorkshire Police. This relationship can be utilised as a first line of contact for advice/guidance on any issue relating to fraud and corruption for the Authority.

## **9. Reporting and Monitoring**

- 9.1 The Authority has delegated responsibility for monitoring this Policy and its effectiveness to the Audit, Standards and Risk Committee.
- 9.2 Internal Audit reports will highlight policy and system weaknesses that are identified as a result of routine audits and investigations. These will be addressed through an agreed action plan. The relevant manager is responsible for implementing the action plan. Implementation will be monitored and reported on by the Head of Internal Audit to the senior management and the Audit, Standards and Risk Committee. Recommendations that are not completed within six months of the final report will be reported separately to the Audit, Standards and Risk Committee for monitoring purposes.
- 9.3 A summary of all investigations undertaken by Internal Audit will be reported to the Audit, Standards and Risk Committee annually. The report will include the outcome of each investigation, for example, recoveries, sanctions, reduced losses and awareness levels. In addition, a summary of all allegations received but not investigated including reasons will be reported annually.
- 9.4 When fraud and corruption has occurred due to a breakdown in policy or systems such events will be considered as part of the annual review of internal control and will be included in the Annual Governance Statement.

- 9.5 The Head of Internal Audit is required to inform the External Auditor of all losses exceeding £10,000 due to fraud and any corrupt act.

## **10. Review Policy**

- 10.1 This Policy will be reviewed on an annual basis by officers of the Authority and will take cognisance of an annual vulnerability assessment which will be conducted in line with the CIPFA Red Book 2 Managing the Risk of Fraud. An appropriate control strategy and action plan will be developed in order to address any identified areas for improvement.

## Appendix 1 – The General Principles of Public Life

### **Selflessness**

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### **Honesty and Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### **Objectivity**

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### **Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### **Openness**

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

### **Personal Judgement**

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### **Respect for Others**

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's Chief Officers, and its employees.

### **Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

### **Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

### **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## Appendix 2 – Combined Authority Fraud Response Plan

### 1. Introduction

- 1.1 The Authority is committed to protecting public funds and assets and reducing to an absolute minimum any losses to fraud and corruption to ensure that all resources are used for the purpose for which they are intended.
- 1.2 This Fraud Response Plan (the Plan) forms part of the Authority's anti-fraud and corruption arrangements and is one of a series of policies and procedures that are in place to prevent, deter and detect fraudulent or corrupt acts. The other documents to be referred to are detailed in the Anti-Fraud and Corruption Policy.
- 1.3 The Plan provides direction and guidance to employees in dealing with suspected cases of theft, fraud and corruption and it also gives direction to others wanting to report matters of concern. The Plan's purpose is to provide for timely and effective action to be taken in the event of a fraud to:-
- (a) prevent further loss of funds or assets where fraud has occurred;
  - (b) establish and secure evidence necessary for criminal and / or disciplinary action;
  - (c) assign responsibility for investigating the incident and establish lines of communication;
  - (d) minimise and recover losses;
  - (e) review any learning points that can be used to reduce the risk of future fraud;
  - (f) publicise the outcome of the successful actions to promote the anti-fraud culture by making it clear to staff and the public that the Authority will pursue all cases of fraud vigorously, taking appropriate legal and / or disciplinary action where this is justified.
- 1.4 The evidence from previous investigations highlights the signs where fraudulent activity occurred; these are listed at the end of this Plan. It must be emphasised that not all circumstances where similar situations exist will constitute fraud. If in doubt, advice and guidance can be obtained from the Senior Finance Manager:- telephone on [ ] email at [mike.thomas@southyorkshire-ca.gov.uk](mailto:mike.thomas@southyorkshire-ca.gov.uk) writing to the Senior Finance Manager, South Yorkshire Mayoral Combined Authority, 11 Broad Street West, Sheffield, S1 2BQ. All contact will be treated confidentially.
- 1.5 In accordance with Financial Regulations all instances of suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources must be reported to the Head of Internal Audit at the earliest opportunity.

### 2. Definitions

- 2.1 The Chartered Institute of Public Finance and Accountancy defines fraud as: “the intentional distortion of financial statements or other records by persons internal or external to the authority, which is carried out to conceal the misappropriation of assets or otherwise for gain”.
- 2.2 The Fraud Act 2006 defines fraud in three classes:-
- (a) by false representation;
  - (b) by failing to disclose information; and
  - (c) by abuse of position.
- 2.3 Corruption: the Bribery Act 2010, in force from 1 July 2011, replaces the previous common law and statutory provisions relating to bribery. The Act creates four new offences:-
- (a) a general offence covering offering, promising or giving a bribe;
  - (b) a general offence covering requesting, agreeing to receive or accepting a bribe;
  - (c) a separate offence of bribing a foreign official to obtain or retain business;
  - (d) a strict liability offence for commercial organisations where they fail to prevent bribery by those acting on their behalf (section 7 of the Act).
- 2.4 The Bribery Act includes severe penalties: individuals can receive unlimited fines and a ten year custodial sentence; organisations can receive unlimited fines. Senior officers can also be convicted of an offence where they are deemed to have given their consent or connivance to giving or receiving a bribe or bribing a foreign public official. The Ministry of Justice has issued guidance which explains the intended effect of the Act. This can be accessed by following this link <https://www.gov.uk/government/publications/bribery-act-2010-guidance>

### **3. Reporting Suspicions**

#### **3.1 All Employees**

All employees are responsible for raising concerns they may have about possible fraud, corruption or theft or procedural irregularities. Normally concerns will be raised with line managers. It is recognised, however that there may be circumstances where employees feel unable to take this course of action. In such circumstances employees should contact the Head of Internal Audit (as above in 1) for further guidance or refer to the Whistle-Blowing Policy which will be made available on the Authority's web site.

#### **3.2 All Managers**

All managers are responsible for following up any reported allegation/suspicion. Irrespective of any potential investigation the Head of Internal Audit or, in his absence, the Audit Manager (01226 773187) must be notified. Where doubt exists as to whether the matter should be reported managers must adopt the principle that such matters will be reported.

#### **3.3 The following items will be routinely reported:-**

- (a) All suspicions/allegations of fraud and corruption;
- (b) Matters resulting in controls being applied after a transaction/event occurs;
- (c) Deliberate or mistaken use of the Authority's assets;
- (d) All thefts and burglaries;
- (e) Misuse of levels of authority;
- (f) Stock and inventory deficiencies and surpluses above levels delegated for write off/back;
- (g) All cases where the internal control processes have been breached or highlighted as being weak or non-existent.

The above list is not exhaustive as much depends on the individual circumstances of each case.

- 3.4 It is not possible to be prescriptive about matters which do not need to be reported. Generally, genuine errors which are identified as a result of existing controls do not need to be reported. However, where this is a persistent problem, for example, recurrent misinterpretation of policies/procedures, these matters should be reported in order that consideration can be given to reviewing such policies/procedures to provide greater clarity.
- 3.5 Where it is appropriate to do so, managers can make discreet initial enquiries promptly to determine if there does appear to be an irregularity. If this is done it is imperative that it can be done without alerting the suspected perpetrator and the manager involved has sufficient experience to do so.

If in any doubt, contact should be made with the Head of Internal Audit for advice before proceeding.

During the initial enquiries the manager should:-

- (a) Determine the circumstances that gave rise to the suspicion;
- (b) consider whether a genuine mistake has been made or whether an irregularity has occurred;
- (c) produce a written record of the alleged irregularity which should be held confidentially to be handed over as part of the investigation;
- (d) take all necessary steps to prevent further loss and to secure any relevant records and documents against removal or alteration if this can be done without alerting the suspected perpetrator.

At this stage, the manager should not:-

- (a) contact the suspected perpetrator in an effort to determine the facts
  - (b) interrogate the suspect's computer, mobile phone or other electronic device;
  - (c) conduct further investigations or interview staff unless advised to do so by the Head of Internal Audit.
- 3.6 Confidentiality for all parties will be maintained over reports made in good faith which cannot be substantiated following investigation. Employees may elect to report their concerns anonymously which will be respected. However, if the

investigation reveals criminal activity, and the case is pursued by the police, the identity of the employee may be needed at a later date if criminal proceedings ensue. The Public Disclosure Act 1998 protects employees who report suspected fraud or corrupt activities from any reprisals providing they meet the rules set out in the Act.

- 3.7 Genuine allegations, even if after investigation they prove to be without foundation, are welcomed. Managers should be responsive to employee concerns and treat such concerns seriously and sensitively. However, any allegation made frivolously, maliciously or for personal gain may result in disciplinary action being taken against the person making the allegation.
- 3.8 The Authority's Whistle-Blowing Policy is intended to encourage and enable employees to raise serious concerns within the Authority rather than overlooking a problem or "blowing the whistle" outside. It applies to all employees and those contractors working for the Authority or on their premises, for example agency staff and builders. Suppliers are also covered by the policy.
- 3.9 All allegations will be recorded irrespective of whether they are investigated or not. The Head of Internal Audit will maintain a register for allegations received by Internal Audit.

#### **4. Scope of the Investigation**

- 4.1 The direction of the investigation and the participants will be a joint decision between the Head of Internal Audit and the Monitoring Officer. . At this stage, consideration will be given to the involvement of the police. This may require contact with the South Yorkshire Police Head of Professional Standards Department for advice, to ensure that conduct of the investigation does not jeopardise any future criminal proceedings.

#### **5. Investigation Process**

- 5.1 Where an investigation is carried out by Internal Audit it will be conducted in accordance with the process documented in the Internal Audit Manual.
- 5.2 The following principles will apply to all investigations:-
  - (a) All allegations reported to the Head Internal Audit will be logged in the Internal Audit Fraud and Irregularity Register.
  - (b) Investigations must be promptly conducted, with due regard to compliance with legislation for conducting interviews i.e. the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 (RIPA) and the Lawful Business Practice (Interception of Communications) Regulations 2000.
  - (c) Actions where a criminal offence is committed must comply with the Police and Criminal Evidence Act 1984 (PACE): all evidence must be recorded, ensuring that it is sound and supported by evidence; written records of fact finding meetings must be maintained ; documents must be retained



securely with appropriate access restrictions;; contact should be made with the police at the earliest opportunity to ensure that criminal proceedings are not compromised; any cases referred to the police will be agreed with the Monitoring Officer.

- (d) Where appropriate, the Authority's insurance team should be notified as soon as possible so that any future claim is not jeopardised e.g. under a fidelity guarantee policy.
- (e) If, during the course of the investigation, it transpires that a corrupt action has occurred, the Authority's Monitoring Officer and the External Auditor will be notified at the conclusion of the investigation. A report will be produced as soon as possible but within 28 days so that a decision can be made on any further action.

## **6. Further Action**

- 6.1 Where the outcome confirms that improper behaviour has occurred, the appropriate Manager should instigate the disciplinary process. Disciplinary action can be taken in addition to, or instead of, criminal proceedings. The decision must be taken following advice from the Head of Paid Service and the Monitoring Officer.
- 6.2 Where fraud or corruption has occurred the Authority will seek to recover any losses incurred: all options will be considered which may involve deductions from pay (if service continues), debtor invoices, pension seizure, taking civil proceedings or seeking compensation orders.
- 6.3 Policy and system weaknesses identified as a result of any investigation will be addressed with the appropriate Managers. Reports produced as a result of any investigation will highlight weaknesses and implementation of recommendations will be monitored through agreed action plans.
- 6.4 The outcome of any investigation should be recorded in the Fraud and Irregularity Registers. Outcomes include awareness levels, sanctions applied, recoveries, fraud levels, reports of suspicions. This information may be useful in the future to determine performance targets and should be used as a basis for presenting an annual report to the Audit, Standards and Risk Committee.
- 6.5 Consideration should always be given to any lessons learned which may, for example, identify training needs, changes in policy or the need for fraud risk to be given higher profile.
- 6.6 Any cases of identified fraud or corruption will be reported to the Audit, Standards and Risk Committee and publicised where appropriate to promote awareness, to deter and to demonstrate the need for preventative measures. If any employees are approached by the press, they should be referred to the Head of Paid Service.

## **7. Potential Indicators of Fraudulent Activity**

The following list has been compiled from evidence from previous investigations and highlights the signs where fraudulent activity occurred. It must be emphasised that not all circumstances where similar situations exist will involve fraud.

- Where staff do not take leave
- Where staff work outside normal working hours for no obvious reason
- Staff whose lifestyles are disproportionate to their income
- Unusual concerns or reaction to visits from senior managers and / or internal audit
- Lack of effective internal control e.g. separation of duties and management checks: prime examples being where an individual:
  - Undertakes payment runs and bank reconciliations
  - Collects and banks income and undertakes bank reconciliations
  - Procures goods and services
  - Completes payroll documentation and monitors the staffing budget
- Unexplained falls in income levels and / or increases in expenditure levels
- Unusual or unexpected events e.g. overdrawn bank accounts or missing stock identified by stocktaking processes
- Unavailability of documents / systems for inspection during audit and management checks
- Regular breaking of rules and regulations and continuing non compliance with procedures
- Poor quality record keeping causing difficulty in following the trail of documents and processes
- Lax security or disregarding of security process
- Staff who exhibit 'bullying' behaviour
- Staff who appear to have close relationships with suppliers and contractors beyond a reasonable professional level.

## PART 6G – WHISTLE-BLOWING POLICY

### **1. Preamble**

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may be just a suspicion of malpractice.
- 1.2 The Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Authority work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable employees to raise serious concerns within the Authority rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The policy applies to all members, employees and officers of the Authority and its committees, and those contractors working for the Authority on Authority premises, for example, agency staff and builders. It also covers suppliers with the Authority.

### **2. Aims and Scope of this Policy**

- 2.1 This policy aims to:-
  - (a) encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
  - (b) provide avenues for you to raise those concerns and receive feedback on any action taken;
  - (c) ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
  - (d) reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief in the substance of your disclosure and have acted in good faith.
- 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Whistle-Blowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include: conduct which is an offence or a breach of law; disclosures related to miscarriages of justice; health and safety risks, including risks to the public as well as other employees; damage to the environment; a misuse of Authority or other public money; possible fraud and corruption and other unethical conduct.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Authority or others acting on behalf of the Authority can be reported under this Whistle-Blowing Policy. This may be about something that:-

- (a) makes you feel uncomfortable in terms of known standards, your experience, or the standards to which you believe the Authority subscribes; or
- (b) is against the Authority's Constitution or policies; or
- (c) falls below established standards of practice; or
- (d) amounts to improper conduct.

2.4 This policy does not replace the Authority's Anti-Fraud and Corruption Policy, but rather complements it.

### **3. Safeguarding Against Harassment or Victimisation**

3.1 The Authority is committed to good practice and high standards and wants to be supportive of employees.

3.2 The Authority recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, or you in good faith believe it to be true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.3 The Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **4. Confidentiality**

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

### **5. Anonymous Allegations**

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Authority.
- 5.3 In exercising this discretion the factors to be taken into account would include the seriousness of the issue raised, the credibility of the concern, and the likelihood of confirming the allegation from attributable sources.

## **6. Untrue Allegations**

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **7. How to Raise a Concern**

- 7.1 As a first step, you should normally raise concerns with your immediate line manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Monitoring Officer or Internal Audit.
- 7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are requested to provide the following information: the background to and history of the concern (giving relevant dates), and the reason why you are particularly concerned about the situation.
- 7.3 The earlier you express a concern, the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 Advice/guidance on how to pursue matters of concern may be obtained from: Steve Davenport, Monitoring Officer 0114 2211353
- 7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.7 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **8. How the Authority will respond**

- 8.1 The Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may be investigated by management, internal audit, or through the disciplinary process, be referred to the police, be referred to the external auditor or form the subject of an independent inquiry.
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Authority has in mind, is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, harassment or discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the Monitoring Officer or Head of Internal Audit will write to you acknowledging that the concern has been received indicating how we propose to deal with the matter, giving an estimate of how long it will take to provide a final response, telling you whether any initial enquiries have been made, supplying you with information on staff support mechanisms and telling you whether further investigations will take place, and if not, why not.
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Authority will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative, or a friend.
- 8.8 The Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Authority will arrange for you to receive advice about the procedure.

- 8.9 The Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **9. The Responsible Officer**

- 9.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The Monitoring Officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Authority.

## **10. How the Matter can be Taken Further**

- 10.1 This policy is intended to provide you with an avenue within the Authority to raise concerns. The Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Authority, the following are possible contact points:-

The external auditor  
Your trade union  
Your local Citizens Advice Bureau,  
Relevant professional bodies or regulatory organisations  
A relevant voluntary organisation  
The Police  
Public Concern at Work (Telephone 0207 404 6609)

- 10.2 If you do take the matter outside the Authority, you should ensure that you do not disclose confidential information.

## **APPENDIX 1 – THE BARNSLEY, DONCASTER, ROTHERHAM AND SHEFFIELD COMBINED AUTHORITY ORDERS**



## Appendix 1a – The Barnsley, Doncaster, Rotherham And Sheffield Combined Authority Order 2014

A link to the 2014 Order can be found [here](#)

---

STATUTORY INSTRUMENTS

---

**2014 No. 863**

**LOCAL GOVERNMENT, ENGLAND**  
**TRANSPORT, ENGLAND**

**The Barnsley, Doncaster, Rotherham and  
Sheffield Combined Authority Order 2014**

*Made - - - - 31st March 2014*

*Coming into force in accordance with article 1*

This Order is made in exercise of the powers conferred by sections 84, 91 and 93 of the Local Transport Act 2008(1) and sections 103 to 105 and 114 to 116 of the Local Democracy, Economic Development and Construction Act 2009(2).

The Secretary of State, having regard to a scheme prepared and published under section 82 of the Local Transport Act 2008 and section 109 of the Local Democracy, Economic Development and Construction Act 2009, considers that the making of this Order is likely to improve—

- (a) the exercise of statutory functions relating to transport in the area to which this Order relates,
- (b) the effectiveness and efficiency of transport in that area,
- (c) the exercise of statutory functions relating to economic development and regeneration in that area, and
- (d) economic conditions in that area.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the Local Democracy, Economic Development and Construction Act 2009.

The Secretary of State has consulted—

- (a) the district councils for the area comprised in the South Yorkshire integrated transport area,
- (b) the South Yorkshire Integrated Transport Authority,
- (c) such other persons as the Secretary of State considered appropriate.

The councils whose areas are comprised in the South Yorkshire integrated transport area have consented to the making of this Order.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

## PART 1

### General

#### Citation and commencement

1. This Order may be cited as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 and shall come into force on the day after the day on which it is made.

#### Interpretation

2. In this Order—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“combined area” means the area consisting of the areas of the constituent councils;

“the Combined Authority” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority constituted by article 3;

“commencement date” means the date on which this Order comes into force;

“constituent councils” means—

- (a) Sheffield City Council; and
- (b) Barnsley Metropolitan Borough Council, Doncaster Metropolitan Borough Council and Rotherham Metropolitan Borough Council;

“financial year” means the period of 12 months ending with 31st March in any year;

“ITA” means the South Yorkshire Integrated Transport Authority;

“non-constituent councils” means—

- (a) Chesterfield Borough Council; and
- (b) Bassetlaw District Council, Bolsover District Council, Derbyshire Dales District Council and North East Derbyshire District Council.

## PART 2

### Establishment of a combined authority for Barnsley, Doncaster, Rotherham and Sheffield

#### Establishment

3.—(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and to be known as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority.

(2) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

### **Constitution**

1. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

### **Funding**

2.—(1) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (1) between the constituent councils in such proportions as they may agree, or in default of agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Registrar General.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the current financial year.

## **PART 3**

### **Transport**

#### **Abolition and transfer of functions**

3.—(1) The South Yorkshire integrated transport area is dissolved and the ITA is abolished.

(2) On the abolition of the ITA—

- (a) its functions; and
- (b) its property, rights and liabilities,

are transferred to the Combined Authority.

#### **Adaptation of enactments**

4.—(1) This article has effect in consequence of article 6.

(2) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport authority; or
- (b) any reference which falls to be read as a reference to such an authority,

is to be treated as including a reference to the Combined Authority.

## Passenger Transport Executive

1.—(1) In this article “the Executive” means the South Yorkshire Passenger Transport Executive established pursuant to the South Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973<sup>(3)</sup>.

(2) The Executive is to be an executive body of the Combined Authority for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the 2009 Act.

(3) In the application of section 101 of the Local Government Act 1972<sup>(4)</sup> (arrangements for the discharge of functions) to the Combined Authority the Executive is to be treated as if it were an officer of the Combined Authority.

## Continuity

2.—(1) Nothing in article 6 or 7 affects the validity of anything done by or in relation to the ITA before the commencement date.

(2) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

(a) relates to any of the functions, property, rights or liabilities transferred to the Combined Authority; and

(b) is in the process of being done by or in relation to the ITA immediately before the commencement date.

(3) Anything which—

(a) was made or done by or in relation to the ITA for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred; and

(b) is in effect immediately before the transfer takes effect,

has effect as if made or done by or in relation to the Combined Authority.

(4) The Combined Authority shall be substituted for the ITA in any instruments, contracts or legal proceedings which—

(a) relate to any of the functions, property, rights or liabilities transferred; and

(b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the ITA.

(6) Without prejudice to the generality of this article a levy issued by the ITA under section 74 of the Local Government Finance Act 1988<sup>(5)</sup> and in accordance with the Transport Levying Bodies Regulations 1992<sup>(6)</sup> to the constituent councils in respect of the financial year beginning 1st April 2014 is to have effect for that year from and after the commencement date as if it had been so issued by the Combined Authority.

---

(3) [S.I. 1973/1728](#).

(4) [1972 c. 70](#).

(5) [1988 c.41](#); section 74 was amended by the Local Government Finance Act [1992 \(c. 14\)](#), Schedule 13, paragraph 72; the Local Government (Wales) Act [1994 \(c. 19\)](#), Schedule 6, paragraph 21; the Environment Act [1995 \(c. 25\)](#), Schedule 24; the Greater London Authority Act [1999 \(c. 29\)](#) section 105; the Courts Act [2003 \(c. 39\)](#), Schedule 8, paragraph 305(a); the Fire and Rescue Services Act [2004 \(c. 21\)](#), Schedule 1, paragraph 68; the Local Government and Involvement in Public Health Act [2007 \(c. 28\)](#), Schedule 1, paragraph 16; the Local Democracy, Economic Development and Construction Act [2009 \(c. 20\)](#), Schedule 6, paragraphs 74 and 75 and Schedule 7, Part 4; the Police Reform and Social Responsibility Act [2011 \(c. 13\)](#), Schedule 16, paragraph 182(a); the Localism Act 2011 (c. 20), Schedule 7, paragraphs 1, 2; and by [S.I. 1994/2825](#).

(6) [S.I. 1992/2789](#), amended by [S.I. 2012/213](#).

## PART 4

### Additional functions

#### **Economic development and regeneration functions**

1. —(1) The functions of the constituent councils set out in Schedule 2 to this Order are exercisable by the Combined Authority in relation to its area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

#### **Incidental provisions**

2. The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of these provisions—

(a) section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc relating to the functions of the authority); and

(b) section 222 of the Local Government Act 1972 (the power to prosecute and defend legal proceedings).

3. —(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985<sup>(7)</sup> (research and collection of information) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 shall have effect as if a reference to “that area” were a reference to the combined area.

4. Section 13 of the Local Government and Housing Act 1989<sup>(8)</sup> (voting rights of members of certain committees) shall have effect as if—

(a) in subsection (4) after paragraph (h) there were inserted—

“(i) subject to subsection (4A), a committee appointed by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority;”;

(b) after subsection (4) there were inserted—

“(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person—

(a) is a member of one of the constituent councils as defined by article 2 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014; or

(b) is given voting rights by resolution of the Combined Authority in accordance with paragraph 4(6) of Schedule 1 to that Order.”

5. Regulation 64 of the Local Government Pension Scheme Regulations 2013<sup>(9)</sup> (special circumstances where revised actuarial valuations and certificates must be obtained) shall have effect as if after paragraph (8) there were inserted—

---

(7) 1985 c.51.

(8) 1989 c.42.

(9) S.I. 2013/2356; there are no relevant amendments.

“(8A) Paragraph (8B) applies where the exiting employer is the South Yorkshire Integrated Transport Authority (“the ITA”) and the liabilities of the fund in respect of benefits due to the ITA’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority as a result of the establishment of the combined authority by article 3(1) of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”

1. —(1) The Local Government Pension Scheme Regulations 2013 are amended as follows.

(2) In Part 1 of Schedule 2 (Scheme employers) at the end insert—

“**25.** The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014(**10**).”

(3) In Part 1 of Schedule 3 (pension funds) at the end insert—

“(z) the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014.”

Signed on behalf of the Secretary of State for Communities and Local Government

*Brandon Lewis*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

31st March 2014

## Constitution

**Membership**

1.—(1) Each constituent council shall appoint one of its elected members as a member of the Combined Authority.

(2) Each constituent council shall appoint another of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (1) (“the substitute member”).

(3) Each constituent council shall appoint one of its elected members to be a rotational second member (“the second member”) of the Combined Authority.

(4) The Combined Authority shall appoint two of the rotational second members each year for a one year term.

(5) The order of rotation of the second members shall be determined at the first meeting of the Combined Authority.

(6) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the appointed second members.

(7) Each non-constituent council shall appoint one of its elected members to be a member of the Combined Authority.

(8) Each non-constituent council shall appoint another of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (7) (“the substitute member”).

(9) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of the constituent council or non-constituent council that appointed them.

(10) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the constituent council or non-constituent council that appointed them and the resignation shall take effect on receipt of the notice by the proper officer.

(11) Where a member or substitute member’s appointment ceases by virtue of sub-paragraph (9) or (10) the constituent council or non-constituent council that made the appointment shall, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person’s place.

(12) A constituent council or non-constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another of its elected members in that person’s place.

(13) Where a constituent council or non-constituent council exercises its power under sub-paragraph (12), it shall give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(14) For the purposes of this paragraph, an elected mayor of a constituent council or non-constituent council is to be treated as a member of the constituent council or non-constituent council.

**Chairman and vice-chairman**

2.—(1) The Combined Authority must in each year appoint a chairman and a vice-chairman from among its members and the appointments are to be the first business transacted after the order of



rotation of second members at the first meeting of the Combined Authority, and in subsequent years at the annual meeting of the Combined Authority.

(2) A person ceases to be chairman or vice-chairman of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chairman or vice-chairman, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

### **Proceedings**

1.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) No business shall be transacted at a meeting of the Combined Authority unless at least three members or substitute members appointed by the constituent councils are present at the meeting.

(3) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(4) If a vote is tied on any matter it shall be deemed not to have been carried.

(5) Members appointed by the non-constituent councils shall be non-voting members of the Combined Authority.

(6) The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

### **Committees**

2.—(1) The Combined Authority shall appoint one or more committees as an overview and scrutiny committee, or as the case may be committees, of the Combined Authority.

(2) The Combined Authority shall appoint at least one member of each of the constituent councils and non-constituent councils to each overview and scrutiny committee appointed by the Combined Authority.

(3) An overview and scrutiny committee appointed by the Combined Authority may not include any member of the Combined Authority.

(4) Each member of the overview and scrutiny committee appointed from the constituent councils is to have one vote and no member is to have a casting vote.

(5) If a vote is tied on any matter it shall be deemed not to have been carried.

(6) Members appointed from the non-constituent council to the overview and scrutiny committee, or to any other committee or sub-committee of the Combined Authority, shall be non-voting members of that committee or sub-committee but may be given voting rights by resolution of the Combined Authority.

(7) Any overview and scrutiny committee appointed by the Combined Authority shall have the power to—

- (a) invite members or substitute members of the Combined Authority to attend before it to answer questions;
- (b) invite other persons, including members of the public, to attend meetings of the committee;
- (c) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Combined Authority;

- (a) make reports or recommendations to the Combined Authority with respect to the discharge of any functions which are the responsibility of the Combined Authority;
- (3) The power to review or scrutinise a decision made but not implemented under sub-paragraph (7)(c) includes the power to recommend that the decision be reconsidered by the Combined Authority.
- (4) Where an overview and scrutiny committee appointed by the Combined Authority makes a report or recommendation under sub-paragraph (7)(d) the committee may—
  - (a) publish the report or recommendations;
  - (b) by notice in writing require the Combined Authority to—
    - (i) consider the report or recommendations;
    - (ii) respond to the overview and scrutiny committee indicating what (if any) action the Combined Authority proposes to take;
    - (iii) if the overview and scrutiny committee has published the report or recommendations under paragraph (a), publish the response.
- (5) A notice served under sub-paragraph (9)(b) must require the Combined Authority to comply with it within two months beginning with the date on which the Combined Authority received the reports or recommendations or (if later) the notice.
- (6) The Combined Authority shall comply with a notice given under sub-paragraph (9)(b).
- (7) Sub-paragraphs (9)(a) and (11) are subject to section 9FG of the Local Government Act 2000 and to any provision made under section 9GA(8)(11) and the Combined Authority shall be treated as a local authority for those purposes.

## **Records**

- 1.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.
- (2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.
- (3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.
- (4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.
- (5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.
- (6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

## **Standing orders**

- 2. The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

---

(11) 2000 c. 22. Sections 9FG and 9GA were inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

## Remuneration

1. No remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority.

## SCHEDULE 2

Article 10(1)

### Economic development and regeneration functions

1. Such functions of the constituent authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under section 1 of the Localism Act 2011<sup>(12)</sup>.

2. The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities).

3. The duty under section 8(1) of the Housing Act 1985<sup>(13)</sup> (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation).

4. The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), of the Education Act 1996<sup>(14)</sup> and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This order establishes the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority.

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise functions relating to transport and to economic development and regeneration in their area.

The Secretary of State may only establish a combined authority for an area where a scheme for such an authority has been published under section 109 of the 2009 Act. This order has been made following the publication of such a scheme on 25th April 2013 by the constituent councils whose areas together make up the combined area of the new authority. The scheme is available at [www.sheffieldcityregion.org.uk/projects/the-sheffield-city-region-authority](http://www.sheffieldcityregion.org.uk/projects/the-sheffield-city-region-authority).

Part 2 of the Order establishes the new authority, to be known as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, and makes provision for its constitution and funding.

---

<sup>(12)</sup> 2011 c.20.

<sup>(13)</sup> 1985 c.68.

<sup>(14)</sup> 1996 c.56. Sections 15ZA, 15ZB, 15ZC, 17A, 18A, 514A and 560A were inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), sections 41, 42, 45 to 48 and by S.I. 2010/1158. Sections 17A and 18A were also amended by the Education Act 2011 (c. 21), sections 30 and 82.

*Article 4* of and *Schedule 1* to the Order make provision for the constitution of the Combined Authority. This is supplemental to the provision that is made by Part 1A of Schedule 12 to the Local Government Act 1972 (see paragraph (6A) of that Schedule, as amended by the 2009 Act).

*Article 5* makes provision for the funding, by the constituent councils, of those costs of the Combined Authority that relate to the exercise of its economic development and regeneration functions.

*Part 3* is about the transport aspects of the combined authority. *Article 6* dissolves the South Yorkshire Integrated Transport Authority and transfers its functions and its property, rights and liabilities to the Combined Authority. *Article 7* makes general adaptations to the primary and subordinate legislation, so that references to an integrated transport area or authority are to be treated as extending to the Combined Authority and its area. *Article 8* makes the South Yorkshire Passenger Transport Executive an executive body of the Combined Authority. *Article 9* ensures continuity when functions, property, rights or liabilities are transferred by the Order.

*Part 4* confers additional functions on the Combined Authority. *Article 10* confers functions of the constituent councils relating to economic development and regeneration. These are set out in Schedule 2 to the Order and are to be exercised concurrently with the constituent councils. *Articles 11 to 13* make some general, incidental provisions relating to the Combined Authority to enable it to carry out its functions more effectively.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

## Appendix 1b - The Barnsley, Doncaster, Rotherham And Sheffield Combined Authority Order 2020

A link to the 2020 Order can be found [here](#)

---

STATUTORY INSTRUMENTS

---

**2020 No. 806**

**LOCAL GOVERNMENT, ENGLAND  
TRANSPORT, ENGLAND  
EDUCATION, ENGLAND**

**The Barnsley, Doncaster, Rotherham and Sheffield Combined  
Authority (Functions and Amendment) Order 2020**

*Made - - - - 27th July 2020*

*Coming into force in accordance with article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1)(a), 105(1) and (3), 105A(1), (2) and (3), 107D(1), (7) and (8), 107E(1) to (4), 113D, 114(1) and (3), and 117(5) of the Local Democracy, Economic Development and Construction Act 2009<sup>(1)</sup> (“the 2009 Act”).

The Secretary of State, having had regard to a scheme prepared and published under section 112 of the 2009 Act<sup>(2)</sup>, considers that—

- (a) the making of this Order is likely to improve the exercise of statutory functions in the area to which the Order relates, and;
- (b) any consultation required by section 113(2) of the 2009 Act<sup>(3)</sup> has been carried out.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities and the need to secure effective and convenient local government<sup>(4)</sup>.

In accordance with sections 105(3A) and 105B(1) and (2) of the 2009 Act, the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (“the Combined Authority”) and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order<sup>(5)</sup>.

- 
- (1) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016 (c. 1) (“the 2016 Act”). Section 105 was amended by sections 6, 9, and 14 of the 2016 Act. Section 105A was inserted by section 7 of the 2016 Act. Sections 107D and 107E were inserted by section 4 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Section 117 was amended by section 13(2) of the Localism Act 2011 (c. 20) and Schedule 5 to the 2016 Act.
- (2) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the 2016 Act.
- (3) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the 2016 Act.
- (4) Section 113(3) of the 2009 Act requires the Secretary of State, when making an order under sections 104, 105, 106 or 107 of the 2009 Act in relation to an existing combined authority, to have regard to these matters.
- (5) This Order relates to the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, which was established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 (S.I. 2014/863).

In accordance with section 107D(9) of the 2009 Act the Mayor for the area of the Combined Authority, the Combined Authority, and the councils whose areas are comprised in the area of the Combined Authority have consented to the making of this Order.

In accordance with section 105B(9) of the 2009 Act the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved, by a resolution of each House of Parliament under section 117(2) of the 2009 Act.

## PART 1

### General

#### Citation and commencement

1. This Order may be cited as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 and comes into force on the day after the day on which it is made.

#### Interpretation

2. In this Order—

“the 1989 Act” means the Local Government and Housing Act 1989<sup>(6)</sup>;

“the 1999 Act” means the Greater London Authority Act 1999<sup>(7)</sup>;

“the 2003 Act” means the Local Government Act 2003<sup>(8)</sup>;

“the 2008 Act” means the Housing and Regeneration Act 2008<sup>(9)</sup>;

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the 2011 Act” means the Localism Act 2011<sup>(10)</sup>;

“the 2014 Order” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014<sup>(11)</sup>;

“adult detention” has the meaning given by section 121(4) of the Apprenticeships, Skills, Children and Learning Act 2009<sup>(12)</sup>;

“Area” means the area consisting of the areas of the constituent councils;

“the Combined Authority” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority;

---

<sup>(6)</sup> 1989 c. 42.

<sup>(7)</sup> 1999 c. 29.

<sup>(8)</sup> 2003 c. 26.

<sup>(9)</sup> 2008 c. 17.

<sup>(10)</sup> 2011 c. 20.

<sup>(11)</sup> S.I. 2014/863.

<sup>(12)</sup> 2009 c. 22. Section 121 was amended by paragraph 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19); paragraph 22 of Part 2 of Schedule 1, and paragraph 27 of Part 1 of Schedule 14, to the Deregulation Act 2015 (c. 20); and by paragraph 8 of Schedule 18 to the Education Act 2011 (c. 21).

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, as modified by Schedule 3, following the designation of an area of land by the Combined Authority;

“constituent councils” means the councils for the local government areas of Barnsley, Doncaster, Rotherham and Sheffield; and

“Mayor” means the mayor for the Area, except in the term “Mayor of London”.

## PART 2

### Transport

#### Transfer of functions etc. relating to transport

1.—(1) The functions of the constituent councils specified in section 6 of the Highways Act 1980(13) (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities specified in section 8 of the Highways Act 1980(14) (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works) are exercisable by the Combined Authority in relation to the Area.

(3) The functions referred to in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) In this article “local highway authority” has the meaning given by section 329(1) of the Highways Act 1980(15).

#### Power to pay grant

2.—(1) The functions of a Minister of the Crown(16) specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the Area.

(2) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) In determining the amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highways functions, the Combined Authority must have regard to the desirability of ensuring that the council has sufficient funds to facilitate the effective discharge of those functions.

(4) To comply with paragraph (3), the Combined Authority must take into account any other sources of funding available to the council for expenditure incurred or to be incurred in relation to the exercise of its highways functions.

(5) For the purposes of the exercise by the Combined Authority of the functions specified in paragraphs (1) and (2), section 31 of the 2003 Act has effect as if—

---

(13) 1980 c. 66. Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c. 51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994, section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015 (c. 7), and S.I. 1995/1986.

(14) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015.

(15) This definition in section 329(1) of the 1980 Act was amended by paragraph 60(1) of Schedule 1 to the Infrastructure Act 2015.

(16) See section 105A(9) of the 2009 Act for the definition of “Minister of the Crown”.



- (a) in subsection (1)—
  - (i) the reference to a Minister of the Crown were a reference to the Combined Authority,
  - (ii) the reference to a local authority in England were a reference to a constituent council,
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;
- (d) subsection (6) were omitted.

(6) In this article “highways functions” means the functions which are exercisable by a constituent council (in whatever capacity) in relation to the highways for which they are the highway authority(17).

## PART 3

### Education, skills and training functions

#### **Transfer of local authority functions**

1.—(1) The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the Area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals)(18);
- (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)(19);
- (c) section 15A of the Education Act 1996 (powers in respect of education and training for 16 to 18 year olds)(20);
- (d) section 15B of the Education Act 1996 (functions in respect of education for persons over 19)(21);
- (e) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)(22);
- (f) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)(23);

---

(12) Section 1(2) of the 1980 Act provides that outside Greater London the council of a county or metropolitan district is the highway authority for all highways in the county or, as the case may be, the district, whether or not maintainable at the public expense, which are not highways for which the Minister or a strategic highways company is the highway authority.

(13) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by [S.I. 2010/1158](#).

(14) 1996 c. 56. Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by [S.I. 2010/1158](#).

(15) Section 15A was inserted by section 140 of, and paragraph 63 of Schedule 30 to, the School Standards and Framework Act 1998 (c. 31) and was amended by section 149 of, and paragraph 54 of Schedule 9 to, the Learning and Skills Act 2000 (c. 21); section 59 of, and paragraph 4 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009; section 82 of, and paragraph 6 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(16) Section 15B was inserted by section 149 of, and paragraph 55 of Schedule 9 to, the Learning and Skills Act 2000 and was amended by section 82 of, and paragraph 7 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(17) Section 10 was amended by [S.I. 2010/1158](#).

Section 12 was amended by [S.I. 2010/1158](#).

- (a) in subsection (1)—
  - (i) the reference to a Minister of the Crown were a reference to the Combined Authority,
  - (ii) the reference to a local authority in England were a reference to a constituent council,
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;
- (d) subsection (6) were omitted.

(6) In this article “highways functions” means the functions which are exercisable by a constituent council (in whatever capacity) in relation to the highways for which they are the highway authority(17).

## PART 3

### Education, skills and training functions

#### **Transfer of local authority functions**

1.—(1) The functions of the constituent councils described in the provisions set out in paragraph (2), are exercisable by the Combined Authority in relation to the Area.

(2) The provisions referred to in paragraph (1) are—

- (a) section 51A of the Further and Higher Education Act 1992 (duty to provide for named individuals)(18);
- (b) section 13A of the Education Act 1996 (duty to promote high standards and fulfilment of potential)(19);
- (c) section 15A of the Education Act 1996 (powers in respect of education and training for 16 to 18 year olds)(20);
- (d) section 15B of the Education Act 1996 (functions in respect of education for persons over 19)(21);
- (e) section 10 of the Education and Skills Act 2008 (local authority to promote fulfilment of duty imposed by section 2)(22);
- (f) section 12 of the Education and Skills Act 2008 (duty to make arrangements to identify persons not fulfilling duty imposed by section 2)(23);

---

(12) Section 1(2) of the 1980 Act provides that outside Greater London the council of a county or metropolitan district is the highway authority for all highways in the county or, as the case may be, the district, whether or not maintainable at the public expense, which are not highways for which the Minister or a strategic highways company is the highway authority.

(13) Section 51A was inserted by section 44 of the Apprenticeships, Skills, Children and Learning Act 2009 and was amended by [S.I. 2010/1158](#).

(14) 1996 c. 56. Section 13A was inserted by section 59 of, and paragraph 3 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and amended by section 82 of, and paragraph 4 of Schedule 3 to, the Children and Families Act 2014 (c. 6) and by [S.I. 2010/1158](#).

(15) Section 15A was inserted by section 140 of, and paragraph 63 of Schedule 30 to, the School Standards and Framework Act 1998 (c. 31) and was amended by section 149 of, and paragraph 54 of Schedule 9 to, the Learning and Skills Act 2000 (c. 21); section 59 of, and paragraph 4 of Schedule 2 to, the Apprenticeships, Skills, Children and Learning Act 2009; section 82 of, and paragraph 6 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(16) Section 15B was inserted by section 149 of, and paragraph 55 of Schedule 9 to, the Learning and Skills Act 2000 and was amended by section 82 of, and paragraph 7 of Schedule 3 to, the Children and Families Act 2014 and by [S.I. 2010/1158](#).

(17) Section 10 was amended by [S.I. 2010/1158](#).

(18) Section 12 was amended by [S.I. 2010/1158](#).

- (a) section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)(**24**);
  - (b) section 70 of the Education and Skills Act 2008 (local authorities: supplementary powers)(**25**); and
  - (c) section 85 of the Education and Skills Act 2008 (co-operation as regards provision of 14–19 education and training)(**26**).
- (3) The functions are exercisable concurrently with the constituent councils.
- (4) Any requirement in any enactment for a constituent council to exercise any of the functions referred to in paragraph (1) may be fulfilled by the exercise of that function by the Combined Authority.
- (5) The provisions referred to in paragraph (1) apply to the Combined Authority as they apply to a constituent council.
- (6) Section 10 of the Children Act 2004(**27**) (co-operation to ensure well-being) applies to the Combined Authority as it applies to a constituent council for the purposes of the provision of 14–19 education or training in the Area within the meaning of section 85(5) of the Education and Skills Act 2008.

### **Transfer of functions from the Secretary of State to the Combined Authority in relation to the Area**

1.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009(**28**) are exercisable by the Combined Authority in relation to the Area—

- (a) section 86 (education and training for persons aged 19 or over and others subject to adult detention)(**29**);
  - (b) section 87 (learning aims for persons aged 19 or over: provision of facilities)(**30**); and
  - (c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)(**31**).
- (2) The functions mentioned in paragraph (1) do not include —
- (a) any functions relating to apprenticeship training;
  - (b) any functions relating to persons subject to adult detention; or
  - (c) any power to make regulations or orders.
- (3) The functions mentioned in paragraph (1) are exercisable by the Combined Authority instead of by the Secretary of State.

---

(12) Section 68 was amended by section 28 of the Education Act 2011 (c. 21) and by S.I. 2010/1158.

(13) Section 70 was amended by section 28 of the Education Act 2011 and by S.I. 2010/1158.

(14) Section 85 was amended by S.I. 2010/1158.

(15) 2004 c. 31. Section 10 was amended by section 39 of and paragraph 4 of Schedule 3 to the Offender Management Act 2007 (c. 21), section 169 of and paragraphs 82 and 83 of Part 2 of Schedule 1 to the Education and Skills Act 2008, section 193 and 266 of and Part 5 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009, sections 99 of and paragraphs 330 and 331 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), section 67 of and paragraph 23 of Schedule 16 to the Education Act 2011 (c. 21), section 55 of and paragraphs 127 and 128 of Schedule 5 to the Health and Social Care Act 2012 (c. 7), section 82 of and paragraph 80 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6), and by SI 2010/1158.

(28) 2009 c. 22.

(29) Section 86 was amended by paragraphs 1, 2 and 9 of Part 1 of Schedule 14 to the Deregulation Act 2015 (c.20); by paragraphs 88 and 90 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6); and by section 30 of, and paragraphs 1 and 7 of Schedule 18 to, the Education Act 2011 (c.21).

(30) Section 87 was amended by paragraphs 1 and 10 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraph 91 of Part 2 of Schedule 3 to the Children and Families Act 2014.

(31) Subsection (1) is amended by section 114(2) of the Digital Economy Act 2017 (c. 30), on a date to be appointed. Section 88 was amended by paragraph 11 of Part 1 of Schedule 14 to the Deregulation Act 2015 and by section 73 of the Education Act 2011.

## **Functions of the Secretary of State to be exercisable concurrently with the Combined Authority in relation to the Area**

1.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are exercisable by the Combined Authority in relation to the Area—

- (a) section 90 (encouragement of education and training for persons aged 19 or over and others subject to adult detention)(32); and
- (b) section 100(1) (provision of financial resources)(33).

(2) The functions mentioned in paragraph (1) do not include—

- (a) any function relating to apprenticeships training; or
- (b) any function relating to persons subject to adult detention.

(3) The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State in relation to the Area.

## **Conditions on the exercise of functions mentioned in articles 6 and 7**

2.—(1) The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 in accordance with any direction given by the Secretary of State.

(2) In exercising the functions mentioned in articles 6 and 7, the Combined Authority must have regard to guidance issued by the Secretary of State for the purpose of this article (as amended from time to time or as replaced by a subsequent document)(34).

(3) In subsection (1), “award” has the same meaning as in regulation 2 of the Fees and Awards (England) Regulations 2007(35).

## **Modification of provisions in the Apprenticeships, Skills, Children and Learning Act 2009**

3. For the purpose of the exercise by the Combined Authority of the functions mentioned in articles 6 and 7, sections 86 to 88, 90, 100, 101, 103, 115 and 121 of the Apprenticeships, Skills, Children and Learning Act 2009 apply in relation to the Combined Authority with the modifications set out in Schedule 1.

---

(30) Section 90 was amended by paragraphs 5 and 20 of Part 2 of Schedule 1, and paragraphs 1 and 12 of Part 1 of Schedule 14, to the Deregulation Act 2015.

(31) Section 100 was amended by section 27 of the Enterprise Act 2016 (c. 12); by Schedules 1 and 14 to the Deregulation Act 2015; and by paragraphs 1 and 9 of Schedule 18 to the Education Act 2011.

(32) The Secretary of State’s guidance was published on 23rd July 2018 and is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/730012/The\\_exercise\\_of\\_devolved\\_adult\\_education\\_functions.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/730012/The_exercise_of_devolved_adult_education_functions.pdf). Copies are available on request from the Department for Education, 20 Great Smith Street, London SW1P 3BT.

(35) S.I. 2007/779, as amended by S.I. 2007/2263, S.I. 2010/1172, S.I. 2010/1941, S.I. 2011/87, S.I. 2011/1043, S.I. 2011/1987, S.I. 2012/765, S.I. 2012/956, S.I. 2012/1653, S.I. 2015/971, S.I. 2016/584, S.I. 2017/114, and S.I. 2018/137.

## PART 4

### Housing and regeneration

#### Housing and regeneration

1. —(1) The functions of the Homes and Communities Agency (“HCA”) which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)(36);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc); and
- (j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

(2) The Combined Authority must exercise the functions described in the provisions specified in paragraph (1) for the purposes of, or for purposes incidental to the objective of—

- (a) improving the supply and quality of housing in the Area;
- (b) securing the regeneration or development of land or infrastructure in the Area;
- (c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and
- (d) contributing to the achievement of sustainable development and good design in the Area, with a view to meeting the needs of people living in the Area.

(3) The functions described in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA; and
- (b) subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(5) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under those functions as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 2.

---

(36) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015.

## PART 5

### Mayoral development corporation

#### Mayoral development corporation

1. —(1) The Combined Authority has, in relation to the Area, functions corresponding to the functions described in the provisions in the 2011 Act referred to in paragraph (2), that the Mayor of London has in relation to Greater London.

(2) The provisions in the 2011 Act referred to in paragraph (1) are—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation)(<sup>37</sup>);
- (d) section 202 (functions in relation to town and country planning);
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities)(<sup>38</sup>);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance by the Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

#### Application of provisions in the 2011 Act

2. —(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as it applies in relation to the Mayor of London, with the modifications made by Schedule 3.

(2) Chapter 2 of Part 8 of the 2011 Act applies in relation to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by Schedule 3.

(3) Subject to paragraph (6), in any enactment (whenever passed or made)—

- (a) any reference to a Mayoral development corporation; or
  - (b) any reference which falls to be read as a reference to a Mayoral development corporation,
- is to be treated as including a reference to a Corporation.

---

(37) Section 200 was amended by section 151(1) of, and paragraphs 174 and 178 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014 (c. 14).

(38) Section 216(4) was amended by section 151(1) of, and paragraphs 174 and 179 of Part 2 of Schedule 4 to, the Co-operative and Community Benefit Societies Act 2014.

(4) For the purposes of any transfer scheme relating to a Corporation, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 200(1) or (4) or 216(1)) applies in relation to—

- (a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme; or
- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme,

as it applies in relation to a Mayoral development corporation.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions), or 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by this Order, section 235 of the 2011 Act (orders and regulations) applies in relation to—

- (a) the power of a Minister of the Crown to make an order under sections 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and
- (b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

as it applies in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under sections 199(4), 202(8) and 214(6) of the 2011 Act) or in relation to the transfer of land to or from a Mayoral development corporation.

(6) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(**39**);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(**40**);
- (c) section 38 of the 1999 Act (delegation)(**41**);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(**42**);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(**43**);
- (f) section 73 of the 1999 Act (monitoring officer)(**44**);
- (g) section 403B of the 1999 Act (acquisition of land by MDC and TFL for shared purposes)(**45**);

---

(36) [1996 c. 61](#). Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

(37) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 and by [S.I. 2012/1530](#).

(38) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 ([c. 27](#)) and article 2 of [S.I. 2012/1530](#).

(39) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 ([c. 24](#)) and amended by section 224 of the Planning Act 2008 ([c. 29](#)), section 20 of the Police Reform and Social Responsibility Act 2011, paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of [S.I. 2008/2038](#).

(40) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(41) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007, paragraphs 36 and 38 of Schedule 19, paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the 2009 Act and paragraphs 1 and 5 of Part 1 to the Schedule to [S.I. 2000/1435](#).

(42) Section 403B was inserted by section 36(1) and (2) of the Neighbourhood Planning Act 2017.



- (a) section 424 of the 1999 Act (interpretation)(46);
- (b) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(47); and
- (c) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(48).

(7) In this article “transfer scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

### **Mayoral development corporation: incidental provisions**

1. —(1) The following provisions of the 1989 Act apply in relation to a Corporation as if it were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(49), and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction)(50) so far as they have effect for the purposes of that section.

(2) Section 5 of the 1989 Act (designation and reports of monitoring officer)(51) applies in relation to the Combined Authority as if a Corporation were a committee of the Combined Authority.

(3) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation but as if—

- (a) each reference to a functional body were a reference to a Corporation;
- (b) each reference to the Greater London Authority were a reference to the Combined Authority;
- (c) each reference to the Mayor of London were a reference to the Mayor; and
- (d) subsection (7) were omitted.

- 
- (36) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
  - (37) 2004 c. 5. Section 24 was amended by paragraph 15 of Schedule 5 and paragraph 1 of Part 4 of Schedule 7 to the 2009 Act and by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.
  - (38) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.
  - (39) Section 1 was amended by section 80 of the Local Government Act 1972, Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24), paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and by section 123 of and paragraph 61 of Schedule 1 to the Policing and Crime Act 2017 (c. 3).
  - (40) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 and amended by Part 1 of Schedule 7 to the 2009 Act and paragraph 4 of Part 1 of Schedule 25 to the 2011 Act.
  - (41) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates' Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 2000 (c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011, sections 6 and 9 of and paragraph 63 of Schedule 1 and paragraph 88 of Schedule 2 to the Policing and Crime Act 2017 and articles 1(2), 2(l) and 23(1)(a) to (f) of SI 2001/2237.



## PART 6

### Mayoral functions and funding

#### Functions exercisable only by the Mayor

1. —(1) The functions of the Combined Authority set out in paragraph (2) are general functions exercisable only by the Mayor(52).

(2) The functions referred to in paragraph (1) are the functions of the Combined Authority corresponding to the functions in the following enactments—

(a) sections 197, 199, 200, 202, 204, 214 to 217, 219 to 221 of and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the 2011 Act; and

(b) section 31 of the 2003 Act.

(3) Any exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the 2011 Act requires the consent of—

(a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area; or

(b) substitute members acting in place of those members.

(4) Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of—

(a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area; or

(b) substitute members acting in place of those members.

(5) Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

(a) the Peak District National Park Authority if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park; and

(b) each member of the Combined Authority appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the Combined Authority proposes to exercise the functions.

(6) For the purposes of the exercise of the general function mentioned in paragraph (2)(b)—

(a) the Mayor must consult the Combined Authority before exercising the function; and

(b) members and officers may assist the Mayor in the exercise of the function.

(7) Subject to paragraphs (8) and (9), the Mayor may do anything that the Combined Authority may do under Chapter 1 of Part 1 of the 2011 Act (general powers of authorities) for the purposes of the exercise by the Mayor of general functions.

---

(37) Section 107D(2) of the 2009 Act provides that in Part 6 of that Act references to “general functions”, in relation to a Mayor for the area of a combined authority, are to any functions exercisable by the Mayor other than police and crime commissioner functions.

(8) Any exercise by the Mayor of the general power conferred by paragraph (7) which involves the transfer of property, rights and liabilities of the Combined Authority to or from any of the constituent authorities requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils, or
- (b) substitute members acting in place of those members.

(9) Any exercise by the Mayor of the general power conferred by paragraph (7) which involves the preparation and publication of a document including a statement formulating the Mayor's strategy for spatial development in the Area requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils, or
- (b) substitute members acting in place of those members.

(10) For the purpose of paragraphs (3), (4), (5)(b), (8) and (9), the consent must be given at a meeting of the Combined Authority.

### **Political advisers**

1. —(1) The Mayor may appoint one person as the Mayor's political adviser.

(2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.

(3) No appointment under paragraph (1) may extend beyond—

- (a) the term of office for which the Mayor who made the appointment was elected; or
- (b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups<sup>(53)</sup>), apply in relation to an appointment under paragraph (1) as if—

- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
- (b) the Combined Authority were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words "and that the appointment terminates" to the end of that subsection were omitted.

### **Funding**

2. —(1) Subject to paragraphs (2) and (5), the constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions specified in article 14(1), to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning

---

(36) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 and by [S.I. 2001/2237](#). There are other amendments not relevant to this Order.

such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in accordance with the proportion to the total resident population of the Combined Authority which resides in the area of each constituent council at the relevant date as estimated by the Statistics Board<sup>(54)</sup>.

(4) In relation to the expenditure mentioned in paragraph (2)—

(a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—

(i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and

(ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred; and

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992 is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport must be met by means of a levy issued by the Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992<sup>(55)</sup>.

(6) For the purposes of paragraph (3) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the financial year in which such payment is made.

## PART 7

### Additional functions

#### General power of competence

1. Chapter 1 of Part 1 of the 2011 Act (general powers of authorities) has effect in relation to the Combined Authority as it has effect in relation to a local authority<sup>(56)</sup>.

## PART 8

### Amendment of the 2014 Order

#### Amendment of the 2014 Order

2. Article 5 (funding) of the 2014 Order is omitted.

3. —(1) Schedule 1 (constitution) to the 2014 Order is amended as set out in the following paragraphs.

(2) Paragraph 2 (chairman and vice-chairman) is omitted.

(3) In paragraph 3 (proceedings), after sub-paragraph (6) insert—

---

(36) Section 25 of the Statistics and Registration Service Act 2007 (c. 18) provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (c. 37).

(55) S.I. 1992/2789.

(56) Section 113D of the 2009 Act as inserted by section 10 of the 2016 Act enables the Secretary of State by order to confer the general power of competence, found in Chapter 1 of Part 1 of the 2011 Act, on a combined authority.

“(7) Questions relating to the functions conferred by Parts 2 to 5 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 cannot be carried without a vote in favour by the Mayor or the deputy Mayor acting in place of the Mayor.”.

(4) In paragraph 4 (committees)—

(a) in subparagraph (2), omit “and non-constituent councils”; and

(b) in subparagraph (6), omit “the overview and scrutiny committee, or to”.

(5) At the start of paragraph 7 (remuneration), insert “Subject to paragraphs 7A and 7B”.

(6) After paragraph 7 (remuneration), insert—

**“7A.** Paragraphs 7B and 7C apply in relation to allowances payable other than allowances for travel and subsistence.

**7B.**—(1) The Combined Authority may establish an independent remuneration panel who may make recommendations to the Combined Authority and to the constituent councils regarding the allowances payable to—

(a) the Mayor; and

(b) the Deputy Mayor.

(2) An independent remuneration panel must consist of at least three members none of whom—

(a) is also a member of the Combined Authority or is a member of a committee or sub-committee of the Combined Authority or a member of a constituent council of the Combined Authority; or

(b) is disqualified from being or becoming a member of the Combined Authority.

(3) The Combined Authority may pay the expenses incurred by the independent remuneration panel established under paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.

**7C.** The Combined Authority may only pay an allowance to the Mayor or to the Deputy Mayor if—

(a) the Combined Authority has considered a report published by the independent remuneration panel established under paragraph 7A which contains recommendations for such an allowance; and

(b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.”.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Modification of provisions of the Apprenticeships, Skills, Children  
and Learning Act 2009 in their application to the Combined Authority

1. Section 86 has effect as if—
  - (a) in subsection (1), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”;
  - (b) subsection (1)(b) were omitted but not “and” at the end;
  - (c) in subsection (1)(c), for “paragraphs (a) and (b)”, there were substituted “paragraph (a)”;
  - (d) in subsection (5), the words “(except so far as relating to facilities for persons subject to adult detention)” were omitted;
  - (e) in subsection (6), paragraph (c) in the definition of “training” were omitted; and
  - (f) in subsection (7), the words “or (b)” were omitted.
2. Section 87 has effect as if for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
3. Section 88 has effect as if in subsections (1), (2)(b), (2A), (3), (4)(b) and (6)(a) for each reference to “Secretary of State”, there were substituted a reference to “Combined Authority”.
4. Section 90 has effect as if—
  - (a) in subsection (1), for the first reference to “Secretary of State”, there were substituted a reference to “Combined Authority”;
  - (b) in subsection (1)(a), for “section 86(1)(a) and (b)”, there were substituted “section 86(1)(a)”;
  - (c) in subsection (1)(a), (b) and (c) for each reference to “Secretary of State’s remit” there were substituted the words “Combined Authority’s remit”.
5. Section 100 has effect as if—
  - (a) in subsection (1), for the reference to “Secretary of State” there were substituted “Combined Authority”;
  - (b) in subsection (1)(a), for the reference to “Secretary of State’s remit” there were substituted “Combined Authority’s remit”;
  - (c) in subsection (3), for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
  - (d) in subsection (4), for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
6. Section 101(57) has effect as if for each reference to “Secretary of State” there were substituted a reference to “Combined Authority”.
7. Section 103(58) has effect as if—
  - (a) for the reference to “Secretary of State” there were substituted a reference to “Combined Authority”; and
  - (b) the words “or (1A)” were omitted.
8. Section 115(59) has effect as if—

(56) Section 101 was amended by paragraphs 3 and 14 of Part 1 of Schedule 14 to the Deregulation Act 2015.

(57) Section 103 was amended by paragraphs 4 and 16 of Part 1 of Schedule 14 to the Deregulation Act 2015.

(58) Section 115 was amended by paragraph 23 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 88 and 93 of Part 2 of Schedule 3 to the Children and Families Act 2014 (c. 6).

- (a) for the reference to “Secretary of State”, there were substituted “Combined Authority”;
  - (b) in subsection (2)(a), the word “, and” were omitted; and
  - (c) in subsection (2), paragraph (b) were omitted.
1. Section 121(60) has effect as if—
- (a) in subsection (1), there were added at the appropriate place—
    - ““Combined Authority” means the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority, a body corporate established under the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;”;
  - (b) in subsection (2)—
    - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
    - (ii) in paragraph (a), the words “or (b)” were omitted; and
  - (c) in subsection (3)—
    - (i) for the reference to “Secretary of State’s remit”, there were substituted the words “Combined Authority’s remit”; and
    - (ii) paragraphs (a) and (aa) were omitted.

## SCHEDULE 2

Article 10

### PART 1

#### Modification of the application of Chapter 2 of Part 1 of the 2008 Act

1.—(1) Chapter 2 of Part 1 of the 2008 Act applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, have effect as if for each reference to—

- (a) “the HCA” there were substituted a reference to “the Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 4 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020”; and
- (c) land acquired or held by the HCA there were substituted a reference to land acquired or held by the Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Combined Authority”;

- (4) Section 57(1) of the 2008 Act is to have effect as if before “develop” there were inserted—
  - ““Combined Authority” means the body corporate established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;”.

---

(56) Subsection (1) is amended by paragraphs 1 and 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19) on a date to be appointed. Section 121 was amended by paragraph 22 of Part 1 of Schedule 1 and paragraph 27 of Part 1 of Schedule 14 to the Deregulation Act 2015; and by paragraphs 1 and 12 of Schedule 18 to the Education Act 2011 (c.21).

## PART 2

### Modification of the application of Schedules 2 to 4 to the 2008 Act

1.—(1) Schedules 2 to 4 to the 2008 Act apply in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) has effect as if for every reference to “section 9” of that Act there were substituted a reference to “article 10 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020”.

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) is to have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) has effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Combined Authority under article 10 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020.

## SCHEDULE 3

Article 12

### Modification of the application of Part 8 of the 2011 Act

1.—(1) Chapter 2 of Part 8 of the 2011 Act (Mayoral development corporations) applies in relation to the Combined Authority as modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) has effect as if for the definitions of “the Mayor” and “MDC” there were substituted—

““the Area” means the area of the Combined Authority;

“the Combined Authority” means the Combined Authority, established by the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;

“National Park” means a National Park mentioned in column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015; and

“National Park authority” means a National Park authority for a National Park.”.

(3) Sections 197 to 222 of the 2011 Act have effect as if for each reference to—

(a) “the Greater London Authority” there were substituted “the Combined Authority”;

(b) “the Mayor” there were substituted “the Combined Authority” except for the occurrences in sections 197(3)(d) and (e), 199(2), 202(7)(a) and 214(4)(a); and

(c) “MDC” there were substituted “Corporation”.

(4) Section 197 of the 2011 Act (designation of Mayoral development areas) has effect as if—

(a) in subsection (1) for “Greater London” there were substituted “the Area”;

(b) in subsection (3)(a) for, “any one or more of the Greater London Authority’s principal purposes”, there were substituted “economic development and regeneration in the Area”;

(c) in subsection (3)(d)—

- (i) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
    - (ii) for “the Mayor” there were substituted “the Mayor for the Area”; and
    - (iii) for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection (4)(d) or (e)”;
  - (b) in subsection (3)(e)—
    - (i) for “the Mayor” there were substituted “the Mayor for the Area”; and
    - (ii) for “the London Assembly” there were substituted “the Combined Authority”;
  - (c) in subsection (3)(f) for “the London Assembly” there were substituted “the Combined Authority”;
  - (d) in subsection (4)—
    - (i) in paragraph (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
    - (ii) paragraph (b) were omitted;
    - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted “each district council or county council whose local government area”;
    - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the area is within the City” there were substituted “a National Park authority if any part of the area is within a National Park,”;
    - (v) paragraphs (f) and (g) were omitted;
  - (e) in subsection (5)—
    - (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”;
    - (ii) in paragraph (b) for “the London Assembly” there were substituted “the Combined Authority”;
    - (iii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined Authority”;
    - (iv) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
  - (f) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
  - (g) subsection (7) were omitted.
- (3) Section 198 of the 2011 Act (Mayoral development corporations: establishment) has effect as if—
- (a) in the heading for “Mayoral development corporations” there were substituted “Corporations”; and
  - (b) for every reference to “Mayoral development corporation” there were substituted “Corporation”.
- (4) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) has effect as if—



- (a) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
  - (b) in subsection (2) for “the Mayor” there were substituted “the Mayor for the Area”.
- (3) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) has effect as if—
- (a) in subsection (3)—
    - (i) in paragraph (a), for “a London borough council” there were substituted a reference to “a district council or county council wholly or partly in the Area”;
    - (ii) paragraph (b) were omitted;
    - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted a reference to “in the Area”;
    - (iv) paragraphs (f) to (h) were omitted;
    - (v) paragraph (k) were omitted;
  - (b) in subsection (4) paragraph (b) were omitted;
  - (c) subsection (7) were omitted;
  - (d) subsection (8) were omitted; and
  - (e) in subsection (10), the definitions of a “functional body” and “public authority” were omitted.
- (4) Section 201 of the 2011 Act (object and powers) has effect as if subsection (8)(b) were omitted.
- (5) Section 202 of the 2011 Act (functions in relation to town and country planning) has effect as if—
- (a) in subsection (7)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
  - (b) in subsection (7)(c) for “the London Assembly” there were substituted “the members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members)”;
  - (c) in subsection (7), in the definition of “affected authority”, “(f) or (g)” were omitted.
- (6) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) has effect as if—
- (a) for each reference to “a London borough council or the Common Council of the City of London” there were substituted “a district council, county council or a National Park authority”; and
  - (b) in sub-sections (1) and (5), for each reference to “council” there were substituted “council or National Park Authority”.
- (7) Section 207 of the 2011 Act (acquisition of land) has effect as if—
- (a) in subsection (2) for “in Greater London” there were substituted a reference to “in the Area”; and
  - (b) in subsection (3) for “the Mayor of London” there were substituted “the Combined Authority”.
- (8) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) has effect as if—
- (a) in subsection (4)(a) for “the Mayor” there were substituted “the Mayor for the Area”;
  - (b) in subsection (4)(c) for “the London Assembly or an affected local authority” there were substituted “the members of the Combined Authority who are appointed by the constituent

- councils (including substitute members, acting in place of those members) or a district council or county council wholly or partly in the Area”; and
- (a) in subsection (4) the definition of “an affected local authority” were omitted.
- (3) Section 216 of the 2011 Act (transfers of property, rights and liabilities) has effect as if—
- (a) in subsection (2) “, (e)” were omitted; and
- (b) in subsection (4)—
- (i) the definition of “functional body” were omitted; and
- (ii) in the definition of “permitted recipient”—
- (aa) paragraph (b) were omitted,
- (bb) in paragraph (d) for “a London borough council” there were substituted “a district council or county council wholly or partly within the Area”, and
- (cc) paragraph (e) were omitted.
- (4) Schedule 21 of the 2011 Act (Mayoral development corporations) has effect as if—
- (a) for each reference to—
- (i) “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);
- (ii) “the Mayor’s” there were substituted “the Combined Authority’s”;
- (b) for each reference to “an MDC” there were substituted “the Corporation”;
- (c) in paragraph 1(1)—
- (i) for “Mayoral development corporation (“MDC”)” there were substituted “Corporation”;
- (ii) for the reference to “the Mayor of London (“the Mayor”)” there were substituted “the Combined Authority”;
- (d) in paragraph 1(2) for the reference to “each relevant London council” there were substituted a reference to “each relevant district council or county council”;
- (e) in paragraph 1(3)—
- (i) sub-paragraph (a) were omitted; and
- (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council or county council”;
- (f) in paragraph 1(5), for “MDC’s” there were substituted “Corporation’s”;
- (g) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council or county council”;
- (h) in paragraph 3, for “MDC’s” there were substituted “Corporation’s”;
- (i) in paragraph 4(4) for “the London Assembly” there were substituted a reference to “the Combined Authority”;
- (j) in paragraph 9(c) for “each relevant London council” there were substituted “each relevant district council or county council”; and
- (k) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the conferral of functions of local authorities and other public authorities on the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (“the Combined Authority”).

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under section 105 of the 2009 Act, and power to exercise specified functions of any other public authority under section 105A of the 2009 Act.

Part 2 of the Order concerns the transport functions of the Combined Authority. Article 4 provides for the Combined Authority to pay a grant under section 31 of the Local Government Act 2003 to constituent councils in respect of any of their functions, which is exercisable concurrently with a Minister of the Crown.

Article 5 of the Order confers on the Combined Authority functions of the constituent councils in relation to education, skills and training to be exercisable by the Combined Authority in the Combined Authority’s area concurrently with the constituent councils. Article 6 of the Order provides for the transfer to the Combined Authority of adult education functions under section 86 to 88 of the Apprenticeships, Skills, Children and Learning Act 2009, with the exception of such functions relating to apprenticeships training, persons subject to adult detention or any power to make regulations or orders. The transferred functions will be exercisable by the Combined Authority instead of by the Secretary of State in relation to the area of the Combined Authority.

Article 7 also provides for the functions of the Secretary of State under section 90 of the Apprenticeships, Skills, Children and Learning Act 2009, which relate to the encouragement of education and training for persons aged 19 or over, and under section 100(1) of that Act, which relate to the provision of financial resources, to be exercisable by the Combined Authority in relation to the area. The functions will be exercisable by the Combined Authority concurrently with the Secretary of State.

Article 8 sets conditions on the exercise of the functions mentioned in Articles 6 and 7. The Combined Authority must adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the Apprenticeships, Skills, Children and Learning Act 2009 in accordance with any direction given by the Secretary of State. In addition, in exercising the transferred functions, the Combined Authority must have regard to guidance issued by the Secretary of State (as amended from time to time or replaced by a subsequent document).

Article 9 and Schedule 1 to the Order apply certain provisions of the Apprenticeships, Skills, Children and Learning Act 2009 with modifications to the Combined Authority for the purpose of the Combined Authority exercising the functions conferred on it by articles 6 and 7.

Part 4 of and Schedule 2 to the Order confer on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency.

Part 5 of and Schedule 3 to the Order confer on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 2 to the Order modifies Part 8 of and Schedule 21 to the Localism Act 2011 which makes provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 6 of the Order makes additional provision for the Mayor for the area of the Combined Authority and funding. Article 14 sets out the functions of the Combined Authority which are to be only exercisable by the Mayor, and article 15 provides for the appointment of a political adviser to the Mayor. Article 16 makes provision for the funding, by the constituent councils, of those costs of the Combined Authority that relate to the exercise of its functions. Article 17 makes provision for the funding, by the constituent councils, of the costs of the Combined Authority and the Mayor.

Part 7 of the Order extends to the Combined Authority the general power of competence available to the constituent councils.

Part 8 of the Order provides for amendments to the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014 which establishes the Combined Authority. Article 18 removes the funding provision for the Combined Authority's economic and development and regeneration functions, which is replaced by article 16 of this Order. Article 19 makes provision in the Combined Authority's constitution relating to the Combined Authority's voting arrangements and remuneration.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

## APPENDIX 2 – FINANCIAL REGULATIONS

[Please click here to view the Financial Regulations](#)

## **APPENDIX 3 – CONTRACT PROCEDURE RULES**

[Please click here to view the Contract Procedure Rules](#)

## **APPENDIX 4 – BUSINESS RECOVERY AND GROWTH BOARD – TERMS OF REFERENCE**

### **1. Purpose of the Role**

1.8 The purpose of the Business Recovery and Growth Board is to provide leadership, development of policy and the delivery of a programme of activity aligned to the priorities of the Strategic Economic Plan, the Recovery Action Plan and other approved strategies associated with business support and business growth.

1.9 The role of the Business Recovery and Growth Board is to:

- Shape future policy development and priorities on issues related to business recovery, innovation, enterprise and growth
- Develop new business recovery and growth programmes
- Make investment decisions up to £2 million within the agreed budget and policy on business recovery and growth, as delegated by the Mayoral Combined Authority (MCA)
- Accept grants with a value of less than £2 million
- Monitor programme delivery and performance on business recovery and growth
- Monitor the performance of services provided to support business and develop trade and investment opportunities
- Receive reports from the Growth Hub Board.

### **2. Responsibilities**

2.7 The Business Recovery and Growth Board is responsible for:

#### ***Funding***

- Approving, deferring or rejecting funding applications for business recovery and growth projects that fall within the financial limit of delegated authority, and which are within the budgets agreed by the MCA and Local Enterprise Partnership (LEP)
- Making recommendations to the MCA to approve, defer or reject funding applications for business recovery or business growth projects in the that exceed the financial limit of delegated authority, and which are within relevant budgets
- Making recommendations to approve, defer or reject applications for business recovery or business growth projects to form part of a project pipeline where relevant.

#### ***Strategy and Policy***

- Ensuring that business recovery and growth policies developed by the Board and agreed by the MCA and LEP are enacted effectively through appropriate investments
- Reviewing economic intelligence and evidence of regional economic performance on business recovery and growth and identifying propositions to accelerate growth
- Developing and managing relationships with key stakeholders and partners.

### ***Programme Delivery***

- Commissioning of activity to deliver and implement the priorities on business recovery and growth
- Monitoring business recovery and growth programmes and project delivery
- Overseeing the management and development of the Growth Hub through the Growth Hub Board.

### ***Performance and Risk Management***

- Reviewing project performance, outputs and outcomes
- Identifying and recommending mitigations for any programme risks or poor performance
- Escalating any strategic, policy or programme risks to the MCA and LEP.

## **3. Delegated Authority**

10.2 In order to enact its responsibilities, the Business Recovery and Growth Board will have delegated authority from the MCA to approve investment decisions for agreed pipeline projects up to £2 million.

10.3 The Business Recovery and Growth Board will have delegated authority to accept grants with a value of less than £2 million.

10.4 The Business Recovery and Growth Board will have delegated authority to accept a tender or quotation for the supply of goods, materials or services for which financial provision has been made in the Authority's Revenue Budget up to a limit of £200,000.00 in value for any one transaction.

10.5 The Business Recovery and Growth Board may refer a matter or decision within their delegated authority to the MCA or LEP.

## **4. Membership**

11.1 The Business Recovery Growth Board will be co-chaired by the MCA portfolio lead for Business Recovery and Growth and a private sector LEP Board member.

11.2 Membership of the Business Recovery Growth Board will comprise of:



- One Leader, who is the portfolio lead, from an MCA constituent Local Authority, who will co-Chair the Board;
- A nominated elected member representative for each of the constituent Local Authorities;
- A lead Chief Executive from a constituent Local Authority
- Two private sector LEP Board members, one of whom will co-Chair the Board; and
- The MCA Head of Paid Service (or their nominated representative).

11.3 Elected Members can nominate a deputy to attend meetings of the Board in their absence. All deputies must be named, elected members and must complete a Register of Interests Form.

11.4 Each of the non-constituent Local Authorities can nominate an elected member to attend and participate in the meetings but not vote.

## **5. Frequency**

12.1 The Business Recovery and Growth Board will meet on an eight-weekly cycle.

## **6. Secretariat**

13.1 The MCA Executive Team will provide the secretariat for the Business Recovery and Growth Board.

13.2 Papers and presentations for Board meetings will be circulated to Board members five clear working days in advance of the meeting.

## **7. Attendance**

14.1 Consistent attendance at the Business Growth Board meetings is essential and attendance will be recorded.

## **8. Quorum**

15.1 Meetings of the Business Recovery and Growth Board will be quorate when five members are present and provided that there are at least 2 constituent Local Authority elected member representatives and one LEP member present. A member who is obliged to withdraw under the Code of Conduct for Members shall not be counted towards the quorum.

15.2 A Board member may be counted in the quorum if they are able to participate in the meeting by remote means e.g. telephone, video or electronic link and remain available for the discussion and decision items on the agenda.

## **9. Decision Making**

16.1 Board decisions are legally taken by the Head of Paid Service (or their nominated representative) in consultation with the co-Chairs of the Board. By protocol, decisions will not be taken unless there is Board consensus for the decision.

Where consensus cannot be reached the issue will be escalated to the MCA and/or the LEP as appropriate for final decision.

- 16.2 Decisions made by the Business Recovery and Growth Board will be presented to the MCA in a written Delegated Decisions Report at the next meeting. As the delegating body, the MCA will have the right to review or amend decisions made by the Business Growth Board where such decision has not been acted upon subject to giving due reason for doing so.

## **10. Conflicts of Interest**

### ***Register of Interests***

- 17.1 All Board Members and deputies must complete a Register of Interests Form within 28 days of being appointed to the Business Recovery and Growth Board. This must disclose any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) for the Member, their spouse, their civil partner or partner. Completed Register of Interests Forms for all Board Members are published on the website.
- 17.2 It is the responsibility of every Business Recovery and Growth Board Member to ensure that their Register of Interests Form is up-to-date and declare any new interests within 28 days of this being known.
- 17.3 Interests declared by Business Recovery and Growth Board Members will be listed on the Register of Members' Interests and published on the website.

### ***Declarations of Interest at Board Meetings***

- 17.4 It is the responsibility of Board members to declare any disclosable pecuniary interest (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) and any other personal interests whether financial or non-financial in specific agenda items at the start of each Business Recovery and Growth Board meeting.

## **11. Urgent Decisions between Meetings**

- 18.1 This procedure is to be used only by exception.
- 18.2 When an urgent matter or decision falls outside the parameters of the meeting cycle, the Business Recovery and Growth Board will be permitted to make decisions through this procedure. If the matter is a Key Decision the procedure in Part 5B (Access to Information Procedure Rules) of the Constitution also needs to be complied with.
- 18.3 The Head of Paid Service (or their nominated representative), in consultation with the Chairs of the Business Recovery and Growth Board, will contact Board Members by email to notify them of the following:
- Details of the matter requiring comment and/or decision;

- The name of the person or persons making or putting forward the proposal/decision;
- The reason why the matter cannot wait until the next Board; and
- The date responses are required by.

Two working days after the close of responses, the following will be circulated to all Board Members:

- The outcome of the decision taken (noting that for a decision to be agreed the unanimous agreement of all those Board Members that respond by the date set for responses is needed);
- The date when any decision comes into effect; and
- Any mitigating action taken to address stated views or concerns.

18.4 Decisions and actions taken will be retrospectively reported to the next meeting of the Business Recovery and Growth Board and MCA in accordance with paragraph 9.2 above.

## **12. Advisory Groups**

19.1 The Growth Hub Board will be an advisory board to the Business Recovery and Growth Board. The Business Recovery and Growth Board will approve changes to the advisory board terms of reference and will receive regular reports from the Growth Hub Board Chair.

19.2 The Business Recovery and Growth Board will be supported in making investment decisions by an independent Appraisal Panel. The Appraisal Panel will assess all applications for funding and will present their findings and recommendations to the Board on whether the application should be approved, deferred or rejected.

19.3 The Business Recovery and Growth Board is permitted to form Task and Finish groups of key stakeholders and advisors to assist in the management and monitoring of individual programmes or projects. Any such groups are purely advisory and must submit reports to the Business Recovery and Growth Board.

## **13. Transparency**

### ***Key Decisions***

20.1 Key decisions to be taken by the Business Recovery and Growth Board will be published in the Forward Plan of Key Decisions on the website 28 days in advance of the decision being made.

20.2 Questions and comments submitted by the public on the pending decisions will be notified to the Business Recovery and Growth Board and will be responded to in writing.

### ***Meeting Papers***

- 20.3 Agendas and papers for the Business Recovery and Growth Board will be published on the website at least five clear working days before the meeting date.

### ***Exemptions***

- 20.4 Where reports or information for Board meetings is exempt from disclosure under Section 12A of the Local Government Act 1972 or the Freedom of Information Act 2000, these papers will either be reserved or specific information in the paper will be redacted.
- 20.5 Reserved papers and reports can still be requested under the Freedom of Information Act. Requests will be considered on a case by case basis (taking into consideration such factors as timing, any applicable exemptions and the public interest test).

### ***Meeting Record***

- 20.6 Draft minutes will be published on the website within ten clear working days of the Business Recovery and Growth Board meeting taking place. The meeting record (approved minutes) will be published on the website within ten clear working days of the subsequent Business Recovery and Growth Board meeting.

## **14. Amendments to Terms of Reference**

- 21.1 These Terms of Reference will be reviewed annually. Any changes will be approved by the MCA and LEP Boards.

## **APPENDIX 5 – EDUCATION, SKILLS AND EMPLOYABILITY BOARD – TERMS OF REFERENCE**

### **1. Purpose and Role**

1.1 The purpose of the Education, Skills and Employability Board is to provide leadership, the development of policy and the delivery of activity aligned to the priorities of the Strategic Economic Plan, the Recovery Action Plan and other approved strategies associated with education, skills and employability.

1.2 The role of the Education, Skills and Employability Board is to:

- Shape future policy development and priorities on issues related to education, skills and employment
- Develop new education, skills and employment programmes
- Make investment decisions up to £2 million within the agreed budget and policy on education, skills and employment, as delegated by the Mayoral Combined Authority (MCA)
- Accept grants with a value of less than £2 million
- Monitor programme delivery and performance on skills and employment.
- Act as the Programme Board for Adult Education Budget delivery

### **2. Responsibilities**

2.1 The Education, Skills and Employability Board is responsible for:

#### ***Funding***

- Approving, deferring or rejecting funding applications for education, skills and employment projects that fall within the financial limit of delegated authority, and which are within the education, skills and employment budgets agreed by the MCA and, where appropriate, Local Enterprise Partnership (LEP);
- Making recommendations to the MCA to approve, defer or reject funding applications for education, skills and employment projects that exceed the financial limit of delegated authority, and which are within the education, skills and employment budget; and
- Making recommendations to approve, defer or reject funding applications for education, skills and employment projects to form part of the project pipeline where relevant.
- Commissioning adult education provision and allocating funding to grant funded providers, monitoring performance

#### ***Strategy and Policy***

- Ensuring that education, skills and employment policies developed by the Board and agreed by the MCA and LEP are enacted effectively through

appropriate investments including provision funded through the Adult Education Budget

- Reviewing economic intelligence and evidence of economic performance on skills and employment (e.g. qualification levels, attainment, unemployment) and identifying propositions to accelerate growth
- Developing and managing relationships with key stakeholders and partners

### ***Programme Delivery***

- Commissioning of activity to deliver and implement priorities on education, skills and employment
- Monitoring education, skills and employment programme and project delivery including provision funded by the Adult Education Budget.

### ***Performance and Risk Management***

- Reviewing project performance, outputs and outcomes
- Identifying and recommending mitigations for any programme risks or poor performance
- Escalating any strategic, policy or programme risks to the MCA and LEP Boards

## **3. Delegated Authority**

- 3.1 In order to enact its responsibilities, the Education, Skills and Employability Board will have delegated authority from the MCA to approve investment decisions for agreed pipeline projects up to £2 million.
- 3.2 The Education, Skills and Employability Board will have delegated authority to accept grants with a value of less than £2 million.
- 3.3 The Education, Skills and Employability Board will have delegated authority to accept a tender or quotation for the supply of good, materials or services for which financial provision has been made in the Authority's Revenue Budget up to a limit of £200,000.00 in value for any one transaction.
- 3.4 The Education, Skills and Employability Board may refer a matter or decision within their delegated authority to the MCA or LEP.

## **4. Membership**

- 4.1 The Education, Skills and Employability Board will be co-chaired by the MCA portfolio lead for education, skills and employability and a private sector LEP Board member.
- 4.2 Membership of the Education, Skills and Employability Board will comprise:
  - One Leader, who is the portfolio lead, from an MCA constituent Local Authority who will co-Chair the Board
  - A nominated representative for each of the constituent Local Authorities

- A lead Chief Executive from a constituent Local Authority
  - Two private sector LEP Board members, one of whom will co-Chair the Board
  - The MCA Head of Paid Service (or their nominated representative)
- 4.3 Elected members can nominate a deputy to attend meetings of the Board in their absence. All deputies must be named, elected members and must complete a Register of Interests Form.
- 4.4 Each of the non-constituent Local Authorities can nominate an elected member to attend and participate in the meetings but not vote.

## **5. Frequency**

- 5.1 The Education, Skills and Employability Board will meet on an eight-weekly cycle.

## **6. Secretariat**

- 6.1 The MCA Executive Team will provide the secretariat for the Education, Skills and Employability Board.
- 6.2 Papers and presentations for Board meetings will be circulated to Board members five clear working days in advance of the meeting.

## **7. Attendance**

- 7.1 Consistent attendance at the Education, Skills and Employability Board meetings is essential, and attendance will be recorded.

## **8. Quorum**

- 8.1 Meetings of the Education, Skills and Employability Board will be quorate when five members are present and provided that there are at least 2 constituent Local Authority elected member representatives and one LEP member present. A member who is obliged to withdraw under the Code of Conduct for Members shall not be counted towards the quorum.
- 8.2 A Board member may be counted in the quorum if they are able to participate in the meeting by remote means e.g. telephone, video or electronic link and remain available for the discussion and decision items on the agenda.

## **9. Decision Making**

- 9.1 Board decisions are legally taken by the Head of Paid Service (or their nominated representative) in consultation with the co-Chairs of the Board. By protocol, decisions will not be taken unless there is Board consensus for the decision. Where consensus cannot be reached the issue will be escalated to the MCA and/or the LEP as appropriate for final decision.

- 9.2 Decisions made by the Education, Skills and Employability Board will be presented to the MCA Board in a written Delegated Decisions Report at the next meeting. As the delegating body, the MCA will have the right to review or amend decisions made by the Education, Skills and Employability Board where such decision has not been acted upon subject to giving due reason for doing so.

## **10. Conflicts of Interest**

### ***Register of Interests***

- 10.1 All Board Members and deputies must complete a Register of Interests Form within 28 days of being appointed to the Education, Skills and Employability Board. This must disclose any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) for the Member, their spouse, their civil partner or partner. Completed Register of Interests Forms for all Board Members are published on the website.
- 10.2 It is the responsibility of every Education, Skills and Employability Board Member to ensure that their Register of Interests Form is up-to-date and declare any new interests within 28 days of this being known.
- 10.3 Interests declared by Education, Skills and Employability Board Members will be listed on the Register of Members' Interests and published on the website.

### ***Declarations of Interest at Board Meetings***

- 10.4 It is the responsibility of Board members to declare any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) and any other personal interests whether financial or non-financial in specific agenda items at the start of each Education, Skills and Employability Board meeting.

## **11. Urgent decisions between meetings**

- 11.1 This procedure is to be used only by exception.
- 11.2 When an urgent matter or decision falls outside the parameters of the meeting cycle, the Education, Skills and Employability Board will be permitted to make decisions through this procedure. If the matter is a Key Decision the procedure in Part 5B (Access to Information Procedure Rules) of the Constitution also needs to be complied with.
- 11.3 The Head of Paid Service (or their nominated representative), in consultation with the Chairs of the Education, Skills and Employability Board, will contact Board Members by email to notify them of the following:
- Details of the matter requiring comment and/or decision;
  - The name of the person or persons making or putting forward the proposal/decision
  - The reason why the matter cannot wait until the next Board; and



- The date responses are required by.

Two working days after the close of responses, the following will be circulated to all Board Members:

- The outcome of the decision taken noting that for a decision to be agreed the unanimous agreement of all those Board Members that respond by the date set for responses is needed;
- The date when any decision comes into effect; and
- Any mitigating action taken to address stated views or concerns.

11.4 Decisions and actions taken will be retrospectively reported to the next meeting of the Education, Skills and Employability Board and MCA in accordance with paragraph 9.2 above.

## **12. Advisory Groups**

12.1 The Skills Advisory Network Board will be an advisory board to the Education, Skills and Employment Board. The Education, Skills and Employment will approve changes to the advisory board terms of reference and will receive regular reports from the Skills Advisory Network Board Chair.

12.2 The Education, Skills and Employability Board will be supported in making investment decisions an independent Appraisal Panel. The Appraisal Panel will assess all applications for funding and will present their findings and recommendations to the Board on whether the application should be approved, deferred or rejected.

12.3 The Education, Skills and Employability Board is permitted to form Task and Finish groups of key stakeholders and advisors to assist in the management and monitoring of individual programmes or projects. Any such groups are purely advisory and must submit reports to the Education, Skills and Employability Board.

## **13. Transparency**

### ***Key Decisions***

13.1 Key decisions to be taken by the Education, Skills and Employability Board will be published in the Forward Plan of Key Decisions on the website 28 days in advance of the decision being made.

13.2 Questions and comments submitted by the public on the pending decisions will be notified to the Education, Skills and Employability Board and will be responded to in writing.

### ***Meeting Papers***

13.3 Agendas and papers for the Education, Skills and Employability Board will be published on the website at least five clear working days before the meeting date.

### ***Exemptions***

- 13.4 Where reports or information for Board meetings is exempt from disclosure under Section 12A of the Local Government Act 1972 or the Freedom of Information Act 2000, these papers will either be reserved or specific information in the paper will be redacted.
- 13.5 Reserved papers and reports can still be requested under the Freedom of Information Act. Requests will be considered on a case by case basis (taking into consideration such factors as timing, any applicable exemptions and the public interest test).

### ***Meeting Record***

- 13.6 Draft minutes will be published on the website within ten clear working days of the Education, Skills and Employability Board meeting taking place. The meeting record (approved minutes) will be published on the website within ten clear working days of the subsequent Education, Skills and Employability Board meeting.

## **14. Amendments to Terms of Reference**

- 14.1 These Terms of Reference will be reviewed annually. Any changes will be approved by the MCA and LEP.

## **APPENDIX 6 – HOUSING AND INFRASTRUCTURE BOARD – TERMS OF REFERENCE**

### **1. Purpose and Role**

1.1 The purpose of the Housing and Infrastructure Board is to provide leadership, the development of policy and the delivery of a programme of activity aligned to the priorities of the Strategic Economic Plan, the Recovery Action Plan and other approved strategies associated with housing and infrastructure.

1.2 The role of the Housing and Infrastructure Board is to:

- Shape future policy development and priorities on issues related to housing and infrastructure
- Develop new housing and infrastructure programmes
- Make investment decisions up to £2 million within the agreed budget and policy on housing or infrastructure, as delegated by the Mayoral Combined Authority (MCA)
- Accept grants with a value of less than £2 million
- Monitor programme delivery and performance on housing and infrastructure.

### **2. Responsibilities**

2.1 The Housing and Infrastructure Board is responsible for:

#### ***Funding***

- Approving, deferring or rejecting funding applications for housing and infrastructure projects that fall within the financial limit of delegated authority, and which are within the budgets agreed by the MCA and, where appropriate, Local Enterprise Partnership (LEP);
- Making recommendations to the MCA to approve, defer or reject funding applications for housing or infrastructure projects that exceed the financial limit of delegated authority, and which are within the relevant budgets
- Making recommendations to approve, defer or reject applications for housing or infrastructure projects to form part of the project pipeline where relevant.

#### ***Strategy and Policy***

- Ensuring that housing and infrastructure policies developed by the Board and agreed by the MCA and LEP are enacted effectively through appropriate investments

- Reviewing economic intelligence and evidence of economic performance on housing and infrastructure and identifying propositions to accelerate growth
- Developing and managing relationships with key stakeholders and partners

### ***Programme Delivery***

- Commissioning of activity to deliver and implement priorities on housing and infrastructure
- Monitoring housing and infrastructure programme and project delivery
- Overseeing the management of the regions Enterprise Zones.

### ***Performance and Risk Management***

- Reviewing project performance, outputs and outcomes
- Identifying and recommending mitigations for any programme risks or poor performance
- Escalating any strategic, policy or programme risks to the MCA and LEP Boards

2.2 The Transport and Environment Board will be consulted on residential and commercial development projects which incorporate link roads or junction improvements and on developments that promote low carbon and biodiversity net gain requirements (in the context of Modern Methods of Construction) but decisions on such projects will be taken by the Housing and Infrastructure Board.

## **3. Delegated Authority**

- 3.1 In order to enact its responsibilities, the Housing and Infrastructure Board will have delegated authority from the MCA to approve investment decisions for agreed pipeline projects up to £2 million.
- 3.2 The Housing and Infrastructure Board will have delegated authority to accept grants with a value of less than £2 million.
- 3.3 The Housing and Infrastructure Board will have delegated authority to accept a tender or quotation for the supply of good, materials or services for which financial provision has been made in the Authority's Revenue Budget up to a limit of £200,000.00 in value for any one transaction.
- 3.4 The Housing and Infrastructure Board may refer a matter or decision within their delegated authority to the MCA or LEP.

## **4. Membership**

- 4.1 The Housing and Infrastructure Board will be co-chaired by the MCA portfolio lead and a private sector LEP Board member.
- 4.2 Membership of the Housing and Infrastructure Board will comprise:

- One Leader, who is the portfolio lead, from an MCA constituent Local Authority who will co-Chair the Board
  - A nominated elected member representative for each of the constituent Local Authorities
  - A lead Chief Executive from a constituent Local Authority
  - Two private sector LEP Board members, one of whom will co-Chair the Board
  - The MCA Head of Paid Service (or their nominated representative)
- 4.3 Elected members can nominate a deputy to attend meetings of the Board in their absence. All deputies must be named, elected members and must complete a Register of Interests Form.
- 4.4 Each of the non-constituent Local Authorities can nominate an elected member to attend and participate in the meetings but not vote.

## **5. Frequency**

- 5.1 The Housing and Infrastructure Board will meet on an eight-weekly cycle.

## **6. Secretariat**

- 6.1 The MCA Executive Team will provide the secretariat for the Housing and Infrastructure Board.
- 6.2 Papers and presentations for Board meetings will be circulated to Board members five clear working days in advance of the meeting.

## **7. Attendance**

- 7.1 Consistent attendance at the Housing and Infrastructure Board meetings is essential, and attendance will be recorded.

## **8. Quorum**

- 8.1 Meetings of the Housing and Infrastructure Board will be quorate when five members are present and provided that there are at least 2 constituent Local Authority elected member representatives and one LEP member present. A member who is obliged to withdraw under the Code of Conduct for Members shall not be counted towards the quorum.
- 8.2 A Board member may be counted in the quorum if they are able to participate in the meeting by remote means e.g. telephone, video or electronic link and remain available for the discussion and decision items on the agenda.

## **9. Decision Making**

- 9.1 Board decisions are legally taken by the Head of Paid Service (or their nominated representative) in consultation with the co-Chairs of the Board. By protocol, decisions will not be taken unless there is Board consensus for the decision.

Where consensus cannot be reached the issue will be escalated to the MCA and/or the LEP as appropriate for final decision.

- 9.2 Decisions made by the Housing and Infrastructure Board will be presented to the MCA Board in a written Delegated Decisions Report at the next meeting. As the delegating body, the MCA will have the right to review or amend decisions made by the Housing and Infrastructure Board where such decision has not been acted upon subject to giving due reason for doing so.

## **10. Conflicts of Interest**

### ***Register of Interests***

- 10.1 All Board Members and deputies must complete a Register of Interests Form within 28 days of being appointed to the Housing and Infrastructure Board. This must disclose any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) for the Member, their spouse, their civil partner or partner. Completed Register of Interests Forms for all Board Members are published on the website.
- 10.2 It is the responsibility of every Housing and Infrastructure Board Member to ensure that their Register of Interests Form is up-to-date and declare any new interests within 28 days of this being known.
- 10.3 Interests declared by Housing and Infrastructure Board Members will be listed on the Register of Members' Interests and published on the website.

### ***Declarations of Interest at Board Meetings***

- 10.4 It is the responsibility of Board members to declare any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) and any other personal interests whether financial or non-financial in specific agenda items at the start of each Housing and Infrastructure Board meeting.

## **11. Urgent decisions between meetings**

- 11.1 This procedure is to be used only by exception.
- 11.2 When an urgent matter or decision falls outside the parameters of the meeting cycle, the Housing and Infrastructure Board will be permitted to make decisions through this procedure. If the matter is a Key Decision the procedure in Part 5B (Access to Information Procedure Rules) of the Constitution also needs to be complied with.
- 11.3 The Head of Paid Service (or their nominated representative), in consultation with the Chairs of the Housing and Infrastructure Board, will contact Board Members by email to notify them of the following:
- Details of the matter requiring comment and/or decision;

- The name of the person or persons making or putting forward the proposal/decision
- The reason why the matter cannot wait until the next Board; and
- The date responses are required by.

Two working days after the close of responses, the following will be circulated to all Board Members:

- The outcome of the decision taken noting that for a decision to be agreed the unanimous agreement of all those Board Members that respond by the date set for responses is needed;
- The date when any decision comes into effect; and
- Any mitigating action taken to address stated views or concerns.

11.4 Decisions and actions taken will be retrospectively reported to the next meeting of the Housing and Infrastructure Board and MCA in accordance with paragraph 9.2 above.

## **12. Advisory Groups**

12.1 The Joint Assets Board will be an advisory board to the Housing and Infrastructure Board. The Housing and Infrastructure Board will approve changes to the Boards terms of reference and will receive regular reports from the Joint Assets Board Chair.

12.2 The Housing and Infrastructure Board will be supported in making investment decisions by an independent Appraisal Panel. The Appraisal Panel will assess all applications for funding and will present their findings and recommendations to the Board on whether the application should be approved, deferred or rejected.

12.3 The Housing and Infrastructure Board is permitted to form Task and Finish groups of key stakeholders and advisors to assist in the management and monitoring of individual programmes or projects. Any such groups are purely advisory and must submit reports to the Housing and Infrastructure Board.

## **13. Transparency**

### ***Key Decisions***

13.1 Key decisions to be taken by the Housing and Infrastructure Board will be published in the Forward Plan of Key Decisions on the website 28 days in advance of the decision being made.

13.2 Questions and comments submitted by the public on the pending decisions will be notified to the Housing and Infrastructure Board and will be responded to in writing.

### ***Meeting Papers***

- 13.3 Agendas and papers for the Housing and Infrastructure Board will be published on the website at least five clear working days before the meeting date.

### ***Exemptions***

- 13.4 Where reports or information for Board meetings is exempt from disclosure under Section 12A of the Local Government Act 1972 or the Freedom of Information Act 2000, these papers will either be reserved or specific information in the paper will be redacted.
- 13.5 Reserved papers and reports can still be requested under the Freedom of Information Act. Requests will be considered on a case by case basis (taking into consideration such factors as timing, any applicable exemptions and the public interest test).

### ***Meeting Record***

- 13.6 Draft minutes will be published on the website within ten clear working days of the Housing and Infrastructure Board meeting taking place. The meeting record (approved minutes) will be published on the website within ten clear working days of the subsequent Housing and Infrastructure Board meeting.

## **14. Amendments to Terms of Reference**

- 14.1 These Terms of Reference will be reviewed annually. Any changes will be approved by the MCA and LEP.



## **APPENDIX 7 – TRANSPORT AND THE ENVIRONMENT BOARD – TERMS OF REFERENCE**

### **1. Purpose and Role**

1.1 The purpose of the Transport and Environment Board is to provide leadership, the development of policy and the delivery of a programme of activity aligned to the priorities of the Strategic Economic Plan and the Recovery Action Plan and other approved strategies associated with transport and the environment as well as to provide direction for and oversee the performance of South Yorkshire Passenger Transport Executive (SYLTE).

1.2 The role of the Transport and Environment Board is to:

- Oversee the implementation of the Transport Strategy
- Lead the implementation of the Climate Emergency Response Framework
- Shape future policy development and priorities on issues related to transport and the environment
- Develop new transport programmes and environmental programmes
- Make investment decisions within the agreed budget and policy on transport, as delegated by the Mayoral Combined Authority (MCA)
- Accept grants with a value of less than £2 million
- Monitor programme delivery and performance on transport and on the environment
- Oversee the performance of SYLTE in delivering operational transport services and its capital programme and providing SYLTE with political direction.

### **2. Responsibilities**

2.1 The Transport and Environment Board is responsible for:

#### ***Funding***

- Approving, deferring or rejecting funding applications for transport and environment projects that fall within the financial limit of delegated authority, and which are within the education, skills and employment budgets agreed by the MCA and, where appropriate, Local Enterprise Partnership (LEP);
- Making recommendations to the MCA to approve, defer or reject funding applications for projects that exceed the financial limit of delegated authority, and which are within the transport and environment budgets; and
- Making recommendations to the LEP to approve, defer or reject funding applications for transport and environment projects to form a project pipeline where relevant.

- Recommending for approval to the MCA the capital programme of SYPTTE
- Recommending for approval to the MCA the revenue budget of SYPTTE

### ***Strategy and Policy***

- Ensuring that transport and environment policies developed by the Board and agreed by the MCA and LEP are enacted effectively through appropriate investments and by SYPTTE
- Reviewing economic intelligence and evidence of economic performance on transport and on environmental issues
- Developing and managing relationships with key stakeholders and partners

### ***Programme Delivery***

- Commissioning of activity to deliver and implement transport and the environmental priorities
- Monitoring the transport capital programme and project delivery.

### ***Performance and Risk Management***

- Reviewing project performance, outputs and outcomes
- Identifying and recommending mitigations for any programme risks or poor performance
- Escalating any strategic, policy or programme risks to the MCA and LEP Boards

2.2 The Transport and Environment Board will be consulted on commercial and residential development projects which incorporate link roads or junction improvements and on developments that promote low carbon and biodiversity net gain requirements however, decisions on such projects will be taken by the Housing and Infrastructure Board.

## **3. Delegated Authority**

- 3.1 In order to enact its responsibilities, the Transport and Environment Board will have delegated authority from the MCA to approve investment decisions for agreed pipeline projects up to £2 million.
- 3.2 The Transport and Environment Board will have delegated authority to accept grants with a value of less than £2 million.
- 3.3 The Transport and Environment Board may refer a matter or decision with their delegated authority to the MCA or LEP.
- 3.4 The Transport and Environment Board will have delegated authority to accept a tender or quotation for the supply of good, materials or services for which financial provision has been made in the Authority's Revenue Budget up to a limit of £200,000.00 in value for any one transaction.

- 3.5 The Transport and Environment Board has delegated responsibility for the specific transport functions of the MCA listed in Annex 1.

#### **4. Membership**

- 4.1 The Transport and Environment Board will be co-chaired by the MCA portfolio lead for transport and environment and a private sector LEP Board member.
- 4.2 Membership of the Transport and Environment Board will comprise:
- One Leader, who is the portfolio lead, from a constituent Local Authority who will co-Chair the Board
  - A nominated elected member representative for each of the constituent Local Authorities
  - A lead Chief Executive from a Local Authority
  - Two private sector LEP Board members, one of whom will co-Chair the Board
  - The Director General of SYPTE
  - The SCR MCA Head of Paid Service (or their nominated representative)
- 4.3 Elected members can nominate a deputy to attend meetings of the Board in their absence. All deputies must be named, elected members and must complete a Register of Interests Form.
- 4.4 Each of the non-constituent Local Authorities can nominate an elected member to attend and participate in the meetings but not vote.

#### **5. Frequency**

- 5.1 Transport and Environment Board will meet on an eight-weekly cycle.

#### **6. Secretariat**

- 6.1 The MCA Executive Team will provide the secretariat for the Transport and Environment Board.
- 6.2 Papers and presentations for Board meetings will be circulated to Board members five clear working days in advance of the meeting.

#### **7. Attendance**

- 7.1 Consistent attendance at the Transport and Environment Board meetings is essential, and attendance will be recorded.

#### **8. Quorum**

- 8.1 Meetings of the Transport and Environment Board will be quorate when six members are present and provided that there are at least 2 constituent Local Authority elected member representatives and one LEP member present. A

member who is obliged to withdraw under the Code of Conduct for Members shall not be counted towards the quorum.

- 8.2 A Board member may be counted in the quorum if they are able to participate in the meeting by remote means e.g. telephone, video or electronic link and remain available for the discussion and decision items on the agenda.

## **9. Decision Making**

- 9.1 Board decisions are legally taken as follows:

- (i) Matters at the Board relating to the functions of the MCA, by the Head of Paid Service (or their nominated representative) in consultation with the co-Chairs
- (ii) Matters at the Board relating to the functions of SYPTE, the Director General of SYPTE.

By protocol, decisions will not be taken in accordance with (i) above unless there is Board consensus for the decision. Where consensus cannot be reached the issue will be escalated to the MCA and/or the LEP as appropriate for final decision.

- 9.2 Decisions made by the Transport and Environment Board will be presented to the MCA Board in a written Delegated Decisions Report at the next meeting. As the delegating body, the MCA will, for decisions taken under 9.1(i) above, have the right to review or amend decisions made by the Transport and Environment Board where such decision has not been acted upon subject to giving due reason for doing so.

## **10. Conflicts of Interest**

### ***Register of Interests***

- 10.1 All Board Members and deputies must complete a Register of Interests Form within 28 days of being appointed to the Transport and Environment Board. This must disclose any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) for the Member, their spouse, their civil partner or partner. Completed Register of Interests Forms for all Board Members are published on the website.
- 10.2 It is the responsibility of every Transport and Environment Board Member to ensure that their Register of Interests Form is up-to-date and declare any new interests within 28 days of this being known.
- 10.3 Interests declared by Transport and Environment Board Members will be listed on the Register of Members' Interests and published on the website.

### ***Declarations of Interest at Board Meetings***

10.4 It is the responsibility of Board members to declare any disclosable pecuniary interests (as defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) and any other personal interests whether financial or non-financial in specific agenda items at the start of each Transport and Environment Board meeting.

## **11. Urgent decisions between meetings**

11.1 This procedure is to be used only by exception.

11.2 When an urgent matter or decision falls outside the parameters of the meeting cycle, the Transport and Environment Board will be permitted to make decisions through this procedure. If the matter is a Key Decision the procedure in Part 5B (Access to Information Procedure Rules) of the Constitution also needs to be complied with.

11.3 The Head of Paid Service (or their nominated representative), in consultation with the Chairs of the Transport and Environment Board, will contact Board Members by email to notify them of the following:

- Details of the matter requiring comment and/or decision;
- The name of the person or persons making or putting forward the proposal/decision
- The reason why the matter cannot wait until the next Board; and
- The date responses are required by.

Two working days after the close of responses, the following will be circulated to all Board Members:

- The outcome of the decision taken (including responses received in agreement and responses received in disagreement);
- The date when any decision comes into effect; and
- Any mitigating action taken to address stated views or concerns.

11.4 Decisions and actions taken will be retrospectively reported to the next meeting of the Transport and Environment Board and MCA in accordance with paragraph 9.2 above.

## **12. Advisory Groups**

12.1 The Transport and Environment Board will be supported in making investment decisions by an independent Appraisal Panel. The Appraisal Panel will assess all applications for funding and will present their findings and recommendations to the Board on whether the application should be approved, deferred or rejected.

12.2 The Transport and Environment Board is permitted to form Task and Finish groups of key stakeholders and advisors to assist in the management and monitoring of individual programmes or projects. Any such groups are purely advisory and must submit reports to the Transport and Environment Board.

### **13. Transparency**

#### ***Key Decisions***

- 13.1 Key decisions to be taken by the Transport and Environment Board will be published in the Forward Plan of Key Decisions on the website 28 days in advance of the decision being made.
- 13.2 Questions and comments submitted by the public on the pending decisions will be notified to the Transport and Environment Board and will be responded to in writing.

#### ***Meeting Papers***

- 13.3 Agendas and papers for the Transport and Environment Board will be published on the website at least five clear working days before the meeting date.

#### ***Exemptions***

- 13.4 Where reports or information for Board meetings is exempt from disclosure under Section 12A of the Local Government Act 1972 or the Freedom of Information Act 2000, these papers will either be reserved or specific information in the paper will be redacted.
- 13.5 Reserved papers and reports can still be requested under the Freedom of Information Act. Requests will be considered on a case by case basis (taking into consideration such factors as timing, any applicable exemptions and the public interest test).

#### ***Meeting Record***

- 13.6 Draft minutes will be published on the website within ten clear working days of the Transport and Environment Board meeting taking place. The meeting record (approved minutes) will be published on the website within ten clear working days of the subsequent Transport and Environment Board meeting.

### **14. Amendments to Terms of Reference**

- 14.1 These Terms of Reference will be reviewed annually. Any changes will be approved by the MCA and LEP.

## Annex 1 – Specific Transport Functions of the MCA

1. Granting approval to SYPTE to promote or oppose any Bill in Parliament pursuant to section 10(1)(xxix), Transport Act 1968;
2. Making a written request to the Minister to authorise SYPTE to purchase compulsorily any land which SYPTE require for the purposes of their business pursuant to section 10(3), Transport Act 1968;
3. Approving the permanent or long term disposal of land not required by SYPTE for operational purposes.
4. Making appointments to the Board of SYPTE;
5. Formulating general policies with respect to the availability and convenience of public passenger services pursuant to sections 9A(5)- (7), Transport Act 1968;
6. Ensuring that SYPTE secures the provision of appropriate public passenger transport services pursuant to Section 9A (3), Transport Act 1968;
7. Considering and approving the creation and development of:-
  - A. Quality Partnership Schemes or Advanced Quality Partnership Scheme pursuant to sections 113(c)-123, Transport Act 2000;
  - B. Concessionary Travel Schemes pursuant to sections 93-104, Transport Act 1985;
8. Ensuring that SYPTE implements those actions which may be delegated to it from time to time for promoting the economic, social and environmental well-being of the Combined Area and its residents pursuant to section 99, Local Transport Act 2008;
9. Approving releases for capital schemes within the agreed capital programme and the agreed budget for the scheme concerned (including approving capital payments for the purpose of the provision, improvement or development of facilities for public passenger transport, pursuant to section 56(2), Transport Act 1968);
10. Determining variations in charges for transport services or facilities provided by SYPTE, pursuant to section 15(2), Transport Act 1968;
11. Approving the level of support of local rail services over and above that in the baseline franchise specification;
12. Determining the operation, performance and development of accessible transport provision pursuant to sections 106(1) and 106(2), Transport Act 1985;

13. Monitoring the operation and performance of bus, tram and local rail services and influencing accordingly;
14. Determining issues arising from the rail franchising process.