

Appendix 2 - Changes to Constitution

PART 1

INTRODUCTION

1. This Constitution

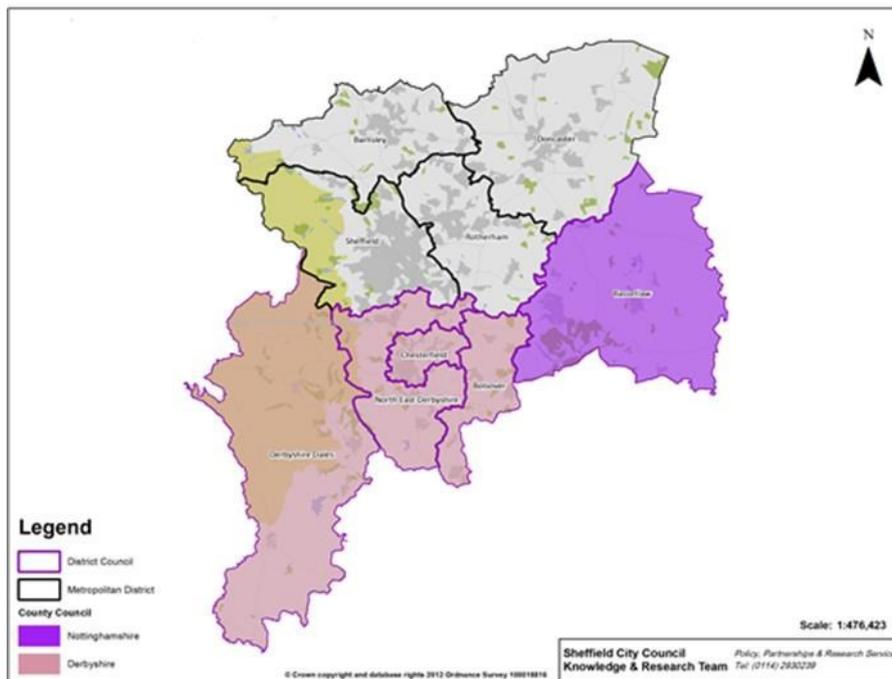
- 1.1 This is the Constitution of The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority ('the Authority'). The Authority was established in 2014 a local government body to co-ordinate and drive forward economic regeneration and transport initiatives for the benefit of citizens and businesses within the Sheffield City Region. In 2018 the Authority had its first Mayor elected and in 2020 the functions of the Authority were extended to include additional skills/training (including Adult Education from 2021), housing and other ancilliary functions.
- 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 – The Sheffield City Region



3. What will the Authority do?

- 3.1 ~~The~~ ~~From the 1st April 2014, the~~ Combined Authority ~~is~~became responsible for a range of functions including strategic economic development, and transport, skills and training (including Adult Education) and housing related decision making at a ~~Sheffield City Region or~~ 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 Constitution has been revised to accommodate the election of a Mayor in May 2018.~~
- 4.12 The Mayor ~~is~~ will automatically become 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 (being the elected representatives of the nine local authorities that make up the Authority).~~

- 4.23 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).
- 4.34 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.
- 4.45 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.
- 4.56 ~~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). Whilst the Mayor chairs the Authority their individual powers are limited and they will need the approval of the majority of voting Members of the Authority to set and implement policy, set budgets and authorise expenditure. Legislation allows for further devolution of functions to a Mayoral Combined Authority and to provide for the Mayor to exercise such functions, such that the Mayor becomes responsible for certain policy areas e.g. transport. A devolution deal and additional funding package was negotiated with Government in 2016/17, but not implemented.~~
- 4.7 ~~Any devolution deal and subsequent legislation devolving further functions to the Authority and/or Mayor will require this Constitution to be amended to reflect the split of functional responsibility between the Mayor and the Authority and the governance arrangements.~~

PART 2

ARTICLES OF THE CONSTITUTION

Article 1: Interpretation

- 1.1 This is the Constitution of the Barnsley, Doncaster, Rotherham and Sheffield 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 Barnsley, Doncaster, Rotherham and Sheffield Combined Authority;
 - 1.3.2 **'Chief Executive Officers'** means the chief executives of the Constituent Councils and Non-constituent Councils;
 - 1.3.3 **'Chief Officers'** means the Authority's Head of Paid Service, Finance Director, Monitoring Officer and the Chief Executive Officers;
 - 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

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4.3.91.3.11 **‘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);

4.3.101.3.13 **‘the 2020 Order’** means The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (see Appendix 1B)

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4.3.111.3.14 **‘Scheme of Delegation’** means the Authority’s Scheme of Delegation for the discharge of functions set out in sections B, C, D, E and F of Part 4 of this Constitution;

4.3.121.3.15 **‘Statutory Officers’** means the Authority’s Head of Paid Service, Finance Director and Monitoring Officer;

4.3.131.3.16 **‘Substitute Member’** means a Member of the Authority appointed under Article 3.2;

4.3.141.3.17 **‘SYPTe’** means the South Yorkshire Passenger Transport Executive;

4.3.151.3.18 **‘Working Day’** means any day from Monday to Friday (inclusive)

which is not Christmas Day, Good Friday or a statutory holiday in England;

~~4.3.16~~4.3.19 **'year'** means the municipal year which runs from 1st April to the following 31st March inclusive;

~~4.3.17~~4.3.20 **'2009 Act'** means the Local Democracy, Economic Development and Construction Act 2009;

~~4.3.49~~1.3.21 **'2017 Order'** means the Combined Authority (Overview and Scrutiny Committees, Access to Information and Audit and Standards Committees) Order 2017;

~~4.3.49~~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, ~~and~~ regeneration, skills, training, housing and spatial planning functions. The functions of the Authority conferred or imposed upon it by the Orders s and the functions of the Authority delegated to it by the Orders s 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) ~~n~~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 shall appoint a Vice-Chair who who shall act as Chair in the absence of the Mayor.
- 4.2 A person ceases to be Chair or Deputy Mayor Vice-Chair 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 Vice-Chair, 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 Meetings, Procedure 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;

and they will be convened and conducted in accordance with the Authority's Procedure Rules set out in Part 5A of this Constitution.

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 ~~The Chair of the Authority shall not have a second or casting vote.~~
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

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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.

5.5

- 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.

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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 E 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.

7.3.4 The functions reserved to the Mayor are set out in Part 4 Section B.

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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 and Standards Committee will follow the Audit and Standards 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 and Standards Committee terms of reference.

- (ii) 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 E of this Constitution and in accordance with the Scheme of Delegation to Thematic Executive Boards set out in Part 4, Section F of this Constitution and other relevant provisions of this Constitution.

Article 13: Finance, Contracts 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) relating to economic development and regeneration.
- (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).
- ~~(e) The Constituent Councils and the Non-constituent Councils may enter into such arrangements between themselves as they may from time to time agree relating to the sharing of the costs of the Authority met by the Constituent Councils pursuant to this Article 13.1 and the Order.~~

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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.
~~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.

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 2014 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.

4.

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

1. 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

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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.

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2. Education, skills and training functions

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General Functions

1. The functions of the Constituent Council, as follows:-

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- (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)

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The above functions are exercisable concurrently with the constituent councils.

Adult Education Budget (AEB) functions

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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.

3. 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

(i) 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.

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4. 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);

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- (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 Corporation functions.

5. Spatial Planning (non-statutory)

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

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E.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;

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- 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.

~~2.~~

~~211.1 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;~~

~~221.1 the power to borrow money for a purpose relevant to its transport functions only;~~

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~~231.1 the power to appoint staff and to enter into agreements with other local authorities for the secondment of staff;~~

~~241.1 the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;~~

~~251.1 the power to pay subscriptions to the funds of local authority associations;~~

~~261.1 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;~~

~~271.1 the power under Section 99 of the Local Transport Act 2008 to promote the economic, social and environmental well-being of its area;~~

~~281.1 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:-~~

- ~~(a) anything it considers appropriate for the purposes of the carrying out of any of its functions (its 'functional purposes');~~
- ~~(b) anything it considers appropriate for purposes incidental to its functional purposes;~~
- ~~(c) anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes;~~
- ~~(d) anything it considers to be connected with:-~~
 - ~~(i) any of its functions; or~~
 - ~~(ii) anything it may do under paragraph (a), (b) or (c); and~~
- ~~(e) for a commercial purpose anything which it may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose;~~

~~such power being in addition to and not limited by its other powers.~~

~~3. Section 113B, Local Democracy, Economic Development and Construction Act 2009 provides that the power conferred on the Authority by section 113A of that Act does **NOT** enable the Authority:-~~

~~3.1 to do anything which it is unable to do by virtue of a pre-commencement limitation;~~

~~32 to do anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply:-~~

~~(a) to its power under section 113A(1);~~

~~(b) to all of its powers; or~~

~~(c) to all of its powers but with exceptions that do not include its power under section 113A(1);~~

~~33 to borrow money;~~

~~34 to charge a person for anything done by it otherwise than for a commercial purpose (but see section 93, Local Government Act 2003 (power of *inter alia* combined authorities to charge for discretionary services)); or~~

~~35 to do things for a commercial purpose in relation to a person if a statutory provision requires it to do those things in relation to that person;~~

~~and imposes further restrictions on the exercise of the power conferred by section 113A.~~

4.3. 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).

5.4. The Authority is a best value authority for the purpose of Section 1 of the Local Government Act 1999.

6.5. The Authority is a public body for the purpose of the Freedom of Information Act 2000.

7.6. 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

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be requisite to secure that SYPTE's undertaking is organised in the most efficient manner;

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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,

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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;

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(b) Ticketing Schemes pursuant to sections 135-138, Transport Act 2000; and

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(c) Enhanced Partnership Schemes under the Bus Services Act 2019.

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

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2. In relation to paragraph 1.43(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.

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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

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(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) :-

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(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

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(b) (Grants to Constituent Councils for Highway functions) section 31 of the Local Government Act 2003.

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(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.

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(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.

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(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—

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(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

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(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.

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(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.

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(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.

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(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.

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(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

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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.

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C. The Audit and Standards Committee

1. Statement of purpose

The Audit and Standards 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. It has delegated power to approve the annual accounts and it oversees year-end financial reporting, the Annual Governance Statement process and internal and external audit, to ensure efficient and effective assurance arrangements are in place. It also undertakes the Authority's Standards Committee function.

2. Composition and Procedure

2.1 Membership

The Audit and Standards Committee shall be appointed by the Authority from the Members and / or members of the Constituent ~~and Non-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.

~~The members who are elected members of the Non-constituent Councils are given voting rights unless the Authority determines otherwise.~~
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 and Standards 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 ~~members appointed from the Non-constituent Councils and~~ Independent Persons, in appointing co-opted elected members to the Audit and Standards 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 and Standards Committee will be chaired and vice-chaired as determined by the Committee.

2.5 Quorum

At least two-thirds of the total number of members of the Audit and Standards Committee must be present at a meeting of the Audit and Standards Committee before any business may be transacted.

3. Role and Function

- 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 and SYPTÉ'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 make recommendations to the Finance Director and Monitoring Officer in respect of Part 5F of the Authority's Constitution (Financial Regulations);
- 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.

Standards

- 3.12 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.

D. The Scrutiny Committee

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 (SYPTE);
- 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 SYPTE;
- c. To scrutinise the decisions of the Mayor, the Combined Authority, its committees and Officers and the major or strategic decisions of SYPTE and to make recommendations for improvement and/or change;
- d. To review the performance of the Combined Authority and SYPTE.

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 ~~Members of the Scrutiny Committee who are appointed from the Non-Constituent Councils and t~~The Chair (if not an Appropriate Person) shall be a non-voting members of the committee ~~but may be given voting rights by resolution of the Authority.~~
- 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
- 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 Combined~~ 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
- c. Any member of a Constituent Council ~~or Non-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.

E. Scheme of Delegation of Functions to Officers and Schedule of Proper Officers

1. Introduction

- 1.1 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.

- 1.2 'Chief Officers' in the context of this Scheme means the Head of Paid Service, the Finance Director, and the Monitoring Officer of the Authority and the Chief Executives of the Constituent Councils ~~and the Non-constituent Councils~~.

- 1.3 The delegated powers of Chief Officers set out in this Scheme may be exercised by other officers authorised by the Chief 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.

- 1.4 The exercise of delegated powers by officers is required to be in accordance with:-
 - 1.4.1 statute or other legal requirements, including the principles of public law, the Human Rights Act 1998, statutory guidance and statutory codes of practice;
 - 1.4.2 this Constitution, including the Authority's Rules of Procedure and Financial Regulations currently in force;
 - 1.4.3 the revenue and capital budgets of the Authority, subject to any variation thereof which is permitted by the Authority's Financial Regulations; and
 - 1.4.4 any policy or direction of the Authority, or any other Committee acting in exercise of powers delegated to that Committee by the Authority.

- 1.5 Officers may not exercise delegated powers where: –

- 1.5.1 the matter is reserved to the Authority by law or by the Authority's Constitution;
- 1.5.2 the matter is a function which cannot by law be discharged by an officer;
- 1.5.3 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
- 1.5.4 the Head of Paid Service has directed that the officer concerned should not exercise a delegated function in specified circumstances.
- 1.6 Before exercising delegated powers, particularly on matters involving the reputation of the Authority, officers should consider the advisability of consulting the Head of Paid Service and/or the Chair of the Authority.
- 1.7 Where, in relation to an item before the Authority, or a Committee, a Chief 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.

2. General Delegations to all Statutory Officers

Routine Management

- 21 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 and Accounts

- 22 The disposal of surplus or obsolete Authority equipment to the person submitting the highest quotation up to a limit of £10,000 in value.
- 23 The acceptance of a tender or quotation:-
 - (a) 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

£100,000 in value for any one transaction, 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 does not exceed £250,000;

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.

3. Delegations to the Head of Paid Service

- 3.1 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, appointment and proper management of the Authority's staff.)
- 3.2 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.
- 3.3 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 D (Scrutiny)), all such action to be reported to the next meeting of the Authority or Committee.
- 3.4 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.
- 3.5 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.

- 36 To nominate, appoint and remove, in consultation with the Chair and ViceChairs 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.
- 3.7 To provide a comprehensive policy advice service to the Authority and the Transport Committee and in particular to advise on the Authority's plans and strategies, including the sustainable community strategy and the local transport plan.
- 38 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.
- 39 Where the Authority is a member of any company, to be the authorised representative of the Authority as such member.
- 3.10 To authorise the attendance of officers at conferences or seminars which are appropriate to the work of the Authority and within any policy framework from time to time laid down by the Authority.
- 3.11 To approve the provision of reasonable hospitality to representatives of joint authorities, local authorities, organisations etc. visiting the Authority where the proposed expenditure in any one case does not exceed £100.

4. Delegations to the Finance Director

- 4.1 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.
- 42 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.

- 4.3 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.
- 4.4 The preparation of manuals of financial and accounting procedures to be followed by all Officers working for and on behalf of the Authority.
- 4.5 To accept a grant offer of up to £100,000.00 subject to being satisfied with all the terms and conditions imposed by the grant awarding body.
- 4.6 For grant offers over £100,000.00 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 the grant offer having been approved by the Authority or Thematic Executive Board (in accordance with the Scheme of Delegation set out in Part 4 Section F) as appropriate.
- 4.7 To submit all claims for grant to the UK Government, the European Union (EU) or any other source of funding.
- 4.8 To make all such banking arrangements on behalf of the Authority as the Finance Director considers necessary, including arrangements for issuing cheques.
- 4.9 To monitor capital spending and submit regular reports to the Authority.
- 4.10 In relation to revenue expenditure under the control of officers, to consider the reports of those officers.
- 4.11 The collection of all money due to the Authority, and the writing-off of bad debts.
- 4.12 To supervise procedures for the invitation, receipt and acceptance of tenders.
- 4.13 To administer the scheme of Members' allowances.
- 4.14 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.

- 4.15 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)).
- 4.16 To sign certificates under the Local Government (Contracts) Act 1997.
- 4.17 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.
- 4.18 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.
- 4.19 To exercise the responsibilities assigned to the Finance Director in the Financial Regulations and the Contracts Procedure Rules.

5. 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:-

- 5.1 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.
- 5.2 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 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

- 5.3. To prepare and maintain a Register of Authority 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

- 5.4 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.

5.5 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.

5.6 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.

5.7 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.

5.8 The Monitoring Officer may instruct Counsel and professional advisers, where s/he considers this to be appropriate.

5.9 The Monitoring Officer may give undertakings on behalf of the Authority.

5.10 The Monitoring Officer shall supervise the preparation and sealing or signature of legal documents.

5.11 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.

5.12 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.

- 5.13 The Monitoring Officer shall determine exemptions under Section 36, Freedom of Information Act 2000.
- 5.14 The Monitoring Officer is authorised to accept on behalf of the Authority the service of notices, orders and legal proceedings.
- 5.15 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.
- 5.16 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 D (Scrutiny)). All such action shall be reported to the next meeting of the Authority or Committee.

6. Schedules of Proper Officers

- 6.1 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.
- 6.2 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 (2)	Receipt of money due from Officers
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Local Government Act 1985

Section 73	Administration of the financial affairs of the Authority
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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)	Deposit 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.

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 'Barnsley, Doncaster, Rotherham and Sheffield 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 ~~Vice-Chair~~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 ~~Vice-Chair~~ 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~~Vice-Chair, if present, shall preside.
- 4.4 If both the Chair and Deputy Mayor ~~Vice-Chair~~ 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 may be 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 ~~or SYITA Properties Limited~~;
- (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;
- (q) To deal with other business, if any, specified in the summons.

82 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;
- (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

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

122 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.

123 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.

124 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.

125 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;
- (e) that a Member be not further heard.

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

127 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 despatch 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.

152 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.

153 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 ~~and non-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 and Standards Committee (see Part 4 Section C) ;
- (b) Scrutiny Committee (see Part 4 Section D)
- (c) such other Committees as the Authority deems appropriate;
- (d) such other committees as it is required to appoint by or under any statute.

30.2 Each constituent ~~and, where appropriate, non-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.

- 304 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.
- 305 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.
- 306 The Chair and Vice-Chair of a committee shall be ex-officio members of every sub-committee appointed by that committee.
- 307 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.
- 308 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.
- 309 Except where otherwise provided by statute or by a scheme made under statutory Authority the Chair and Deputy Mayor ~~Vice-Chair~~ 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;
- (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 Barnsley, Doncaster, Rotherham and Sheffield 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 principal 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 4.00 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 6a), 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 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; and

made 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 A KEY DECISION - 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 A 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 4.00 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~~Andrew Frosdick~~

Monitoring Officer

The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority 11 Broad Street West

Sheffield S1 2BQ

PART 6D

MEMBERS' ALLOWANCES 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.

12 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

13 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.

14 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.

15 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.

16 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

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2. Scheme of Allowances for Independent Members

- 21 The Authority's Scheme provides for payment of allowances and expenses of Independent Members.
- 22 The term "Independent Member" in this Scheme means an Independent Member or Independent Person of the Audit and Standards Committee and the Scrutiny Committee.
- 23 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.
- 24 All enquiries relating to members allowances/expenses should be made to the Monitoring Officer.
- 25 All claims and enquiries should be forwarded to:
Mike Thomas, Senior Finance Manager
1 Board Street West, Sheffield, S1 2BQ

Allowance

- 26 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

- 27 Travelling allowances can be claimed by Independent Members when attending Audit and Standards Committee and Scrutiny Committee meetings. Travelling expenses should only be claimed once for each journey to and from the Member's home.
- 28 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.
- 29 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;
- 210 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.
 - public transport costs, including taxis, will be reimbursed at actual cost
- 211 Reasonable overnight accommodation costs will be reimbursed if such costs agreed in advance with the Senior Finance Manager.

Payment of Claims

- 212 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.

Appendix 1C of Constitution

Order Provision/Function	Description	Legislation
<p>Article 3- HIGHWAYS FUNCTIONS</p> <p>(MCA functions)</p>	<p>The MCA may by agreement with the DfT or a strategic highways company agree for the delegation to the MCA of all or any of the functions of the DfT/ strategic highways company with respect to the maintenance and improvement of, and other dealing with, any trunk road or any land which does not form part of a trunk road but which has been acquired in connection with a trunk road under section 239(2) or (4) or section 246 of the Act.</p> <p>The MCA may enter into agreements with Constituent Council for or in relation to the construction, reconstruction, alteration, improvement or maintenance of a highway for which the Constituent Council are the highway authority. An agreement may provide that any functions specified in the agreement, being functions exercisable as respects that highway by the highway authority therefor, shall be exercisable by the MCA on such terms and subject to such conditions (if any) as may be so specified</p>	<p>Sections 6 & 8 of the Highways Act 1980</p>
<p>Article 4- POWER TO PAY GRANTS</p> <p>(Mayoral function)</p>	<p>Power to pay Grants to Constituent Councils and in particular with regards towards expenditure related to Constituent Council expenditure related to the exercise of Highways functions.</p> <p>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 consult with the MCA Members (at an MCA meeting) and have regard to the desirability of ensuring that the council has sufficient funds to facilitate the effective discharge of those functions, having regard to other sources of funding of the highway authority.</p>	<p>Local Government Act 2003, s.31</p>
<p>Article 5- EDUCATION, SKILLS, AND TRAINING</p> <p>(MCA functions)</p>	<p>Provisions allowing the MCA to secure education for compulsory school age but under the age of 19 years having regard to any guidance given by the Secretary of State.</p> <p>Provisions ensuring that the relevant education and training functions are exercised with a view to promoting high standards, ensuring fair access of opportunity for education and training and promoting the fulfilment of learning potential for persons under 20 years of age or persons</p>	<p>Section 51A of the Further and Higher Education Act 1992.</p> <p>Education Act 1996 :- s.13A, 15A,15B</p>

	<p>over 20 years of age with an Education Health and Care Plan.</p> <p>Power to secure the provision for their area of full-time or part-time education suitable to the requirements of persons from <i>other areas</i> who are over compulsory school age but have not attained the age of 19, and the power may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas. The above includes power to secure the provision—</p> <ul style="list-style-type: none"> (a) of training, including vocational, social, physical and recreational training, and (b) of organised leisure time occupation <p>The duty to ensure that its functions are exercised so as to promote young persons participating in education or training and to make arrangements to identify those young persons who are not fulfilling their duty to so participate. The duty to make available to young persons and relevant young adults for whom it is responsible such services as it considers appropriate to encourage, enable or assist the effective participation of those persons in education or training. The MCA also has a duty to cooperate with other agencies when exercising its functions/duties.</p>	<p>Education and Skills Act 2008:- s.10, 12, 68, 70 and 85</p> <p>Section 10 of the Children Act 2004</p>
<p>Article 6&7 – ADULT EDUCATION BUDGET (MCA function)</p>	<p>As part of the devolution deal for South Yorkshire , the SCR MCA will take responsibility for the Adult Education Budget (AEB) which is currently administered by the Education Skills Funding Agency, to deliver adult skills provision, from the start of the academic year 2021, to new learners aged 19+ who reside in South Yorkshire. Through the transfer of the specified adult education functions the combined authority will be able to better shape adult education provision that is available to their residents to ensure it meets the needs of the combined authority’s economy and link to the SEP/LIS. The Order transfers to the SCR MCA the following adult education functions in the Apprenticeships, Skills, Children and Learning Act 2009,from the Secretary of State for Education to the SCR MCA:</p> <ul style="list-style-type: none"> • section 86 which relates to education and training for persons aged 19 or over 	<p>Apprenticeships, Skills, Children and Learning Act 2009:- sections 86, 87, 88, 90, and 100(1)</p>

	<ul style="list-style-type: none"> • section 87 which relates to learning aims for such persons: and provision of facilities • section 88 which relates to the payment of tuition fees for such persons • section 90 of the 2009 Act, which relate to the encouragement of education and training for persons aged 19 or over, and • section 100(1) of that Act which relate to the provision of financial resources <p>(devolution is subject to exceptions in relation to apprenticeships training, persons subject to adult detention or any power to make regulations or orders)</p> <p>The MCA, instead of the Secretary of State, will be responsible for these functions in their area. In addition to the functions the DfE will transfer the relevant part of the AEB participation budget to the MCA to undertake the adult education functions.</p> <p>The AEB supports a wide range of provision, including the statutory entitlements to full funding for some adult learners (for example, for learners aged 19-23 studying for their first full level 2 qualification).</p> <p>The following conditions are set on the exercise of the transferred functions:</p> <ul style="list-style-type: none"> • the combined authority must adopt rules of eligibility for awards by an institution to which it secures financial resources under section 100 of the 2009 Act in accordance with any direction given by the Secretary of State; and • 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). <p>The combined authority will be responsible for commissioning and contracting with providers to deliver such adult education.</p> <p>The Order sets the following conditions on the exercise of the specified functions. It requires the MCA to adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the 2009 Act in accordance with any direction which may be given by the Secretary of State. Such a direction may be for the purpose of ensuring that a consistent approach is taken as to the eligibility. In addition, in exercising the conferred functions the combined authority is required to have regard to guidance issued by the Secretary of State.</p>	
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<p>Article 11- MAYORAL DEVELOPMENT CORPORAION (Mayoral Function)</p>	<p>A Mayoral Development Corporation (MDC) is a statutory body created to bring forward the regeneration of a defined area. They have powers to acquire, develop, hold, and dispose of land and property. They also have powers to facilitate the provision of infrastructure.</p> <p>The Mayor may designate any area of land in the Combined Area, including separate parcels of land, as a Mayoral development area if:</p> <p>(a) the Authority considers that designation of the area is expedient for furthering economic development and regeneration in the area of the Authority; and</p> <p>(b) the Constituent Councils have been consulted and any the Members whose areas are included in the MCC have consented to the designation.</p> <p>If designated and notified to the SoS, the SoS must establish the MDC by Order. Once establish the MDC is a separate legal entity. A Mayoral development corporation's object is to secure the regeneration of its area and it may only do anything it considers appropriate for that purpose or incidental purposes. A mayoral development corporation can also have specific powers, which must be exercised for that purpose or incidental purposes. Once established, the Authority is obliged to review, from time to time, the continuing existence of a Mayoral development corporation.</p> <p>Subject to the consent of the Member for area included in the MDC, the MDC can become the local planning authority for the purposes, separately or collectively, of plan-making, development control and neighbourhood planning. Once made, these planning functions may be removed or restricted by the Authority.</p> <p>Subject to prior consultation, the Mayor may determine that the power to grant discretionary relief from business rates be transferred from the relevant local authorities to the MDC.</p> <p>Provisions are laid out for membership, terms of appointment of members, Staff, Remuneration etc. members and staff, Committees and proceedings and meetings of a Mayoral development corporation, together with application of local government provisions concerning political restriction of officers, role of the monitoring officer</p>	<p>Localism Act 2011:-s.197, 199, 200, 202, 204, 214, 215, 216, 217, 219, 220, 221, paragraph 1 of Schedule 2; paragraphs 2,3,4,6,8 of Schedule 21.</p>
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<p>Article 10 – Housing and Regeneration (MCA function)</p>	<p>The MCA can:</p> <ul style="list-style-type: none"> • provide housing or other land and facilitate the provision of housing or other land • regenerate or develop land • provide infrastructure and to facilitate the provision of infrastructure. <p>The MCA will therefore be able to acquire, hold, improve, manage, reclaim, repair or dispose of housing or other land or property, or facilitate these activities. It will also be able to carry out building and other operations, including the demolition or conversion of buildings, or facilitate such operations.</p> <p>The acquisition of land by the MCA may be by agreement or compulsorily if the Secretary of State authorises it to do so. Where compulsory acquisition of land and new rights over land is intended, the procedure contained in The Acquisition of Land Act 1981 is required to be followed. The legislation ensures that following any compulsory acquisition of land the usual regime for compensation applies.</p> <p>The powers/functions are to be exercised concurrently with the Homes and Communities Agency.</p> <p>The MCA must exercise the functions for the purposes of, or for purposes incidental to the objective of—</p> <ul style="list-style-type: none"> (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 	<p>Housing and Regeneration Act 2008:- section 5, 6,7,8,9,10,11 and 12; paragraphs 19 and 20 of Schedule 3, paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4</p>

	(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.	
Article 14(9)- NON STAUTORY SPATIAL PLAN/STRATEGY (Mayoral function)	Utilising the general power of competence under the Localism Act 2011 the Mayor, with the consent of the Leaders of the constituent Councils, may prepare and publish the Mayor's strategy for spatial development	General Power of Competence-Chapter 1/part 1 Localism Act 2011
Article 19(MCA) & Article 14(7)- GENERAL POWER OF COMPETENCE (MCA/Mayoral function)	The MCA and Mayor respectively are given the general power of competence equivalent to the Constituent Councils. This will, subject to the limitations contained in the legislation, allow the MCA/Mayor to do anything an individual can legally do. The Mayors power is further restricted in the Order by requiring the consent of all the Members from the constituent Councils for any proposal to dispose of property/rights/liabilities to or from a constituent council; and only relates to the exercise by the Mayor of general functions	General Power of Competence-Chapter 1/part 1 Localism Act 2011
Article 15- Political Advisor	The Mayor may appoint a political adviser. The person will be an employee of the MCA and will be a fixed term appointment for no longer than the term of office of the Mayor. The post is a politically restricted position.	Local Government and Housing Act 1989 (assistants for political groups and politically restricted posts)
Article 19- Remuneration/ Allowances	The Order sets out that the posts of Mayor and Deputy can be remunerated, as determined by an independent panel established by the MCA. The MCA may pay an allowance after considering a report published by the panel and the amount of the allowance must not exceed the amount specified in the recommendation of the panel.	
Article 19(3)- Voting	The Order establishes that for new functions of the MCA (as detailed above) the decision cannot be carried without the vote of the Mayor or deputy acting in place of the Mayor. The MCA Constitution will set the size of the Majority (3 Members from the Constituent Councils+ the Mayor) and the process to be followed if all 4 Constituent Council Members are in favour. The Order retains the simple majority position for 2014 Order functions (Transport and Economic development). Mayoral functions (as set out above) are decisions for the Mayor to determine at an MCA meeting, subject to the restrictions the Order places on such exercise (as set out above)	